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Security Sector Reform in Challenging Environments

Geneva Centre for the
Democratic Control of Armed Forces
(DCAF)

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Security Sector Reform in Challenging Environments

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Preface

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) is an international foundation whose mission is to assist the international community in promoting good governance and reform of the security sector. Beyond a range of publications linked to its activities, each year DCAF dedicates one book to a topic that is of particular relevance to its research and operational activities. The first volume in this series, *Challenges of Security Sector Governance*, was published in 2003. Subsequent Yearbooks focused on *Reform and Reconstruction of the Security Sector* (2004), *Security Governance in Post-Conflict Peacebuilding* (2005), *Private Actors and Security Governance* (2006), *Intergovernmental Organizations and Security Sector Reform* (2007) and, last year, *Local Ownership and Security Sector Reform*. This seventh edition of DCAF's Yearbook series is dedicated to *Security Sector Reform in Challenging Environments*. It explores experiences with implementing security sector reform (SSR) in situations that are far from conducive to comprehensive, holistic and effective SSR, either because the national and local context is not in tune with SSR requirements, the reform strategy is ill-conceived, or those responsible for implementing SSR processes are confronted with major obstacles.

SSR is never an easy process because it is essentially a political one. However, practitioners have learned to develop strategies to cope with the challenging environments they are faced with when attempting to implement 'ideal' concepts in real contexts. With a better understanding of these challenges that condition the extent to which (and how) security sector reform can be implemented, reform strategies may be designed more appropriately and realistically, coping strategies can be put in place early on and much counterproductive frustration can be avoided. As a result, expectation levels are more likely to be in tune with what is possible under a given set of circumstances.

While the practitioner should benefit from the experiences and suggestions presented throughout this volume, the analyst will hopefully find information that will contribute to narrowing the gap between theory and practice in the study and implementation of SSR. This book does not pretend to have all the answers or to offer a remedy for all of the many possible difficulties one might encounter in designing, planning and implementing SSR. However, in publishing this volume, DCAF hopes to stimulate serious

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and constructive discussions among SSR practitioners and researchers alike about the always considerable challenge of translating theoretical and well-intentioned concepts into effective, legitimate and sustainable results in real-life contexts.

Ambassador Theodor H. Winkler, Director, DCAF

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The views expressed in this volume are those of the authors and do not necessarily reflect the views of DCAF.

Hans Born and Albrecht Schnabel
Geneva, October 2009

Abbreviations

AISC	Army Integration Special Committee
AITC	Army Integration Technical Committee
AMMAA	Agreement on the Monitoring of Management of Arms and Armies
APF	armed police force
AU	African Union
AUC	Autodefensas Unidas de Colombia
BCNUDH	Bureau Conjoint des Nations Unies pour les Droits de l'Homme
BONUCA	Bureau de l'Organisation des Nations Unies en Centrafrique
CA	Constituent Assembly
CAR	Central African Republic
CCDH	Conseil Consultatif des Droits de l'Homme
CDF	Ceylon Defence Force
CEMAC	Communauté Économique et Monétaire de l'Afrique Centrale
CFA	cease-fire agreement
CIAT	International Committee to Accompany the Transition
CNDP	Congrès National pour la Défense du Peuple
CNRR	National Commission on Reparation and Reconciliation
COAS	chief of the army staff
CONADER	Commission Nationale de Désarmement, Démobilisation et Réinsertion
CPA	Comprehensive Peace Agreement
CPN (M)	Communist Party of Nepal (Maoist)
CSO	civil society organisation
CSRA	Comité de Suivi de la Réforme de l'Armée
DAC	OECD Development Assistance Committee
DDR	disarmament, demobilisation and reintegration
DDRRR	disarmament, demobilisation, repatriation, resettlement and reintegration
DFID	UK Department for International Development
DGED	Direction Générale des Etudes et de la Documentation
DGSN	Direction Générale de la Sûreté Nationale
DGST	Direction Générale de la Surveillance du Territoire
DNI	Nepalese Department of National Intelligence

DPKO	United Nations Department of Peacekeeping Operations
DRC	Defence Review Committee
DRC	Democratic Republic of the Congo
DSP	Democratic Security Policy
DZ	demilitarised zone
ECCAS	Economic Community of Central African States
ELN	Ejército de Liberación Nacional
ENP AP	European Neighbourhood Programme Action Plan
EU	European Union
EUPOL	European Union Police Mission in the Congo
EUSEC	European Union Advisory Mission in the Congo
FACA	Force Armées Centrafricaines
FAR	Forces Armées Royales
FARC	Fuerzas Armadas Revolucionarias de Colombia
FDLR	Forces Démocratiques de Libération du Rwanda
FDPC	Front Démocratique du Peuple Centrafricain
F-FDTL	Falintil-Forças de Defesa de Timor-Leste
FOMUC	Forces Multinationales en Centrafrique
FRETILIN	Frente Revolucionária de Timor-Leste Independente
GDP	gross domestic product
GoSL	Government of Sri Lanka
GTEP	Georgia Train and Equip Programme
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit
GUS	Groupe Urbain de Sécurité
ICC	International Criminal Court
ICG	International Crisis Group
IDEA	International Institute for Democracy and Electoral Assistance
IDP	internally displaced person
IER	Instance Equité et Réconciliation
ILO	International Labour Organization
IMATT	International Military Assistance and Training Team
IMF	International Monetary Fund
IOM	International Organization for Migration
IPAP	Individual Partnership Action Plan
IPKF	Indian Peacekeeping Force
ISAB	International Security Advisory Board
JMCC	Joint Monitoring Coordination Committee
JVP	Janatha Vimukthi Peramuna
LTTE	Liberation Tigers of Tamil Eelam

MDRP	World Bank Multi-Country Demobilization and Reintegration Programme
MIA	Ministry of Internal Affairs
MINURCA	Mission des Nations Unies en République Centrafricaine
MINURCAT	United Nations Mission in the Central African Republic and Chad
MISAB	Mission Interafricaine de Surveillance des Accords de Bangui
MLC	Mouvement de Libération du Congo
MoD	Ministry of Defence
MoI	Ministry of Interior
MONUC	Military Commission and United Nations Peacekeeping Mission in the DRC
MPRC	Mouvement Patriotique pour la Restauration de la République Centrafricaine
NA	Nepalese Army
NATO	North Atlantic Treaty Organization
NCCR	National Centre for Competence in Research
NGO	non-governmental organisation
NIPC	National Interests Preservation Committee
NSC	National Security Council
NSP	national security policy
OAU	Organisation of African Unity
ODA	official development aid
OECD	Organisation for Economic Co-operation and Development
OIF	Organisation Internationale de la Francophonie
OMP	Observatoire Marocain des Prisons
OSCE	Organization for Security and Co-operation in Europe
PCSD	Política de Consolidación de la Seguridad Democrática
PID	Political Inclusive Dialogue
PLA	People's Liberation Army
PNDDR	Programme National de Désarmement, Démobilisation et Réinsertion
PNTL	Policia Nacional de Timor-Leste
PPP	Postes de Police de Proximité
PRAC	Programme de Reinsertion des ex-combatants et d'Appui aux Communautés
PTA	Prevention of Terrorism Act
RCD-Goma	Rassemblement Congolais pour la Démocratie
SADC	Southern African Development Community

SALW	small arms and light weapons
SCOPP	Secretariat for the Coordination of the Peace Process
SLFP	Sri Lankan Freedom Party
SMI	Structure Militaire d'Intégration
SRSG	special representative of the UN Secretary-General
SSOP	Sustainment and Stability Operations Programme
SSR	security sector reform
SSSU	Security Sector Support Unit
STAP	Short Term Assistance Programme
TMVP	Tamil Makkal Viduthalai Pulikal
UFDR	Union des Forces Démocratiques pour le Rassemblement
UK	United Kingdom
UNDP	United Nations Development Programme
UNFP	United National People's Front
UNM	Unified National Movement
UNMIN	United Nations Political Mission in Nepal
UNMIT	United Nations Integrated Mission in Timor-Leste
UNOTIL	United Nations Office in Timor-Leste
UNP	United National Party
UNPOL	United Nations Police
UNSC	United Nations Security Council
UNTAET	United Nations Transitional Administration in East Timor
US	United States of America
USIP	United States Institute of Peace
WOLA	Washington Office on Latin America
YCL	Young Communist League

Part I

Introduction

Chapter 1

Ideal Requirements versus Real Environments in Security Sector Reform

Albrecht Schnabel

Introduction

There is an emerging body of analysis on security sector reform (SSR), in terms of both the effectiveness of security sector actors and the need to situate their role within a framework of democratic governance.¹

Experience has shown that more often than not SSR takes place against many odds, in difficult, barely enabling, less-than-ideal political, security, economic and social contexts. Such environments are typical for societies that undergo serious political and socio-economic transitions from war to peace, or from authoritarianism to democracy, from closed to open societies and from planned (or war) to market economies. Such environments may be characterised by transitional, often unstable, political arrangements, endemic corruption, ongoing violence, attempts to implement imprecise, open-ended or non-inclusive peace agreements and post-conflict architectures, lack of resources and ‘stolen’ or impending elections or referenda – all characteristics of a difficult, harsh environment that stand in the way of full-range, holistic and sustainable SSR efforts.

In order to design feasible and effective SSR programmes, we need to know more about the challenges and obstacles that security sector reform activities face, the opportunities that might arise in different environments and the approaches that permit SSR to make meaningful progress despite the obstacles standing in the way. This volume does this by examining specific country contexts where SSR was conducted or attempted, and by examining experiences of specific security institutions and oversight mechanisms.

After an exploration of definitions and objectives of security sector reform processes, this opening chapter will draw on an extensive survey of practitioner experience in various SSR contexts around the world to explore

the challenging environments of applied security sector reform activities. The key issues addressed by these seasoned practitioners serve as the backdrop to defining the eventual tasks put to the authors of the main part of the volume, which features a series of detailed case studies on the Central African Republic, Colombia, the Democratic Republic of the Congo, Georgia, Morocco, Nepal, Sri Lanka and Timor-Leste, examining the inception, design and implementation of national SSR programmes and activities. The chapter concludes with an introduction to the case studies.

‘Good’ Governance of the Security Sector

In order to set the stage for the subsequent analyses of practitioners’ accounts of applied SSR (later in this chapter) and the more detailed experiences from specific case studies (the main body of this volume), it is useful to define and explore some of the key concepts, principles, activities and actors that characterise the process of security sector reform and are referred to throughout this volume.

‘Good’ governance of the security sector, the key objective of security sector reform, draws on the key principles of good governance: participation, rule of law, transparency, responsiveness, consensus orientation, effectiveness and efficiency, and accountability.² The following briefly describes these principles, along with their significance for security sector governance.³

Participation

Participation by both men and women is a cornerstone of good governance. Participation can be either direct or through legitimate intermediate institutions or representatives. It is important to point out that representative democracy does not necessarily mean that the concerns of the most vulnerable in society would be taken into consideration in decision-making. Participation needs to be informed and organised. This means freedom of association and expression on the one hand, and an organised and informed civil society on the other. For the security sector this means that equity and inclusiveness are assured. A society’s well-being and sense of security depend on ensuring that all its members feel they have a stake in it and are not excluded from the mainstream of society. This requires security institutions to be representative of the population so that all groups, particularly the most vulnerable and previously excluded, enjoy ample

opportunities to improve or maintain their well-being through direct or indirect participation in the public service provided by the security sector.

Rule of Law

The rule of law is a principle of governance in which all persons, institutions and entities, including the state, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated. These laws are consistent with international human rights norms and standards. Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities and vulnerable groups. For the security sector this means that impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force, or that judicial institutions and law enforcement bodies are capable of properly interpreting and upholding the law.

Transparency

Transparency means that information is freely available and directly accessible to those who will be affected by decisions and their enforcement, and that enough information is provided in easily understandable forms and media. For the security sector this means that security institutions operate in an open and accessible manner, and that civil authorities have access to and are periodically informed of the work of security institutions (for reasons of confidentiality with the exception of certain aspects of national security)⁴.

Responsiveness

Good governance requires that institutions and processes try to serve all stakeholders within a reasonable time frame. For the security sector this means that, as just one among many other public services, the delivery of security and justice has to be assured professionally and without any unnecessary delay.

Consensus Orientation

Good governance requires mediation of the different interests in society to reach a broad consensus on what is in the best interests of the whole community, and on how this can be best served. It also requires a broad and long-term perspective on what is needed for sustainable human development

and how to achieve the goals of such development. This can only result from an understanding of the historical, cultural and social contexts of a society or community. For the security sector this means that security objectives and policies are coherent and based on a security sector review (and, eventually, a national security strategy and vision) that clearly defines the tasks and responsibilities of all components of the sector, and is based on a thorough and inclusive stakeholder consultation process.⁵

Effectiveness and Efficiency

Good governance means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. For the security sector this means that security institutions embrace the principles of professionalism and efficiency: they must be capable of delivering security professionally and at a reasonable cost, and in a way that helps to ensure that the security needs of all individuals and groups are served. Moreover, it means that through effective management, executive and civil authorities in charge of security institutions are capable of giving the security forces proper direction and management. Furthermore, domestic security sector actors must be capable of interfacing and coordinating smoothly with one another; and domestic security sector institutions must be well integrated into regional and international security frameworks.

Accountability

Accountability is a key requirement of good governance. In general, an organisation or an institution should be accountable to those who will be affected by its decisions or actions. Not only governmental bodies but also the private sector and civil society organisations must thus be accountable to the public and to their institutional stakeholders. Accountability cannot be assured without transparency and the rule of law. For the security sector this means that security forces are overseen by, and accountable to, civilian and democratically constituted authorities. It also means there must be provisions and opportunities for an autonomous civil society: active and independent civil society bodies have to be assured a role in monitoring security sector performance, informing and educating the public and supporting official policy development.

Good governance of the security sector is based on the conviction that, as former UN Secretary-General Kofi Annan noted in 1999, the security sector 'should be subject to the same standards of efficiency, equity and

accountability as any other [public] service'.⁶ It is this spirit of a 'culture of service' which is recognised in the current Secretary-General's report on SSR as 'promoting unity, integrity, discipline, impartiality and respect for human rights among security actors and shaping the manner in which they carry out their duties'.⁷ Only then are societies assured that 'the security institutions perform their statutory functions – to deliver security and justice to the state and its people – efficiently and effectively in an environment consistent with democratic norms and the principles of good governance and the rule of law, thereby promoting human security'.⁸

Security Sector Reform

In the most simple of terms, if the security sector is not inclusive, is partial and corrupt, opaque, unresponsive, incoherent, ineffective and inefficient and/or unaccountable to the public, then the sector (or any of its affected constituent institutions) is in need of reform. The term 'reform' describes an institutional transformation that leads to improved performance on all of the above-mentioned characteristics of a legitimate, credible, well-functioning and well-governed security sector, which serves society in providing internal and external, direct and structural, security and justice as public goods. Tackling inadequate structures and processes of security provision and security sector governance rarely requires a total overhaul. Identifying where, how and when individual components must be (re)built, restructured, changed and/or fine-tuned requires a solid assessment of the security sector's roles, tasks and requirements in light of national assessments of society's security and development needs.

Definitions of SSR

Before going into some more detail about objectives and operational details of SSR activities, it might be useful to recall some standard definitions for security sector reform.

While we might encounter a sometimes bewildering (and, as many contributors to this book argue, counterproductive) diversity of explanations as to the institutions and actors that make up a security sector, or specific tasks and activities that define the process of reforming the security sector, the 2008 report on SSR by the UN Secretary-General offers a framework for a common, comprehensive and coherent approach by the UN and its member

states, reflecting shared principles, objectives and guidelines for the development and implementation of SSR.⁹ The report notes that:

It is generally accepted that the security sector includes defence, law enforcement, corrections, intelligence services and institutions responsible for border management, customs and civil emergencies. Elements of the judicial sector responsible for the adjudication of cases of alleged criminal conduct and misuse of force are, in many instances, also included. Furthermore, the security sector includes actors that play a role in managing and overseeing the design and implementation of security, such as ministries, legislative bodies and civil society groups. Other non-State actors that could be considered part of the security sector include customary or informal authorities and private security services.¹⁰

Moreover, 'Security sector reform describes a process of assessment, review and implementation as well as monitoring and evaluation led by national authorities that has as its goal the enhancement of effective and accountable security for the State and its peoples without discrimination and with full respect for human rights and the rule of law'.¹¹ Finally:

For the United Nations, the importance of security sector reform is that it demonstrates that security goes beyond traditional military elements and involves a much wider range of national and international institutions and actors. It also highlights the need for security arrangements that take into account the linkages between the different actors. Equally, security sector reform underscores that effectiveness, accountability and democratic governance are mutually reinforcing elements of security.¹²

As is typical for UN reports of this kind, the UN Secretary-General's definitions are the result of extensive and broad consultative processes that aim at developing broadly supported UN norms and guidelines for its member states. It thus reflects a pragmatic and regionally, culturally and – in general terms – contextually sensitive definition of SSR. The definition provided by the OECD Development Assistance Committee (DAC), although reflecting the result of a similarly careful and inclusive consultation process, is slightly broader and more comprehensive, leaving less room for context-specific definitions. The OECD/DAC's Handbook on Security System Reform, a much-referred-to standard elaboration on the concept and processes of SSR, calls for a holistic understanding of, and approach to, a security 'system' and offers helpful elaborations on the roles and tasks of all

state and non-state institutions and actors that have a role in ensuring the security of the state and its people, including the following.

- *Core security actors*, which include the armed forces; police service; gendarmeries; paramilitary forces; presidential guards; intelligence and security services (both military and civilian); coastguards; border guards; customs authorities; and reserve and local security units (civil defence forces, national guards and militias).
- *Management and oversight bodies*, which include the executive, national security advisory bodies, legislative and select committees; ministries of defence, internal affairs and foreign affairs; customary and traditional authorities; financial management bodies (finance ministries, budget officers and financial audit and planning units); and civil society organisations (civilian review boards and public complaints commissions).
- *Justice and the rule of law*, which includes the judiciary and justice ministries; prisons; criminal investigation and prosecution services; human rights commissions; ombudspersons; and customary and traditional justice systems.
- *Non-statutory security forces*, which include liberation armies; guerrilla armies; private security and military companies; and political party militias.¹³

Not specifically mentioned by the OECD/DAC Handbook, but usually considered to be a separate group of actors with considerable influence are:

- *non-statutory civil society groups*, which include professional groups; the media; research organisations; advocacy organisations; religious organisations; non-governmental organisations; and community groups.¹⁴

Objectives of SSR

The main objectives of security sector reform are, first, to develop an effective, affordable and efficient security sector, for example by restructuring or building human and material capacity; and, second, to ensure democratic and civilian control of the security sector, for example through strengthening the management and oversight capacities of government ministries, parliament and civil society organisations.

In operational terms SSR covers a wide range of activities within five broad categories.

- *Overarching activities*, such as security sector reviews and their development, needs assessments and development of SSR strategies and national security policies.
- *Activities related to security- and justice-providing institutions*, such as restructuring and reforming national defence, police and other law enforcement agencies as well as judicial and prison systems.
- *Activities related to civilian management and democratic oversight* of security and justice institutions, including executive management and control, parliamentary oversight, judicial review, oversight by independent bodies and civil society oversight.
- *Activities related to SSR in post-conflict environments*, such as DDR (disarmament, demobilisation and reintegration), SALW (small arms and light weapons) control, mine action and transitional justice.
- *Activities related to cross-cutting concerns*, such as gender issues and child protection.¹⁵

Moreover, SSR's contribution to peacebuilding has specific political, economic, social and institutional dimensions. The political dimension entails the promotion and facilitation of civil control over security institutions; the economic dimension assures appropriate consumption and allocation of society's resources for the security sector; the social dimension holds that the provision of the population's physical security is guaranteed – and is not additionally threatened – by the assistance of the security sector; and, directly related, the institutional dimension focuses on the professionalisation of all actors in the security sector.¹⁶

In addition to these technical objectives of SSR efforts, the academic and practitioner literature as well as official statements and operational and institutional statements such as the OECD/DAC guidelines and the UN Secretary-General's report argue that SSR should embrace the following principles.

- SSR should be people-centred, locally owned and based on democratic norms, human rights principles and the rule of law – so that it can provide freedom from fear and measurable reductions in armed violence and crime. This principle must be upheld in both the

design and implementation of SSR programmes, and not simply remain at the level of proclamation and intention.¹⁷

- SSR must be seen as a framework to structure thinking about how to address diverse security challenges facing states and their populations, through more integrated development and security policies and through greater civilian involvement and oversight. A national, broad, public consultation process as well as a national security strategy are thus inherent requirements of feasible SSR strategies.
- SSR activities should form part of multisectoral strategies, based on broad assessments of the range of security and justice needs of the people and the state. They have to respond to the needs of all stakeholders.
- SSR must be developed in adherence with basic governance principles, such as transparency and accountability, and other principles of good governance discussed above.
- SSR must be implemented through clear processes and policies that will enhance institutional and human capacities so that security policy can function effectively and justice can be delivered equitably.¹⁸

Despite the emergence and growing acceptance of general and common definitions and objectives, security sector reform processes vary from country to country, with each SSR context being different and unique. Moreover, even though international or regional organisations and bilateral donors may often initiate and support SSR, it is local and national actors that need to maintain and thus ensure sustainable reform processes.

As noted at the beginning of this chapter, however, attempts to operationalise the objectives of SSR, with the support of and in collaboration with all relevant actors within the wider SSR community, including the national security sector and the international donor community, have rarely been a smooth undertaking. On the contrary, SSR often takes place in, and is faced with, highly difficult environments far removed from the ideal conditions required for the implementation of successful SSR.

The remainder of this chapter contrasts the ideal environment required for SSR with the real, usually very challenging, environments in which SSR efforts have been taking place, by highlighting practitioner perspectives that can be analysed in relation to the elaborated country case studies presented in the main body of this volume. The following discussion does not reflect ambitions to develop a theoretical framework for the systematic analysis of success and failure of SSR in challenging environments – although this

would be a worthwhile future undertaking. The objective of sharing and discussing the results of a practitioner survey instead of a more systematic literature review and analysis is to collect and draw on hands-on, intuitive experiences in the formulation of key questions for the country case studies presented in the remainder of the book, but without duplicating the case study approach. The more general, intuitive and, at times, subjective impressions of individuals who have been in the midst of developing and implementing SSR activities represent ‘voices from the field’ that will likely resonate among other members of the practitioner community. They will also inform the academic community about the challenging dynamics of the application of SSR in environments that are driven by continuously changing local contexts and the – often unpredictable – dynamics of national and international political environments. Although mostly based on subjective field impressions, the results of the practitioner survey echo and underline the more commonly shared arguments presented in the SSR literature – a complementarity also confirmed by several SSR researchers who have reviewed the results of the findings below.¹⁹

In combination, their reflections offer insights on the following issues addressed in the subsequent pages:

- the characteristics of an ideal environment for successful and holistic SSR
- the characteristics of the real environment in which SSR is conducted, along with major challenges and obstacles encountered
- anticipated and unforeseen difficulties
- unintended consequences of SSR activities
- opportunities for SSR
- the degree to which practitioners’ fieldwork qualifies as SSR activity
- changes required to make the local environment more conducive to SSR
- perceptions on the supposed Northern bias of the SSR concept
- challenges in operationalising the principle of local ownership
- strategies to cope with SSR challenges
- based on those experiences, suggestions on how to overcome the operational gap between ideal and real-life contexts of security sector reform efforts.

The subjective and experience-driven insights of these practitioners set the stage for the more systematic and context-driven case study analyses presented in the main part of this volume.

The Ideal, But Improbable, Environment

What would be the characteristics of an ideal environment to conduct comprehensive, holistic, timely and effective security sector reform? While such a context would be rare, it nevertheless serves as a guiding post for those embarking on the assessment, design and implementation of security sector – and any other – reform processes.

Those ideal characteristics would include a safe environment in which armed violence has been contained and conflicting parties (in the case of post-conflict situations) are ready to disarm and decide to continue their competition for power through peaceful channels. All relevant stakeholders would be interested in, committed to and willing to pursue serious security sector reform efforts. The priorities, terms and conditions of SSR activities would have been developed and agreed upon by all relevant stakeholders, particularly the national and local parties on whose shoulders long-term, sustainable security sector reform and governance will fall. External financial, technical and political commitments would be in place, sufficient enough in size and duration to stay the (long-term) course of efficient (and ‘sufficient’) reform efforts. All security institutions would be ready to assume the responsibilities assigned to them as constructive security providers and accept civilian and democratic control of their activities. They would do so in close cooperation with and coordination of their respective reform efforts. The executive and parliament would be capable and willing to exercise their responsibilities towards oversight and control over the security institutions. A strong and informed community of civil society organisations would be able and free to join government agencies and parliament in exercising critical monitoring and oversight functions.²⁰

These are some of the characteristics – the framing conditions – that would be crucial for appropriate, comprehensive and holistic SSR efforts to be implemented, to be sustainable and to generate the desired results.

Common Visions of Reform Priorities

A constructive and welcoming environment for SSR is facilitated by a joint vision of reform shared by all relevant national and international

stakeholders. Such a common vision would be underpinned by a common or shared understanding of constitutional prerogatives – even if the parties have different aspirations. There needs to be respect for a constitutional process. Accompanying a shared political vision is also a need for a shared approach to security analysis. Both visions – regarding the nature of reform and the nature of what constitutes security priorities in a given national context – have to result from nationally owned assessment and fact-finding processes.

Moreover, the protagonists of reform must be in political control over their security institutions, and must be sure of complete loyalty from those institutions most directly affected by, and required to facilitate, the implementation of an SSR policy. Also, SSR needs to be in line with a country's overall national political and security prerogatives, including the belief that SSR will help strengthen the country's geopolitical position through long-term prospects for access to regional alliances or the benefits of being perceived as a reliable and coherent actor.

Demands for reform should come from and be supported by as many sections of society as possible. SSR should be undertaken in a way that builds 'local ownership' across society, not only between the government and its international partners. In the long run sustainability depends on deep-rooted support within society, during times of success as well as failure.

Partnerships within the government and between local, national and international actors are important. Few, if any, SSR projects can be undertaken by single actors – or supported by single donors. Shared responsibility must include the willingness to share risk. The shared political will by a variety of actors to support reform efforts must translate into a willingness to pursue the objectives of transparency, accountability, fundamental human rights and sustainability of SSR investments.

Local and International Capacities

Political will alone cannot replace the existence of appropriate capacities for change and reform. This includes post-war conditions conducive to reform, such as low levels of violence, the availability of basic infrastructure and a working and favourable legal framework. This applies to external as well as national and local actors. A focus on local ownership (discussed below), for instance, only makes sense if the capacities of local stakeholders and 'movers' of reform are adequately developed. This includes, among others, the presence of solid, stable and well-organised domestic security forces and political institutions; low levels of corruption; organisational unity; and a favourable wartime record of statutory and non-statutory security forces.

The capacities of international actors must include political astuteness, flexibility and learning; the presence and strength of international security forces; training and equipment; appropriate (and appropriately funded) mandates and a common sense of purpose; the ability and means to gather and share information and intelligence; and positive and conducive interpersonal relationships. Moreover, these capacities can be played out most positively if there is a limited presence and strength of armed spoilers, and a low level of economic disparity.

Stakeholder Commitment

Ideally, all stakeholders back an SSR programme as part of an extended reform strategy for a country, understanding and appreciating the added value offered by the implementation of SSR. As one practitioner puts it, the external political environment needs to be supportive, with no occupation or armed conflict, no international or regional interferences in the choices the society makes. Despite and beyond the standard problems of donor coherence and coordination, all major actors need to be pulling in roughly the same direction. The internal political environment must be supportive, including a functioning dialogue among political factions and parties where different views can be discussed peacefully and constructively, through institutions that are able to process divergent opinions into consensus. Structures and political will for the coordination of donor assistance need to be in place, and donors must be in a 'listening mode' to attune their work to the needs of the affected state and society. Furthermore, a comprehensive peace agreement, already reflecting a consensus among the main stakeholders that SSR is vital to the country's long-term future, can serve as a window of opportunity for successful SSR. However, success lies in the implementation of SSR plans. Staying in power is a crucial quality: all stakeholders must be prepared to stay the course and resist unavoidable fatigue caused by inevitably frustrating and disappointing programme progress.

Strong and Committed Political Leadership

Experiences with efforts to implement reforms show that in most countries that require SSR, the chief executive needs to be personally and unequivocally committed to seeing through the reform programme, whether as a result of personal conversion, political conversion or self-interested political calculation. In such environments the chief executive is a critical

player, often with immense discretionary and symbolic powers. Expressing the undisputed political will to carry through SSR sends a clear and consistent message to this effect. Only then can reliable mechanisms be created that ensure implementation of early SSR decisions, rewards in response to success and sanctions in cases of failure in following up with implementation plans.

Chances for an Ideal Environment

Practitioners emphasise that there will likely never be an ‘ideal environment’ for SSR. As any serious security analysis will reveal, the nature of the security environment will in large part determine the parameters of the political and operational environments within which an SSR strategy and a policy for implementation can be generated. It is important to realise that there is no one environment that fits all objectives. Moreover, an approach, once chosen, may have to be disbanded as the context underlying its selection changes. Experience also shows that a lack of good governance – or in some cases any semblance of governance – tends to strengthen the belief in short-term pragmatic approaches, along with the often-false expectation that more effective governance will eventually follow.

The challenges of post-conflict environments can be particularly obstructive. However, not all SSR environments are characterised by the immediate experience of societies coming out of war. Particularly the adoption of a broad-based, holistic approach to SSR may in some cases be more probable when a country has experienced a period of political stability and is not influenced by the recent experience of violent conflict.

The Real Environment: Major Challenges and Obstacles in Applied SSR

We have seen that, particularly in immediate post-war environments, conditions for successful SSR are often far from ideal. As one experienced observer put it, the much more probable ‘real’ environment is all but conducive to effective and sustainable reform efforts. There will be obstacles in the way, some of which can be removed, while others will continue to obstruct SSR efforts and will have to be circumvented. These obstacles include corruption; impunity and inadequate steps to ‘deal with the past’ and work on crimes committed during the conflict; poverty; ongoing military conflict; ongoing structural violence; a prevalence of small arms and light

weapons; lack of donor funds and programme coherence; rigid funding cycles by donors; national agendas and vested interests of donors; donor fatigue; donors' fear of getting pulled into local violence; 'stolen' elections; lack of democratic traditions; a government's lack of political legitimacy and credibility; lack of public confidence in security providers; organised crime; national and regional resource conflicts; the presence of armed non-state actors; inadequate, poorly designed and ill-conceived peace agreements; insufficient levels of social capital; insufficiently developed and possibly oppressed civil society; and lacking a culture of accountability and transparency – and other principles of good security governance – among security institutions and oversight mechanisms.²¹

Those challenges can be broken down in procedural and institutional; political, ideological and financial; and ethical and normative challenges.

Procedural and Institutional Challenges

Lacking common voice among international actors. All too often, actors base their work, commitments and expectations on an understanding of SSR and its necessity, implementation and potential that differs greatly from the understanding held by others involved in assisting SSR projects. A lack of common understanding, often due to different institutional or personal agendas, paired with a lack of clear direction and purpose make it hard to pursue common purposes and objectives in a transparent and effective manner.

One seasoned observer was astounded by the lack of experience, knowledge and skill brought to the process by some international staff, reflecting a complete lack of understanding of the political nature of the post-war environment and the various political and cultural undercurrents. Moreover, there was no common voice of the so-called 'international community'. While individual external players pursued their own national agenda, the pretence of a joint vision was kept alive. Weak international partnerships and slow and/or inadequate responses of the multilateral leaders are further debilitating reform efforts. The lack of communication between international actors, and *vis-à-vis* their national and local counterparts, has been identified as a major hindrance.

Lacking support and cooperation by national actors. Weak capacities of oversight mechanisms – in both parliament and civil society – hamper efforts to instil local ownership of and control over SSR efforts. In addition, as a practitioner who has worked extensively on advising parliaments on their

oversights roles and responsibilities argues, obstructive forces within parliaments are often reluctant to institutionalise committee staff adviser positions that were initially put in place and funded with the assistance of outside actors.

Traditional structures of power and authority resist reform and change while protecting the status quo, as they fear losing power and influence. A lack transparency of international missions and involvement, along with occasional top-down, élitist approaches, further contributes to local and national scepticism and a resulting lack of enthusiasm for reform efforts. Moreover, if security institutions resist reform efforts and decision-makers prefer a selective or partial understanding of what SSR needs to achieve, reform efforts are hampered from the very beginning. Particularly in the absence of functioning oversight mechanisms, the commonly prevailing culture of secrecy and consistent lack of information in the security sector, accompanied by intentional neglect to engage in lustration and vetting, have in some cases caused the integration of many incompetent persons in senior positions within security institutions.

Interim governments often lack the power and authority to facilitate the legal and constitutional changes necessary to support reform. They are also reluctant to team up publicly with international actors, at the risk of being judged subservient. On the other hand, any change achieved by interim governments is more difficult to sustain, because their decisions might only last as long as they stay in power.

Unrealistic demands for a holistic approach. Several practitioners see a mismatch between external expectations for a holistic approach to the implementation of SSR programmes, the disjointed and sectoral approach of SSR assistance and local and national realities, which makes it difficult to develop and implement clear, transparent, sensible and sustainable programmes of action. Even if external coordination and unity of purpose are in place, some countries feature historically weak government institutions and are not prepared to implement such long-term plans, unless enticed into doing so by outside actors. However, unrealistic demands for holistic approaches are not privy to developing countries or societies undergoing security sector reforms – to the contrary. Donor countries – as well as regional and international organisations – find it equally difficult to apply whole-of-government approaches, act across government ministries with a common voice and approach, and avoid the notorious stovepiping mentality which is particularly counterproductive and damaging to holistic and synchronised approaches to the meaningful implementation of SSR.

Political, Ideological and Financial Challenges

Diverging understanding of 'security'. When the major external and internal players diverge dramatically on their theoretical understanding of what constitutes security, particularly when one player focuses primarily on the socio-economic dimension of security while another takes a realist military power perspective, joint and consistent efforts are difficult to achieve. This applies all the more to diverging concepts of the processes and scope of security sector reform.

The curse of financial dependence – but also independence! National governments often face a dilemma: on the one hand they might not be particularly interested in SSR on the terms of the international community (represented by one or more actors actively engaged in the country), while on the other hand they lack the resources to accomplish SSR on their own terms. As a result they accept assistance, but only reluctantly – if at all – implement the suggested reforms. Experience shows that when funding is not tied to real and demonstrated political will on the part of the recipient, little can be expected in the long run. In cases where national governments have their own resources and can afford to ignore external advice, however, only partial SSR, preserving the status quo, tends to dominate reform efforts, such as the modernisation of security institutions and limited democratic oversight. This happens especially against a backdrop of historically uncomfortable civil-military relations, marked by mutual distrust and suspicion.

Poor long-term (financial) planning. If the long-term costs of SSR are not realistically assessed – and reflected in accompanying funding – SSR programmes will not last to achieve their objectives. Even if funds are initially available, slow progress on the ground often causes donor fatigue. Moreover, the reluctance to infuse quick start-up funds at the beginning of a mission suffocates potentially promising reform efforts in their early development and unnecessarily slows down and frustrates positive momentum that might have been created during peace negotiations or other agreements on post-conflict security sector reform activities.

The fallacy of elections. The impact of conducting 'free and fair' elections is often not fully understood. While elections are often seen as benchmarks or measures of success of international involvement, they also tend to mark international actors' exit strategies, even in the face of acutely brittle

political environments. Moreover, the often-long lead-up to elections tends to dominate all activity and attention at the expense of strategic development activities, including SSR.

Ethical and Normative Challenges

Arrogance vis-à-vis humility. Reform processes are not only contested political processes, they are also psychologically challenging, as they are trying to change what have been judged as inadequate and inappropriate structures and processes in order to meet externally defined and imposed standards. Apart from the immediate and long-term merits of such reforms, they always challenge previously accepted rules, standards and principles, including the attitude that those 'being' reformed are the objects of reform; those steering and enforcing compliance with the implementation of agreed measures are the reformers. At least in the early stages, the latter tend to consist of external actors with often little knowledge about their host society and its traditions and institutions. A healthy sense of humility should guide those assisting local actors in reforming their security institutions. Poor communication among external actors assisting national reform processes furthermore creates suspicion about the motivations and appropriateness of reform efforts. Those being reformed do not want to be left in the dark about developments that shape and reshape their political and professional futures, particularly concerning issues that are at the heart of national sovereignty, pride and national interest. Instead, inclusive and interactive approaches should be the focus throughout the SSR process.

Unreasonable expectations and confusing double standards. One practitioner compared SSR with the Ten Commandments – 'Ye shalt and ye shalt not.' The scope and speed of political change expected by international donors often do not match what one could consider as reasonable expectations for far-reaching political and institutional change. Speeding up the process of change, particularly with attempts to emulate political progress made in many other parts of the world, can do more harm than good, particularly if such progress is imposed and not desired. The necessity and advantage of reform processes must appear as self-evident. On the other hand, if donors themselves do not practise what they preach (or they differ greatly in the substance of their preaching, i.e. their understandings and expectations of SSR), and are little concerned with good security governance, both at home and in missions abroad, convincing others of SSR becomes a highly difficult venture.

Engaging armed non-state actors. When faced with the need to work or cooperate with former insurgents or rebel groups, some of whom might additionally be considered as terrorists by the government or its international partners, calls for morality and pragmatism might clash. Unless peace agreements specifically describe and prescribe the future political and security role of former armed groups, their often unavoidable inclusion creates practical and moral dilemmas, as it remains unpredictable if they will constructively contribute to or spoil the peace process and security sector reform efforts.

Anticipated and Unforeseen Difficulties

Which are some of the anticipated, which are some of the unforeseen difficulties experienced by SSR practitioners?

Anticipated difficulties include a number of problems experienced by the practitioners themselves, including difficult personal security and working conditions (in terms of weather, equipment or health risks), hampering the performance especially of external advisers. Numerous difficulties are rooted in donor behaviour, including self-interest-driven approaches of donors impeding coordination; ‘donor shopping’ by the host, which results in lost time, effort and money; their limited knowledge of local historical, political and social dynamics; international actors’ willingness to cooperate and entertain close relations with people who are known, or later turn out, to be corrupt or perpetrators of human rights violations; and persisting resistance against bottom-up peacebuilding and local ownership despite much rhetoric to the contrary.

Unforeseen difficulties are also experienced by the practitioners, such as confusion among the members of the SSR team as to their mandate, objectives and tasks; limited access to information; and lack of feedback on proposals made to local and national actors. Other difficulties are related to national actors: difficulties and time involved in reaching an agreement on the nature of a security sector review (in one particular case, even three years after a mandate was issued, the review had not yet been conducted); attempts by decision-makers to manipulate the SSR process; fierce competition during elections and in parliamentary work between established parties and – often quite popular and strong – parties that evolved out of armed non-state actors; fierce and underestimated political opposition to SSR plans, with too little effort to lobby political élites and SSR stakeholders in general; high levels of continuing extortion and physical abuse of the local population by

uniformed security personnel; and repeated failure by those driving SSR efforts to recognise and capitalise on positive conditions, available entry points and other windows of opportunity.

Unintended Consequences of SSR

As is the case with all interventions that are meant to change – and positively improve – existing conditions, security sector reform processes do not only have intended but also unintended consequences. Careful planning and reflective implementation can limit the impact of negative unintended consequences, while sometimes positive developments result that have not been anticipated and need to be recognised.

Unintended negative consequences include efforts to discredit external actors in local print media by reform-unfriendly nationalist forces within a government; the failure of implementation and thus a long-term credibility problem of intended SSR activities after an SSR review was put on the agenda of a short-lived interim government; the reshuffling of domestic power structures as a result of SSR programmes that benefit those willing to implement SSR activities and those with strong links to international actors; and an aggravation of conflict dynamics as a direct result of the political process of SSR, particularly defence reform.

Unexpected positive consequences include the creation and strengthening of trust between previously hostile security sector stakeholders as a result of close collaboration on the design and implementation of SSR reviews and programmes; and the fact that SSR planning and implementation have offered a post-conflict country's political, economic and security élites unexpected opportunities to cooperate on the definition and realisation of a unified vision for a country's foreign and security policy.

Opportunities

SSR practitioners also experience opportunities – both expected and unexpected – which aid the pursuit of effective SSR activities.

Some examples include high levels of credibility with local stakeholders for foreign advisers after extended presence in the country and numerous opportunities – even failed ones – to engage in joint international-local SSR activities. As one practitioner recalls, he was offered unprecedented access to military, police and intelligence circles after he had

learned the language, studied the history and become a familiar face over the course of ten years. Considerable willingness and enthusiasm for training and development opportunities have been observed in cases where programmes have been tailored to specific cultural realities.

In some cases the openness and preparedness of civil society organisations to exercise an oversight role have been surprising, along with a renewed sense of appreciation for preventive efforts. As well, sometimes, former protagonists have been willing to cooperate in SSR programmes, as in the cases of former rebel groups which are interested in securing peace dividends and cementing their newly gained legitimate share in power by insisting that everyone plays by established rules.

Interestingly, in some cases failed attempts at implementing SSR have nevertheless paved the way for eventually successful reform efforts; especially in cases of programme failure, patience can thus pay off in the long run.

What Qualifies as an SSR Activity?

As discussed earlier in this chapter, SSR is a comprehensive undertaking, involving a variety of security institutions, oversight bodies and domestic as well as international stakeholders. However, not all activities that address or collaborate with one or more actors within the security sector qualify as SSR activities, particularly if they are undertaken in isolation of the rest of the security sector, or in disregard of the overarching principles of SSR (as defined above). How thus do practitioners feel about their involvement in security sector reform? What qualifies as a genuine SSR activity to them? Practitioners mention a number of key issues that characterise genuine SSR activities.

Lobbying for SSR

As SSR cannot precede serious campaigns to bring all relevant stakeholders on board of the reform process, seminars, familiarisation campaigns and high-level discussion with stakeholders on SSR issues are considered to qualify as SSR activities. In countries or regions where the concept of 'reform', particularly initiated by outsiders, is rejected, dialogues with representatives of the executive, legislative and security institutions and with civil society organisation are important contributions to – anticipated – subsequent reform activities.

Democratic Accountability and Oversight

Working on civilian oversight and civil society participation in oversight of the security sector, although limited to the political level, is considered a key contribution to genuine SSR work. However, as there is often a thin line between genuine SSR and simple security assistance or modernisation, it is important to remain clear about which activity and engagement is and is not intended to strengthen good security sector governance – in fact, as pointed out by practitioners, unless the governance and accountability dimension is addressed, an activity cannot be called an SSR activity.

Narrow Focus, But Link to Broader Process

Despite the comprehensive and holistic approach to ideal-type SSR, in countries where the military holds a particularly powerful position in society, even a focus merely on defence reform qualifies as SSR, as more transparent governance of the military opens opportunities for better governance of the entire security sector. Elements of SSR, or elements of a particular SSR activity, qualify as long as they are tied into larger SSR programmes and objectives and represent at least a small but real step towards realising the two main goals of SSR: good governance and better and relevant security delivery for the society. Any security sector activity that is intended to change and implement policy, process and procedure, or to build capacity to increase accountability, transparency, sustainability and alignment with fundamental standards of human rights, qualifies as SSR. Small steps, such as the support of local researchers and NGOs, although less ‘visible’ an activity than large international conferences, is an often-undervalued and under-utilised SSR activity.

Working Towards Making the Local Environment Conducive to SSR

What would it take to make an environment more conducive to SSR? Some of these requirements would go much beyond security sector reform activities and the abilities of those initiating and implementing SSR – creating the enabling environment calls for yet more comprehensive involvement of a diversity of actors.

Some of the changes required at a larger scale in order to prepare fertile grounds for SSR include the introduction of the discourse and reality of democracy, including fairly free and open elections that bring a new

political class into power; the rejection of confrontational and violent styles of conducting politics; and thus targeted marginalisation and control of spoilers – both armed spoilers and political spoilers.

An overbearing international presence has been found to suffocate local initiatives and ownership while creating a less welcoming environment for sustainable SSR reforms. Local and external commitment needs to span years and decades; it must focus on the needs and requirements of the country and its overall population, not on particular individuals. Security institutions need to go through a behavioural change to embrace a service attitude towards the population and the government. All actors in SSR need to display honesty and realism about the time required for effective change, without irresponsibly raising unrealistic expectations.

SSR – A Northern Concept?

Quite often – and this is the case not only in particularly difficult and challenging SSR environments – scepticism or even outright opposition to SSR grows from a feeling among local stakeholders that the SSR concept is Northern, possibly alien, irrelevant or misplaced, is a purely Northern-owned and donor-driven concept and would look much different in theory and practice if it were a concept developed by countries with recent experience of, or in need of, far-reaching security sector reform. How have practitioners experienced such scepticism? Their observations include the following.

Vested Interests versus Genuine Concern for the Beneficiary Society

While a Northern origin and bias are often reported, SSR activities on the ground show that external actors are not only pursuing their own vested interests. Evidence of keen sensitivity to the local context and local ownership has been experienced as a successful means of overcoming the accusation of Northern bias.

'Northern Time Lines'

As one experienced SSR practitioner noted, in his local context 'they all understand the general gist of SSR but they all feel it is too much and too fast. They cannot absorb this amount of democratic reform in such a short period. They need 30–300 years to be able to absorb it. All my national counterparts agree with this'. Despite this sentiment of a mismatch between

Northern expectations and Southern realities, there is little consensus on how much better or appropriate the concept would be if it had Southern origins. The challenges and responses that necessitate SSR remain very similar, regardless if seen from the North or the South – as long as the focus is on the issues of reform, then the model, process and method can be attuned to local contexts.

Misguided and Unrealistic Concept?

In some parts of the world a focus on human rights and good governance can quickly lead to the disqualification of all SSR as a Northern concept designed to undermine traditional values and norms. Here, caution is called for when naming one's SSR activities. Moreover, societies that have recently experienced internal and international war may be less inclined – and less ready – to take the necessary steps towards the establishment of peacetime security institutions. They sometimes view SSR as a concept that evolved without the immediate experience of war and internal conflict, and thus reflecting a distorted view of security affairs. The role of traditional security and justice providers has a North-South dimension as well, as they have not been as dominant a feature in society in the North as they have in the South.

Ambitious versus Selective SSR

Some Southern- and Northern-based SSR practitioners believe that a Southern concept of SSR would in fact look different. The main focus would be on a pragmatic, step-by-step approach to reform, without the need to reform all sectors and realise transparency, accountability and democratic control of all security institutions at once. However, as one observer notes, sometimes it may be wrong and counterproductive for international donors to take a *laissez-faire* approach to SSR based on the assumption that it can only be applied with great flexibility and to a limited extent in Southern contexts. Southern governments and security institutions might use the claimed lack of applicability of a supposed Northern concept to pick and choose those components of an SSR programme that best suit their immediate interests.

Achieving Local Ownership

There is strong agreement in the academic and policy debates that local ownership is a key requirement for successful and sustainable SSR. Yet SSR practitioners are commonly faced with challenges and dilemmas in operationalising the principle of local ownership.

A first dilemma stems from the constructive and destructive impacts of local ownership on the definition, planning and implementation of SSR. Experience in the aftermath of the Balkan crises of the 1990s shows that both the degree of external influence and the severity of experiences with internal conflict determine the degree to which local ownership can be achieved. The greater the level of international presence and conflict damage, the more difficult it is to achieve true local ownership. The widespread emphasis on local ownership leads some seasoned SSR practitioners to believe it is a fraught concept that needs to be unpacked and rethought, while others see no disadvantage at all in the heavy focus on local ownership. Perhaps a more cautious approach is called for. Sustainable SSR can be seen as part of a state-building strategy and the development of greater local governance. However, it needs to take account the considerable time that is required to create effective local ownership. Even if there is strategic realisation of the need for the external imposition of an SSR strategy, it would be wise to consider such imposition as the first of a two-stage process, where sustainability will only be achieved with the successful implementation of a locally owned second stage.

A further dilemma stems from the sincere effort to respect and prioritise local, national and beneficiary needs and requirements. This, however, requires a level of commitment, patience, staying power and resources that tend to be absent on the part of many organisations and the individuals they send to implement their programmes. Many SSR practitioners have too little local knowledge and understanding to appreciate the right timing, sequencing and support when transferring joint programmes into local hands. Striking the right balance in honouring the need for local ownership is not, however, only a matter of healthy respect versus blue-eyed romanticism. It is a widely recognised principle – at least rhetorically – that is at times also abused: respect for traditional culture has served as the justification for striking overly close relations with dubious figures among those emerging from conflict as the new political élites; to uphold traditional patriarchal structures that stand in utter contrast to principles of gender equality and contribute to the continuation of high levels of gender violence in the aftermath of violent conflict; or as a quick-fix solution to establish

superficial stability and legitimise short mission, personnel rotation and project periods or to design early exit strategies. At the same time, the local population is not blind to such ill-motivated practice of the concept of local ownership and becomes cynical about SSR, external involvement and cooperation between international, national and local élites in general.

Finally, a third dilemma stems from efforts to put national and local élites and/or national and local civil society actors in the driver's seat of SSR programmes. Practitioners notice that sustainability invariably requires the direct involvement of local élites to give the process political credibility and generate long-term capacities for implementation. The challenge is not to call off cooperation with local political and security élites but – if necessary as well as appropriate – to anticipate and manage their limitations, counterproductive motivations and negative impacts on the reform process. In the short term, cooperation with local actors will change and, often in the minds of external actors, extend project implementation time lines. Still, as practitioners note, these are necessary consequences that must be accepted if results are to become locally owned and respected. Another more strongly expressed opinion holds that national élites cannot always be trusted and need to be counterbalanced by the inclusion of significant levels of civil society engagement.

Coping with Harsh Realities

In almost any local context, SSR practitioners invariably face – and need to cope with – the uncertainties, inadequacies, difficulties and frustrations inherent in SSR planning, 'selling' and implementation. What can one do to overcome, circumvent or otherwise cope with the inevitable obstacles to successful SSR?

Less Demanding Coping Strategies

More comfortable ways out of the complexity of SSR implementation might be to make significant exceptions; to put important issues and requirements on the back-burner; to compromise on principles and difficult issues; to support whatever national and local partners prefer or are willing to do; or to give up and retreat altogether.

Some practitioners argue that there are no easy ways out when facing serious challenges. One always has to expect unexpected pitfalls that invariably and especially arise from weak or false analysis. By its very

nature the security environment is unpredictable. If challenges arise that threaten the ability to meet minimum tasks and expectations, it is worth delaying one's activity or starting with less contentious and sensible issues until the environment has improved rather than compromising on core issues.

As several practitioners note, while striving for full success one must make exceptions or accept the 'lie of the land' and occasionally settle for the best possible outcome. However, as the 'best possible outcome' could be no outcome at all, one should, as another practitioner argues, only compromise as long as strategic objectives and core principles are not forsaken.

A pragmatic approach calls for 'realistic idealism': the acceptance that outsiders can only achieve limited objectives, particularly when faced with insufficient commitment to invest massive resources, while at the same time remaining hopeful for the best possible outcome.

A strategically more sophisticated approach would be to think big but act small, by skilfully defining, identifying and implementing those small but important steps and activities that have the largest and broadest possible potential to impact on the widest possible range of security sector reform challenges.

Tough and Demanding Coping Strategies

Some coping strategies are easier to pursue than others. The tougher coping strategies include the quest for and negotiation of common ground close to SSR principles; willingness to compromise on details but not on principles; the design of context-driven and relevant activities; and compromise on the name of a certain activity, without compromising on its contents.

Where projects or activities are blocked by political opposition, and where other strategies have been tried and failed, discreet 'political plumbing' (working the problem 'around or up') has been suggested as an effective approach, although it requires know-how and discretion where longer-term relations may be at risk. This relates to a further challenge: the need to manage partnerships and relationships. The 'better' the relationship, the greater is the likelihood of success. Relationship-building should be done with a plan and strategy in mind, as usually there is too little time to leave relationship-building to chance or long-term evolution.

Particularly in post-war environments with bloated armies, convincing the army to engage in fundamental SSR might be as difficult as it is necessary to trigger reform in other parts of the security sector. On the other end of the spectrum, the pursuit of long-term, sustainable strategies, a focus

on prevention, even if messy and outcomes are not clearly visible and uncertain, and investment in bottom-up SSR are difficult but potentially powerful strategies to unblock stalled SSR efforts.

Closing the Gap Between Ideal and Real SSR Contexts

Which methods and approaches have been applied by SSR practitioners to narrow – or even overcome – the gap that exists between the ‘gospel’ and the reality of SSR? Practitioners feel very strongly about a variety of key suggestions on achieving SSR objectives in the face of adversity. The following suggestions are moreover derived from, and applicable to, a wide variety of SSR contexts.

Develop a keen understanding of the local SSR context! Greater awareness among SSR practitioners of the differences between SSR theory and realities on the ground and of the real-life political, economic, historical and geo-strategic realities are considered to aid in designing better-suited SSR policies and implementation strategies.

Secure buy-in at the top! Donors are called upon to insist on evidence of political will at the highest levels before committing funds and moving forward on SSR programmes. Such evidence would then need to feature prominently in SSR assessments.

Keep long-term objectives in mind! It is crucial always to keep the key objectives and tasks of reform efforts (such as accountability, transparency and other components of good security sector governance) in sight, while the route and, to a lesser extent, the time lines and sequencing of reform activities are less important.

Work towards small successes; avoid successive failures! Small successes are considered to be crucially important for all stakeholders involved. Small achievements and victories are a useful strategy to achieve larger objectives. On the other hand, successive failures will only confirm the impression that the gap between expectations and achievements in SSR cannot be bridged.

Be realistic about goals and time lines! It is considered important to refrain from attempting to do and achieve everything at once. Sustainable SSR

might take decades, and the committed involvement of more than one generation.

Be clear on objectives and challenges! It is important to be aware of and communicate objectives, expectations, challenges and difficulties systematically and honestly, while setting clear criteria for distinguishing between SSR and non-SSR activities.

Secure and train the most appropriate people for the relevant job! Experience has shown that it is crucial to hire the right and, possibly more important, to avoid hiring the wrong people. Sometimes it will be better to have fewer, but qualified, persons involved in an SSR activity than involving a larger number of individuals, some of whom are not suitable for the job and undermine the process due to lack of capacity, local knowledge and sensitivity. For those internationals already working in a mission, investments in educating them about the local context in which they are expected to work should be standard practice.

Secure and groom local networks of SSR supporters! In-depth knowledge of the local context should go hand in hand with broad contacts among supporters of SSR goals and strategies.

Be inclusive but retain a healthy sense of criticism when dealing with international and local partners! Instead of working with the ‘usual suspects’, it can be helpful to engage much more deeply across the political spectrum and with a wider cross-section of society. There are often ample opportunities to capitalise on grassroots desire for change towards international standards of security sector governance.

Be transparent! It is widely seen as important to project principles of good governance of the security sector in one’s own activities. Regular, open and transparent communication with all stakeholders reduces scepticism about and resistance to externally supported and initiated reform efforts.

Do no harm! Particularly in post-conflict situations, conflict analyses and resulting SSR programmes should be undertaken in a conflict-sensitive manner, ensuring that SSR is implemented in a way that, at the very least, does not increase the risk of further conflict and violence. All SSR actors need to understand and acknowledge the risks of particular measures in the case that conflict dynamics deteriorate.

Expect, accept and learn from failures! Experience shows it is important to accept and learn from inevitable occasional failure, and to continue dialogue with international and local spoilers on the concept of SSR and its long-term positive effects.

Accept that there might be cases where SSR has not yet a basis! It is better not to take action than to take actions that will be counterproductive to long-term SSR and overall peacebuilding objectives. This makes it all the more important that careful and thorough SSR assessments and reviews are conducted, so that the best possible timing and entry points for SSR activities can be identified and utilised most effectively.

Understanding and Managing Difficult SSR Environments: The Need for In-Depth Case Study Analyses

In addition to the difficulty of finding the perfect blend of SSR activities for each context, the SSR practitioner is confronted with a diversity of opinions as to how best to proceed, with whom, when and how. At the same time SSR practitioners and stakeholders alike often view SSR as an imposed, top-down, Northern-driven blueprint to reform what is perceived to be an inadequate security sector. Thus, on top of widespread scepticism about the intentions of some of those promoting and pushing SSR as an important peacebuilding tool, SSR suffers from a severe public relations problem. Its intentions and performance are often judged for its short-term costs, but not its long-term benefits, among both donors and beneficiaries.

SSR is a highly political process, shifting and reshuffling power relationships in government, the security sector and society, and – in general terms – shifting power over a society's security provision from the few to the many. SSR, if pursued as intended by those who have developed it and those at all levels of governmental and intergovernmental governance promoting it, puts security institutions in the service of an empowered society. It is thus part and parcel of democratisation and the strengthening of good governance in transition societies.

The reality of SSR can be described as muddling – rather than charting – through constantly changing, unpredictable and highly political realities. Empirical, bottom-up experiences are thus invaluable in developing norms for workable, feasible SSR processes, capable of coping with challenging environments without losing sight of the long-term objective of generating good, affordable and democratic governance of the security

sector. It is these experiences which are the main subject of this book, and which should give credibility to attempts to generate more theoretically sound foundations for the impact of SSR on transition processes in post-conflict societies.

Case Study Chapters

In the following main part of the volume, eight case studies focus on the Central African Republic (by Boubacar N'Diaye), Colombia (by Wolf Grabendorff), the Democratic Republic of the Congo (by Caty Clément), Georgia (by Duncan Hiscock), Morocco (by Hanspeter Mattes), Nepal (by Bishnu Raj Upreti and Peter Vanhoutte), Sri Lanka (by Eleanor Pavey and Chris Smith) and Timor-Leste (by Gordon Peake). The detailed case studies were selected as the result of a number of considerations: geographical balance, reflecting cases from Africa, Asia, Europe and Latin America; the presence and significance of a country's experience for the analysis of SSR planning and implementation; experienced difficulties in translating SSR principles into practice; and cases which have not already been over-researched and broadly written about. Subsequently, authors with extensive country and SSR expertise were identified, reflecting a combination of in-house and external experts; Northern and Southern-based authors; and nationals (or 'insiders') and internationals (or 'outsiders'), reflecting a wide range of educational, disciplinary and professional backgrounds. The chapters reflect this diversity in their individual approaches towards the following common set of tasks put to them in order to ensure consistency across the themes addressed by the case studies, and to allow for comparative conclusions and lessons in the concluding chapter:

- insights into SSR experiences, activities and processes in practice
- insights on challenges and obstacles to SSR
- insights on opportunities and entry points to carry out SSR
- recommendations for improving SSR, particularly in challenging contexts.

The concluding chapter of the book, 'Security Sector Reform in Challenging Environments: Insights from Comparative Analysis', pulls together the lessons learned from the case studies in reference to the above-mentioned common questions. These findings serve as the basis of a concluding set of suggestions and recommendations for more appropriate – and 'realistic' –

security sector reform efforts capable of coping with the complex obstacles to effective and sustainable SSR posed by difficult and barely enabling environments.

The case studies are not targeted at specific country experts, but at all those involved in the study and practice of security sector reform activities, both inside societies planning to or already involved in security sector reform processes and those outsiders assisting them in these endeavours. They share practical impressions and lessons as well as more generalisable insights about the planning, implementation and assessment of SSR activities. Readers do thus not need to be country experts in order to draw useful knowledge from the case studies. While an expert on the country covered by a case study will likely have much more to report than what can be covered in a comparably brief study, those without specific country expertise will be offered enough information on events that preceded and are accompanying SSR efforts to follow the main arguments and findings developed by the respective authors.

The discussions in this chapter have shown that the challenges encountered by those involved in SSR activities can be substantial. They depend greatly on each situation. As well, challenges interact to create new situations, making the environment in which SSR is pursued a highly dynamic one – thus requiring SSR to be equally dynamic and flexible in its implementation. We will now turn to the case studies, which will give the reader a flavour of how SSR – and SSR-like activities – has played out in various national contexts.

Notes

- ¹ See, among others, Heiner Hänggi, 'Security Sector Reform', in *Post-Conflict Peacebuilding – A Lexicon*, ed. Vincent Chetail (Oxford: Oxford University Press, 2009); Alan Bryden and Heiner Hänggi, eds, *Security Governance in Post-Conflict Peacebuilding* (Münster: LIT, 2005); Nicole Ball and Dylan Hendrickson, *Trends in Security Sector Reform (SSR): Policy, Practice and Research Workshop on 'New Directions in Security Sector Reform'*, Peace, Conflict and Development Programme Initiative (Ottawa: International Development Research Centre, 2006); Dylan Hendrickson, *Key Challenges Facing Security Sector Reform: A Case for Reframing the Donor Policy Debate* (Birmingham: University of Birmingham, Global Facilitation Network for Security Sector Reform, 2009); and further literature in subsequent notes.
- ² For the discussion on good governance and good governance of the security sector the author follows the definition of 'good governance' as provided by the UN Economic and Social Commission for Asia and the Pacific (ESCAP), available at <http://www.unescap.org/pdd/prs/ProjectActivities/Ongoing/gg/governance.asp>. For an alternative yet

similar definition by the World Bank, see <http://www.adb.org/Documents/Policies/Governance/gov300.asp?p=policies>.

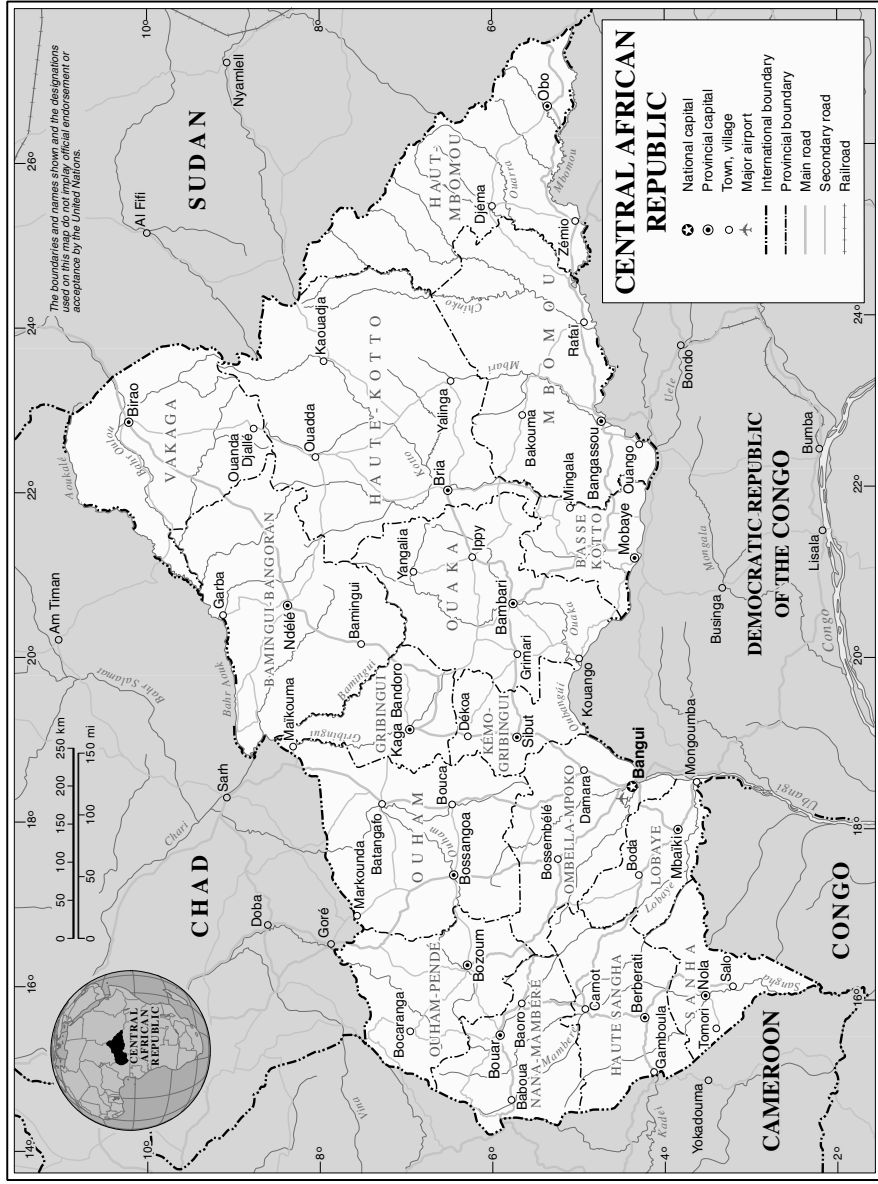
- ³ Heiner Hänggi, 'Making Sense of Security Sector Governance', in *Challenges of Security Sector Governance*, eds Heiner Hänggi and Theodor Winkler (Münster: LIT, 2003): 3–22; Nicole Ball, Tsjard Bouta and Luc van de Goor, *Enhancing Democratic Governance of the Security Sector: An Institutional Assessment Framework* (The Hague: Clingendael Institute for the Netherlands Ministry of Foreign Affairs, 2003), available at http://www.clingendael.nl/publications/2003/20030800_cru_paper_ball.pdf; OECD, *Security System Reform and Governance*, DAC Guidelines and Reference Series (Paris: OECD, 2005).
- ⁴ In most if not all societies the security sector tends to be rather secretive and decisions tend to be shrouded behind a curtain of obscurity, making the work of state and non-state oversight bodies all the more important. This applies especially to the intelligence services. See, for instance, Hans Born, Loch Johnson and Ian Leigh, eds, *Who Is Watching the Spies? Establishing Intelligence Service Accountability* (Dulles, VA: Potomac Books [formerly Brassey's USA], 2005).
- ⁵ While the focus on consensus holds for security sector governance, it only partially holds for SSR processes – which are inherently political in nature and thus necessarily involve political power struggles along mutually exclusive interests and expectations as to the final outcome of the reform process.
- ⁶ Kofi Annan, 'Peace and Development – One Struggle, Two Fronts', address of the United Nations Secretary-General to World Bank staff, 19 October 1999: 5.
- ⁷ Report of the Secretary-General, *Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform*, UN Doc. A/62/659 – S/2008/392, 3 January 2008, para. 15(e).
- ⁸ United Nations, *Maintenance of International Peace and Security: Role of the Security Council in Supporting Security Sector Reform*, concept paper prepared by the Slovak Republic for the Security Council open debate, UN Doc. S/2007/72, 9 February 2007.
- ⁹ Heiner Hänggi and Vincenza Scherrer, 'Recent Experience of UN Integrated Missions in Security Sector Reform', in *Security Sector Reform and Integrated Missions*, eds Heiner Hänggi and Vincenza Scherrer (Münster: LIT, 2008): 3–4.
- ¹⁰ Report of the Secretary-General, note 7 above, para. 14.
- ¹¹ *Ibid.*, para. 17.
- ¹² *Ibid.*, para. 18.
- ¹³ OECD, *OECD DAC Handbook on Security System Reform: Supporting Security and Justice* (Paris: OECD, 2007); see also United Nations Development Programme, *Human Development Report 2002* (New York: UNDP, 2002): 87.
- ¹⁴ UNDP, *ibid.* For this expanded definition the UNDP was referring to Ball, Bouta and van de Goor, note 3 above: 32–33.
- ¹⁵ Hänggi and Scherrer, note 9 above: 15.
- ¹⁶ Herbert Wulf, 'Security Sector Reform in Developing and Transitional Countries', Berghof Research Center for Constructive Conflict Management (2004): 5, available at <http://www.wulf-herbert.de/Berghofdialogue2.pdf>.
- ¹⁷ For excellent discussions of the dynamics of local ownership in SSR see Laurie Nathan, *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform* (Birmingham: GFN-SSR, University of Birmingham, October 2007); and last year's

DCAF Yearbook: Timothy Donais, ed., *Local Ownership and Security Sector Reform* (Münster: LIT, 2008).

- ¹⁸ Report of the Secretary-General, note 7 above; OECD, note 13 above. See also United Nations, note 8 above; European Commission, *A Concept for European Community Support for Security Sector Reform*, communication from the Commission to the Council and the European Parliament, SEC (2006); Council of the European Union, *EU Concept for ESDP Support to Security Sector Reform (SSR)*, EU Doc. 12566/4/05; Hänggi, note 1 above.
- ¹⁹ The remainder of this chapter offers an analysis of responses by a number of experienced SSR experts and practitioners to a questionnaire provided by the author on practical SSR programme experiences. Individual responses have been integrated into the text, yet without attribution to specific individuals. The author gratefully acknowledges the following individuals for their invaluable contributions to these sections of the chapter: David Beer, Caty Clément, Shay Duffy, Conny Friesendorf, Duncan Hiscock, Antoine Laham, David Law, Arnold Luethold, Hanspeter Mattes, Alexander Mayer-Riekh, Boubaçar N'Diaye, Edward Rees, Marc Remillard and Bishnu Raj Upreti.
- ²⁰ See Albrecht Schnabel and Hans-Georg Ehrhart, eds, *Security Sector Reform and Post-Conflict Peacebuilding* (Tokyo: United Nations University Press, 2005); Bryden and Hänggi, note 1 above: 29 and 33–39; Wulf, note 16 above: 6–7; David M. Law, ‘The Post-Conflict Security Sector’, DCAF Policy Paper 14 (2006): 12–15; Report of the Secretary-General, note 7 above, para. 36.
- ²¹ Albrecht Schnabel and Hans-Georg Ehrhart, ‘Post-Conflict Societies and the Military: Challenges and Problems of Security Sector Reform’, in *Security Sector Reform and Post-Conflict Peacebuilding*, eds Albrecht Schnabel and Hans-Georg Ehrhart (Tokyo: United Nations University Press, 2005); Laurie Nathan, *Obstacles to Security Sector Reform in New Democracies* (Berlin: Berghof Research Center for Constructive Conflict Management, 2004): 2.

Part II

Learning from Challenging SSR Environments



Map No. 4048 Rev. 2 UNITED NATIONS
 January 2004
 Department of Peacekeeping Operations
 Cartographic Section

Chapter 2

Security Sector Reform in the Central African Republic

Boubacar N'Diaye

Introduction

Few countries epitomise the complexity and extreme arduousness of carrying out reforms in the security sector in challenging environments as well as the Central African Republic (CAR).¹ Since its independence, this country has known little other than what amounts to an unending political and security predicament. This has been singularly true ever since a 1966 *coup d'état* thrust the country's military into the political arena. Many years of military rule and the general misuse of the security apparatus by various regimes (both military and civilian) became the fount of most of the difficulties that the Central African state and its people have been facing. It was the recognition of this reality that justified a solemn decision of the latest regime that resulted from the combination of a rebellion and a military coup in March 2003. The aim of the coup was to commit to and seek out help to carry out a reform of the security sector in November 2003. Although the recommendations contained in the 1996 *États généraux de la Défense Nationale en République Centrafricaine* (National conversations on defence) suggested a profound dissatisfaction with the status quo,² this was the first time that the phrase 'security sector reform' (SSR) was officially used in the CAR political discourse. It was evident that this mainly resulted from the victorious but insecure military regime's understandable desire for self-preservation.

However, an objective and perspicacious look at the singular evolution of this country would have unquestionably led to the realisation that SSR was indeed essential. The National Seminar on Security Sector Reform held in Bangui on 14–17 April 2008 essentially reached the same unavoidable conclusion. This seminar was spearheaded by the United Nations Development Programme (UNDP), but was also sponsored and partially funded by the European Union and other Western donors. While

this critical event made the case for such a reform and clarified the concept of SSR and its policy and other implications, it also served to underscore the legacy of a chequered past and the challenges stemming from the current social, political, economic and security configuration in which any reform will have to take place. It is a fair conclusion to reach that the combination of the constraints in all of these areas did, in essence, render the various tentative efforts at SSR undertaken since 2006 in vain.

Political and Historical Background

Although the concept did not exist at the time, it can be argued that the necessity of SSR was already made evident by the *coup d'état* carried out by the then army chief of staff, Colonel Jean-Bédél Bokassa, on 1 January 1966. This coup ushered in a period of political and security turmoil that continues to this day. Social and economic development, durable peace and stability have continued to elude this 623,000 km² resource-rich country with a population of just 4.2 million, despite the continued involvement of the international community, particularly in recent years. The post-colonial history of the CAR has been marked by extremely poor leadership and fierce competition, with violence and weapons as the preferred means of gaining political power among narrowly based political and military élites stubbornly blinded by regional and ethnic divisions with occasional ideological overtones. It was once assumed that no leader could top the devastation the despotic regime of Colonel Jean-Bédél Bossaka (later marshal, and then emperor) wrought on the country. When he was overthrown by France (the CAR's former colonial power) in 1979 and replaced by President David Dacko, the odds were good that, thanks to its potential wealth, the country could recover rapidly and turn the page on 13 particularly traumatising years of the Bokassa regime. Instead, soon enough Dacko was forced to call on the chief of the army, André Kolingba, to take power under the pressure of an impatient political opposition that contested his return to power (and France's neo-colonial role in it) and the outcome of the 1981 elections which he narrowly won.

The decade-long military regime of General André Kolingba did nothing to reverse the situation of the country, and only exacerbated the underlying authoritarian features of the political system, its unresponsiveness to the needs of the populace and the absence of a coherent national project. Indeed, an unabashed 'ethnicisation' of power and of the security sector took place that was to poison irremediably the political system and sow the seeds

of the predicament in which the CAR still finds itself. Just as Bokassa had markedly shifted the composition of the armed forces in favour of his ethnic group, the Mbaka, General Kolingba also mainly recruited among his own ethnic group, the Yakoma, for the Presidential Guard and the army. When General Kolingba lost the 1993 presidential elections to Ange Felix Patassé, a long-time civilian political figure, the stage was set for the series of mutinies, militia activities, rebellions, coups, social and economic stagnation and the orgy of violence that gripped the country throughout the 1990s and beyond. The international community, through the African Union, the United Nations and the regional organisation, the Economic Community of Central African States (ECCAS), intervened variously to resolve the numerous crises, eliminate the widespread arms circulation and push for reforms in the security sector, with an emphasis on the armed forces of the Central African Republic, the originators of the mutinies and violent corporate demands, and on the demobilisation of armed groups. This was principally done through various disarmament, demobilisation and reintegration (DDR) programmes. These efforts continued even after a dispute opposed President Patassé to his army chief of staff, General François Bozizé, leading to coup attempts in 2001 and 2002 and to the successful 15 March 2003 rebellion or coup.

SSR in the CAR: A Challenging Environment Indeed

In order to understand how SSR³ attempts unfolded in the CAR, in addition to bearing in mind the historical background briefly invoked above, one must also examine the political context that has prevailed since 2003. It is furthermore necessary to map out the various national and international actors that have been critical stakeholders in SSR, which is now considered as an absolute necessity for the future of the country, beyond 'mere' post-conflict DDR.⁴ Of course, the regional context is another important factor in the SSR equation in the CAR.

Political Context of SSR

As the preceding demonstrates, the need for SSR, though made obvious by the present political and security crisis, has deeper roots than General Bozizé's seizure of power by force on 15 March 2003. Indeed, this was only the latest in a series of crises. In May 2005 General Bozizé, then at the helm of the state, held competitive presidential elections which he, fairly

unsurprisingly, won. This new political framework (that is a country led not by a general following a coup, but by a president and a politically diverse parliament both duly elected) only constituted the beginning of another round of a seemingly never-ending process in search of political stability and, critically, governance of the security sector that will reduce the probability of the resumption of violent conflict. While the elections were considered relatively free and fair, they did not resolve the underlying political and security dysfunctions that beset the country because a vocal political opposition continued to deny President Bozizé the legitimacy he sought through these elections. Moreover, and more ominously, an armed opposition made up of a number of groups with a more or less identifiable political agenda and leadership (the MPRC, FDPC and UFDR⁵) continued to challenge his rule and spread insecurity in most of the northern part of the country. The regular forces, the Force Armées Centrafricaines (FACA) and the forces that formed Bozizé's partially mercenary rebel group (later to become in part the Presidential/Republican Guard and in part to join other regular forces), also carried out similarly security-sapping activities including gross human rights abuse. This only underscored the need to go beyond the initial focus on DDR that logically follows the end of armed conflicts and start thinking about the structural causes of conflict, including the set-up and functioning of the entire security system.

It would seem that General François Bozizé gained the upper hand after a successful externally backed rebellion, and did so despite a constant challenge to his regime. His power was legitimised – certainly in the eyes of the international community – by the relatively free and fair elections he held in 2005. However, repeated efforts finally to bring stability through a process of national dialogue with a heteroclitic armed and political opposition have remained rather vain even after the Political Inclusive Dialogue (PID), which was supposed to have been successfully concluded in December 2008. The deep and festering wounds of years of political violence and zero-sum politics that resulted from a series of coups, mutinies, rebellions, political and ethnic manipulation of the armed forces and mass repression made it extremely arduous for the country's élites to overcome their predicament on their own. This prompted the heavy, sustained and multiform involvement of the CAR's international partners to help address the many causes of its seemingly never-ending political instability. The CAR's other development partners, such as the World Bank, also became involved in stabilisation efforts, most of which rightly focused on security broadly construed, DDR initially as far back as the early 1990s and, more recently, SSR. The most recent manifestation of the efforts of the international community was the

workshop on security sector reform that was held in Bangui on 14–17 April 2008⁶ in collaboration with the UNDP, and the subsequent initiatives to try to implement its decisions. The latter are still ongoing.

The Regional Context

The post-2005 elections environment was made even more challenging by the fact that the CAR is surrounded by countries that were all, bar one, ravaged by active internal armed conflicts. The conflicts in Sudan and Chad naturally spilled into the northern provinces and were accompanied by vast movements of population; while to the south a vicious conflict raged in the Democratic Republic of the Congo (DRC). In the Republic of the Congo to the southwest, a low-intensity conflict prevailed and, as in other neighbouring countries, brought about the circulation of vast quantities of small arms and light weapons (SALW), which certainly did not help to create the most propitious conditions for security and stability. Belligerents in all these conflicts used the CAR's national territory freely for troop movement, supply bases and tactical retreats. Even in more peaceful Cameroon, bands of armed bandits and cattle thieves, the *Zaraguinas*, moved freely between the two countries, creating a situation of constant insecurity. More critically for SSR in the CAR, none of these countries could provide an example to follow as an illustration of how to end conflict, engage in a new era of demobilisation and successfully rein in non-state-controlled armed groups and regular forces alike.

DDR and Its Imperatives

Beginning in the early 1990s, it became evident to the international community that a DDR programme was imperative if the CAR was to reduce its instability and the tendency of its political actors to resolve their contradictions by relying on the surplus of weapons in circulation and armed groups more or less controlled by the state. This perpetual quest for stability and normalcy started in 1996 with MISAB (Mission Interafricaine de Surveillance des Accords de Bangui). Set up by the OAU (Organisation of African Unity), MISAB was aimed at monitoring the agreement struck after the 1996 mutiny against President Patassé by soldiers believed to be loyal to General Kolingba.

This was shortly followed by MINURCA (Mission des Nations Unies en République Centrafricaine) and BONUCA (Bureau de l'Organisation des Nations Unies en Centrafrique). The former was set up by the OAU in 1998

with France's financial support, with the mandate of stabilising the situation in Bangui and creating the conditions for a sustainable peace, including conducting disarmament, training operations and capacity-building. BONUCA took over from MINURCA and was tasked with consolidating peace and promoting national reconciliation. CEMAC (Communauté Économique et Monétaire de l'Afrique Centrale) sponsored FOMUC (Forces Multinationales en Centrafrique), a 350-man standing force set up in 2002 by the Economic and Monetary Community of Central Africa to secure Bangui for the peaceful resolution of tensions between then President Patassé and his opposition. These initiatives involved the dispatching of soldiers and/or considerable logistical means to monitor agreements and help stabilise a volatile situation. More recently, in 2007 the United Nations Security Council in conjunction with the European Union endorsed a multidimensional structure, including armed forces as well as civilians (known as EUFOR), to be deployed along the Chad/CAR border to prevent the effects of the Darfur crisis spreading into the country. France provided the largest contingent of EUFOR, whose mandate ended in March 2009. It was replaced by a more 'Africanised' mission, MINURCAT (the 'T' in the acronym standing for Chad). The CAR's other development partners, such as the World Bank (through the MDRP, Multi-Country Demobilization and Reintegration Program), also got involved in stabilisation efforts focused on general security but with an understandable concentration on DDR. However, what these efforts at DDR also demonstrated was the absolute need for serious, genuine efforts at security sector reform as the *sine qua non* framework. As discussed below, DDR by itself failed, in the absence of serious and comprehensive SSR, and even more so given the way that it was conducted, and showed the limits of a DDR-only strategy. While SSR is never easy in any context or environment, the political and regional contexts in addition to the socio-economic dynamics clearly indicate that the challenges faced in the CAR were particularly daunting.

The SSR Agenda: The 2008 National Seminar and Political Inclusive Dialogue

As mentioned above, while the rhetoric on SSR has been present in the CAR since at least as far back as the 2005 *Déclaration de Politique Générale* of the government, two major events have come to symbolise the seeming appropriation of the concept by many Central Africans actors. They certainly denoted a remarkably heightened awareness of the intricate relationship

between SSR and the way out of insecurity and instability, and the likelihood of socio-economic development. These two events, the national seminar on SSR held on 14–17 April 2008 and the PID held on 8–20 December 2008, have been strongly backed by the CAR's external partners, particularly the UNDP, the European Union, France and, for the PID in particular, Gabon and other members of ECCAS. The PID fulfilled the section of the Libreville Agreement⁷ that called for such a national dialogue and DDR, along with other measures aimed at creating the conditions for a crisis-ending final agreement to be hammered out during a broad-based national forum.

If the seminar on SSR is to be seen (and was considered as such in the speeches of both President Bozizé and the representative of the UNDP) as an expression of political will, and its various conclusions only as binding as the depth of the political will of the Central African government, the agreements entered into by the parties to the PID were binding politically and were considered as such. They were tantamount to clauses of a peace agreement to get over the conflict and its consequences (existence of armed combatants, proliferation of small arms and light weapons, dysfunction of state-controlled security bodies, socio-political grievances, etc.). All the major political actors of the CAR, including opposition political parties, armed groups and the former President Patassé, were present for the PID, presided over by Major Pierre Buyoya, the former president of Burundi, and also attended by the influential President Omar Bongo Ondimba of Gabon. Both the seminar and the PID were celebrated as major achievements by the CAR authorities, stakeholders and their foreign partners, and a point of departure for a post-conflict dispensation and, maybe wishfully, indications of commitment to SSR. In effect, the concept was given centre stage in the PID and also tied to many other aspects of the long-standing CAR crisis. Time constraints only allowed a very succinct discussion of the major aspects of these events as they pertain to SSR in the CAR. The chronograms for the two events supposed, and indeed invited, the involvement and monitoring of the CAR's external partners; led by the UNDP, BONUCA and the EU, these partners set up multilevel monitoring technical structures of their own,⁸ and participated in national monitoring structures set up by the CAR government to oversee the implementation of the various recommendations and decisions taken during the seminar and PID.

The Seminar

The national seminar on SSR was not the first one. However, it was certainly the most influential in commanding the attention of the CAR's political

actors because of the efforts that went into its preparation (several sensitisation events and media campaigns), its scope and the involvement of so many stakeholders (more than 150 stakeholders/participants). More importantly, this seminar had a distinctive feature: its chronogram, laboriously laid out for the implementation of the various recommendations participants made to ensure that SSR becomes a reality. In addition to the participation of all national stakeholders, the seminar saw a heavy presence of international experts in SSR and SSR champions, such as the UNDP, OECD, EU, BONUCA, etc., and was conducted on the five sound principles that are widely accepted to be at the heart of SSR: SSR as a holistic undertaking; the necessity for national ownership; the commitment of government; the necessity for democratic, including parliamentary, oversight; and the necessary role for civil society and the media in security governance. After a stocktaking of the situation and diagnosing the ills of every component of the security sector in the CAR, five pillars on which SSR is to be built along with five cross-cutting themes were identified.⁹ Finally the seminar participants set up a number of committees to examine various aspects of SSR in the CAR context, and identified a series of specific actions to be carried out in short and medium terms (two years) in accordance with a detailed chronogram/roadmap. These activities range from simple actions that necessitate little financial effort to activities that would necessitate the involvement and funding of the donor community. For example, by February 2009 the government was supposed to have distributed new uniforms to various bodies with colours that clearly distinguish them from each other, so as to end the confusion of armed men manning checkpoints without any indication as to what body of the armed forces they belong to. By June 2008 illegal checkpoints were to be dismantled, and by December 2008 a multi-year military spending bill that integrated defence and security spending was supposed to be introduced in parliament. This would be accompanied by a reactivation of its defence and security committee to take on SSR-related activities (legislation and oversight). Also part of the chronogram was that, by June 2008, the national police were supposed to have a law passed to define their status, by October detention centres were to be built to reduce impunity and by December 2008 five key legal codes were supposed to have been revised to reform the justice system. These are only a few mandates of the seminar, most of which were not met by the deadline for a variety of reasons, which are examined below. Of course, much more complex and funding-dependent recommendations were even harder to implement.

The PID

Following the seminar, a forum was held to seal peace efforts started in Libreville and finalise various efforts to end instability and achieve reconciliation. Three commissions were designated to examine the issues to be addressed by the forum; each came up with specific activities and measures to be carried out within a strict timeframe, and the entity responsible for said activities was designated. The committee on ‘the security environment and armed groups’ was made up of high-ranking members of the core security bodies and leaders of armed groups, and proceeded to hear testimonies by members of the leadership of these bodies. The committee was further divided into two sub-committees on ‘security environment’ and ‘armed groups’, to examine these issues before coming back together and adopting 12 recommendations, most of which, not coincidentally and the very first one specifically, referred to the SSR chronogram or roadmap as adopted at the seminar. The recommendations included, among others, ‘immediately’ carrying out DDR according to the modalities agreed to in the Libreville Agreement, starting with the cantonment of ex-combatants in designated areas, the ‘restructuring of the army’, adoption of a multi-year programme for military spending and carrying out a campaign to sensitise the population about the topics tackled by the PID. As was the case in the seminar, the PID was clearly identified with SSR as an indispensable avenue to address the country’s predicament, and it laid out specific, time-bound measures and designated the particular actors responsible for achieving them. In most cases this was the government, with the international community. Some of these activities required funding that the government was unable to achieve on its own. However, in many instances, just as was the case for the seminar chronogram/roadmap, such an argument was invalid.

The Dynamics and Actors of SSR

As mentioned earlier, SSR as a concept and strategy in governance was introduced in the CAR political discourse after the 2003 coup, with the express aim of enticing the country’s development partners to give the new regime the benefit of the doubt and provide much-needed assistance. Given the fact that by that point the discourse on SSR was encroaching on the typical post-conflict DDR discourse, this was a resourceful initiative. It could only impress the international community, and indeed it did. Soon the

CAR's main aid donors, particularly the UNDP and the EU, duly started to remind the government of its own promise to reform the security sector. The attitude and perceptions of actors and interested parties in SSR in the CAR were, of course, influenced by the need to be (or at least to appear to be) responsive to the expectations of donors. The approaches and actions were informed by the various institutional, political and personal agendas of these actors, but also by their own understanding of SSR. As explained below, while these understandings are as varied as the national stakeholders (institutions as well as individuals) for the executive branch as a whole, SSR did not mean doing anything that would actually jeopardise political power or control over the main pillars of the security sector.

The Executive Branch

The main national actors are the executive branch, in fact President Bozizé and his selected circle, a tepid National Assembly dominated by the president's party, the opposition (so-called armed or political) and an energetic but often dismissed civil society. Starting in 2003 and increasingly so, since the various efforts make it a major theme in the political discourse, SSR has essentially been perceived as a potentially useful concept by President Bozizé (who is also minister of defence) and his inner circle of trusted collaborators in security matters, chief among them being his son Francis Bozizé, also assistant minister for national defence, veterans, war victims, disarmament and army restructuring. That is, SSR is accepted as a necessity given the unsatisfactory, indeed dysfunctional, state of the security apparatus, but only if it can be used to consolidate freshly acquired power. It could be used to carry out a controlled overhaul of that security apparatus, but only to the extent that it does not upset the status quo to too great an extent or destabilise the regime to the point that control over the security apparatus (and thus political power) may be put in jeopardy. Given the long praetorian history of the country and the tendency of members of the security forces to mutiny and show little allegiance to the 'state', care is of course taken to ensure that strategic positions are manned by trusted officers. These and the other executive branch members broadly connected to security by virtue of having been selected (on the basis of their sharing a common ethnicity and political interests), and thus trusted by the head of state, of course adhered to this basic conception of SSR when exposed to it. This does not necessarily imply a collusion or sordid conspiracy, but it is evident that an SSR that would lead to a redistribution of cards and a certain

diffusion of power in the management of security (as in essence it should, by the most common conception of SSR) was not purposefully envisioned.

For all these actors, though, this does imply, given the attachment of development and funding partners to the concept, going as far as possible to accommodate these donors (and do good by a security apparatus they know to be in shambles). However, this must be done only to the extent that it does not entail risking loss of control (including control over less than transparent or efficient management), or alienating key actors/constituents in a fundamentally insecure regime since its rise to power in March 2003, and even more so since its reconfiguration after the May 2005 elections. That reconfiguration and the political and security landscape in the wake of the elections also affected the prospects for SSR. In addition to the political opposition that continued to question the legitimacy of the regime, a number of armed groups continued fighting with the aim of toppling Bozizé's regime or at least denying him the legitimacy he thought that he had earned through the ballot. Some of these armed groups have already been briefly mentioned above. No initiative, not even a genuine one, aimed at stabilising the security situation (through DDR) and seriously restructuring the security system could be considered by these groups as legitimate. Assuming they understood the concept, SSR as envisioned by Bozizé's regime was bound to be greeted with a level of suspicion by both the political opposition and the armed opposition, without this necessarily implying coordination. Until the national seminar on SSR in April 2008, and possibly even after, the attitudes of the opposition towards SSR were not conducive to achieving a grand consensus on the way forward after the 2005 elections that were considered a propitious starting point for an overhaul of the Central Africa state as a whole, and certainly in the area of security.

The Parliament

Consistent with a long-standing stance of a parliament historically eager to defer to the executive branch, for the legislative branch, SSR has been considered as the 'business' of the presidency. In francophone Africa constitutions typically stipulate that parliaments exercise the power to legislate and control the action of government in a number of areas, including defence and security. In theory, members of government in charge of security are supposed to be constitutionally required to answer written or oral questions put to them by parliamentarians. In practice, however, thanks to decades of single-party rule and the concentration of power in an overbearing presidency, there is a solid tradition of excessive deference to

the executive. The fact that President Bozizé is also an army general, that his rank in the army is always officially referred to and that he kept the portfolio of the Ministry of Defence only tended to reinforce this disposition in most members of the legislative branch. After the 2005 elections, an overwhelming majority of parliamentarians were either members of the president's party or belong to the 'presidential majority'. This political reality also ensured that, as an institution, the parliament was never prepared to demand its rightful place in SSR or even to play a meaningful and effective role in pushing for SSR and overcoming resistance to it. It is true that members of parliament were not particularly prepared to meet their oversight and legislative mission in security and defence matters. These were typically only exercised in the most generic terms in more or less complacent queries put to ministers over normal budgetary issues.¹⁰

Nevertheless, a few members of parliament, particularly those whose electoral districts are in the north or have been affected by insecurity, have valiantly tried to push for more sensitivity of government officials to the plight of their constituencies, including requesting significant changes in the management of security at the lower levels. Until SSR became a more prominent theme in the national discourse, it was not necessarily known or well understood in terms of its components and implications. In general, as a pivotal branch of any (democratic) government, the National Assembly was 'left out in the cold' when it came to security issues despite its constitutional powers, and it does not seem to have been brought in lately, as this author found out recently, despite the fact that the national seminar on SSR in essence recommended that this be done. A conversation with a member of parliament who usually deals with security issues and whose district lay in the north of the country still affected by insecurity made evident the sense of exclusion they continue to feel. This status of the legislative branch is certainly important in understanding the fate of SSR in the CAR, just as are the role and status of other important actors that also seem to have been reserved a similar fate: civil society and the judiciary.

Civil Society

The CAR's civil society is made up of typically urban-based non-governmental organisations that see their objective as the promotion of human rights and the defence of civil and constitutional rights, particularly the right to security. Civil society in the CAR is robust, active, involved in the various efforts to address the country's problems and has recognised the need for SSR as a critical objective in these efforts. It is invariably

associated with human rights, religion-based, women's, victims' and other professional (media) organisations. The Ambassade Chretienne, the Organisation des Femmes Centrafricaines, the Association des Femmes Juristes and the Réseau des Organisations des Droits de l'Homme are examples of active civil society organisations (CSOs) with a major presence on the ground and involvement in SSR efforts.

Sessions were devoted to the role of CSOs during the national seminar, and their leaders chaired or were rapporteurs of some of these sessions. These organisations are usually well informed about SSR and appreciate the importance of their role, as well as being eager to be involved and play that role. They are also well aware of the difficulties that genuine SSR will encounter in the CAR context. Given the experience of their constituencies (typically made up of citizens who have been victimised by security forces), and the record of the security sector in the country, whether or not CSOs fully understood the concept of SSR, they found the notion of bringing more accountability and transparency to the manner in which the security sector would be managed appealing. They also appreciated the possibility of involving actors other than just state actors (whether in uniform or not) in this management. Because of the hopes the SSR discourse aroused, many CSO leaders repeatedly complained to this author about the fact that they are systematically excluded from decision-making organs and that their involvement is often token and aimed at creating the impression of inclusiveness for the consumption of the country's international partners. Women's groups, in particular, have complained bitterly about the sexist attitudes that are held by influential male national actors (civilians as well as those in uniform), which does not bode well for the important gender dimension that any SSR must have. In individual conversations and focus group discussions that the author of this chapter held with civil society groups, in addition to sexism, participants consistently raised the issues of the continued impunity of perpetrators of human rights abuses, the continued neglect of victims of past violations and their continued exclusion from real decision-making structures and processes. So far, civil society's perception of the SSR could be described as one of high expectations that are yet to be fulfilled, disillusion and frustration at not being able to play fully its role in SSR implementation. Added to the very limited role of the National Assembly in SSR, this general attitude suggests that a critical aspect of the endeavour – local ownership – does not appear to have been obtained in the CAR. And, of course, this only adds to the multiple challenges the environment already entails. One of these challenges is of course the state of the judiciary.

The Judicial System

No SSR can succeed without the reform of the judicial system as one of its cornerstones, if only because of the generalised sense that ‘anything goes’ and there is ‘no justice’ in the country because the most egregious ‘crimes go unpunished’, as one invariably hears from interlocutors. This situation was acknowledged by the committee in charge of ‘Justice and penitential administration’ during the national seminar on SSR. Back in October 2007, a national stocktaking of the judiciary (*États Généraux de la Justice*) was carried out in Bangui, and provided an opportunity to shed a bright light on the judicial system, its dysfunctions and potential ways to address them. The national seminar on SSR also staged a session in which the importance of the judiciary, including the prison system, in SSR was highlighted. As in many other countries, the lack of adequate material equipment, poor training, insufficient personnel and more importantly the strong perception of the lack of equity and justice because of corruption and lack of independence of judges and prosecutors were identified as the main challenges. Several months after the seminar, despite programmes funded by the UNDP and Belgium to rehabilitate certain courthouses in the countryside and provide some basic training to help women in particular have better access to justice, not much has been done to transform the judiciary and its mode of functioning decisively. The absence of adequate financial resources is, in reality, only partially to blame. The incredibly weak capacity of the state and the inability of the various committees and taskforces put in place at the conclusion of the national seminar on SSR to sustain the few limited initiatives taken to reform aspects of the justice system are more to blame, along with the systematic diversion for other purposes of the few resources earmarked for reform.

The International Community

Finally, taking stock of SSR in the CAR requires examining the various efforts, activities and roles of the country’s international partners taken collectively, as it is clear that without them there would most likely be no SSR at all. While these states and international organisations do indeed play varied and more or less central roles, for the purposes of this chapter it is sufficient to examine the role that the CAR’s development partners played and only to refer to them individually as warranted, instead of reviewing every single actor separately and extensively. As already stated, the

introduction of the concept as currently understood stemmed from the strong desire of the regime that followed the 15 March 2003 coup to enlist the indispensable support of development partners to kick-start a socio-economic stabilisation programme in a country devastated by years of instability and insecurity. This was done with the understanding that a massive financial influx would be needed, but also that most development partners had already signed up to SSR as a critical requirement of any way out for post-conflict states, and this most definitely included the CAR, given its antecedents. It can be said with certainty that among the CAR's international partners, the UNDP has played a central role.

The UN System

Through the UNDP and BONUCA, the UN system has been a major player in the efforts to improve the management of the security sector in the CAR. Not only did the UNDP push for relevant national actors to embrace SSR, but it also lobbied strongly and sponsored the one event that has helped anchor SSR firmly in the political/security discourse on national development, the seminar on SSR held in mid-April 2008. The UNDP was also deeply involved in DDR efforts in the country between 2004 and 2007 through its management of the DDR programme PRAC (Programme de Reinsertion des ex-combatants et d'Appui aux Communautés). Another actor of the UN system with a long-standing role in SSR is BONUCA. As part of its mandate, BONUCA implemented a programme (the training of police to sensitise them to the idea of respecting of human rights being part and parcel of their duties and obligations) that was supposed to be part of SSR. In the same vein, the head of the office, the special representative of the UN Secretary-General, through close contacts with the highest authorities in the government continued to push SSR as part of efforts to foster a continuous national dialogue. BONUCA and, even more so, the UNDP have been designated as the focal agencies for ongoing efforts since the national seminar. Other international partners of the CAR in DDR/SSR matters defer to them. As mentioned earlier, there has been a flurry of efforts to keep the momentum of the national seminar on SSR and the PID. By early 2009 the efforts to start the implementation of the roadmap of the national seminar and, even more critically, the agreements that the various protagonists in the CAR political and security crisis reached after the December 2008 PID started to unravel. The detailed roadmap to implement specific agreed SSR-related measures, and more dispiritingly even the most resource-neutral and symbolic of these, were not enacted by deadline, casting a legitimate doubt

over the sincerity of the commitment on the part of the CAR authorities to carry out meaningful SSR (and even DDR). With the breakdown of the PID agreements in February 2009, the few efforts to implement the PID decisions, including those germane to SSR (multilevel monitoring and evaluation committee, implementation of cease-fire, cantonment of ex-combatants, etc.), will be even more difficult to carry on.

The World Bank

Another actor that also played a role in bringing SSR to the forefront of the CAR's search for solutions to its predicament was the World Bank.¹¹ This institution, through the Multi-Country Demobilization and Reintegration Program (MDRP), sponsored a national DDR programme that ran between 2004 and 2007. In its attempt at taking stock of the outcomes of this programme through a multidisciplinary team, though it had not as an institution signed on to SSR efforts that were envisaged starting with the 2005 *Déclaration de Politique Générale* issued by Bozizé after his election, the World Bank sponsored a less publicised national seminar on SSR in August 2006 to call attention to the necessity for a national commitment, at the highest level of the state, to this concept. The 2006 seminar, at which the author of this chapter was one of the main facilitators, did start a dialogue about SSR at the highest level of the state and included most stakeholders. The World Bank subsequently receded into the background even as the UNDP, BONUCA, France and, to a much lesser extent, South Africa and Belgium got more involved in steering the international community's efforts to achieve progress in SSR in the CAR.

France

Besides these actors, France, as a major player and by virtue of its historical ties and continued security agreements with the CAR government, has also played a significant role in security sector reform efforts. However, it must be emphasised that France itself did not come on board on SSR as a concept and an important component of its dealings with its (African) partners until very recently. This must have had an impact on its prior appreciation of and activities in the security situation of the CAR. Immediately after the 2003 change of regime (which it tacitly welcomed), France undertook to help rescue the gendarmerie, an important component of the security apparatus of the CAR. While this was not in the context of a comprehensive overhaul of this body, and much less a comprehensive SSR,¹² France's intervention was

quite salutary as it salvaged from possible breakdown the only viable security institution that remained given the sorry state of the FACA and the national police among other core institutions. Again, what France did to the gendarmerie (retraining, technical assistance, equipment, etc.), commendable as it was, and its other notable efforts (technical and financial) to help the CAR rebuild its security infrastructure were more of a restructuring and assistance in the old security framework than the SSR it was yet to embrace as a concept. It was only in October 2008 that France issued its policy paper on SSR, titled 'Security Sector Reform: France's Approach',¹³ which embraced the concept as commonly conceptualised and commits France to carrying it out wherever necessary. France also helped push the concept in organisations such as the OIF (Organisation Internationale de la Francophonie). France seems to remain more invested in and attentive to the stability of the current regime and its own broader (regional, strategic) security concerns and objectives than in pushing hard for the faithful implementation of SSR in the CAR. This could be presumed in its less than enthusiastic welcome of South Africa's involvement, at the invitation of the CAR, in contributing to military training and equipment, including the building of barracks to house a battalion of the FACA in the north of the country. It should be noted that China also contributed to the renovation of some military barracks in the north of the CAR.

The European Union

The European Union has been another actor in these efforts. While the EU is an important financial actor, it has often deferred to France because of its historical ties in the CAR and its long-standing involvement in security matters. Given its experience in various failed reform efforts in a number of non-security-related sectors, and other evidence of the difficulties involved in attaining tangible results, the EU has grown disillusioned about the prospects for SSR in the CAR. While participating in the various post-national seminar and PID efforts invoked above, the EU, for example, has been hesitant to commit to financial help in support for the implementation of some of these decisions. One reason for this was the failure of the CAR to take some necessary and resource-neutral decisions that were part of the implementation timetable of the national seminar on SSR and PID. The EU interlocutors of the author of this chapter have pointed to the fact that the government of the CAR made, for example, no notable effort to start the procedures for the census of ex-combatants in early January 2009 on time or to dismantle illegal checkpoints. This may have led the EU to refuse to

commit financial resources that could have helped fund DDR and possibly salvage the PID process, which has now ended with the resumption of violence in the north. It is therefore evident that, given the role and attitude of the CAR's international partners, SSR was indeed being attempted in a particularly challenging environment. Just how this was attempted in a few security institutions is examined next.

SSR in Practice: Potential and Constraints

As suggested in the preceding sections, while all the security and political circumstances of the CAR indicate its urgency, SSR generally and in the main bodies of the security apparatus in particular was never going to be easy. And sure enough, despite a long period of intense rhetoric (even a certain willingness to go beyond just talking about it), it cannot be said that there have really been any substantive inroads in the implementation phase of SSR. This is due to a multitude of reasons, with the post-2005 regime's political and security configuration and its continued dependence on security forces being the most important. Other reasons also have to do with the near complete dependence on donors' assistance in SSR, and the sheer difficulty of breaking free of the accumulated legacies of the security sector in the former French colonies. An illustration of the difficulties inherent in these hurdles can be found in the tepid efforts at reforming the FACA, the gendarmerie, the police, the intelligence agencies and the Presidential (or Republican) Guard. An examination of the largely failed SSR efforts in these agencies sufficiently illustrates the challenges faced, as well as giving an idea of how SSR fared in other areas in the security sector. This examination will have to start with the FACA, a key institution of the state, and one that has proven difficult to transform into the apolitical, professional force it ceased to be a long time ago.

The FACA

In 2003 and thereafter, to reform the FACA¹⁴ meant, first and foremost, overhauling an ageing 5,000-man army that was fragmented, already stigmatised by and prone to human rights abuse (such as killing rampages, organised rackets etc.), poorly equipped and utterly lacking in discipline. An indication of the dysfunction was that soldiers saluted (or not) officers, including top-ranking officers, according to the faction or ethnicity that they were perceived to belong to.¹⁵ To help carry out his coup or rebellion, in

addition to a group of members of the FACA who had remained loyal to him (and other not enlisted Central African citizens), General Boizizé had recruited foreign elements, mainly Chadian. These groups were referred to as *libérateurs* (liberators). Victory had therefore meant keeping his various promises to these groups (in terms of monetary compensation, appointments and promotion in the security apparatus) while respecting some basic practices (such as discipline, respect for the hierarchy) in any army so as not to alienate the bulk of the FACA who had swiftly joined his camp when victory was won. Another line of fracture was along ethnic divisions, given the antecedent ethnic manipulation of the army by all previous regimes. Reforming such an army clearly was not an easy task given the suspicions of some and the high expectations, even assertive sense of entitlement, of others (including various officers to be placated). These various sentiments and expectations added to President Boizizé's main concern (the need to keep power and not do anything that could jeopardise that aim). The not necessarily overlapping agendas and calculations of his close circle of advisers, long-time companions and family members compounded the challenge of carrying out a far-reaching SSR. It should be added that, schooled as they are in a certain conception of their role in society, self-image and relations to coercive power, the mindset of the FACA officer corps and troops (shared with the typical post-colonial army in francophone Africa) is not likely to be predisposed to accept change, any change, easily, much less the complete overhaul that SSR implies. In effect, for them genuine SSR in the CAR meant the loss of complete control over anything related to defence and security and accepting the scrutiny and oversight of civilians, and more accountability, particularly in the context of continued challenge by armed groups.

It was therefore predictable, given the sum of challenges already mentioned, that change would have been particularly hard to achieve, most definitely without the determination of the commander in chief to force that change. Without the president being determined in terms of political will, it would be rather risky for any other officer in the FACA to emerge as a driving force for SSR. This would certainly be interpreted in this context as acting at cross-purposes with the 'boss'. It is also true that the margin of manoeuvre for the Boizizé regime, with himself being particularly security conscious, was especially narrow because of the accumulated years of salary arrears. There simply were not enough financial resources, for example, to demobilise/decommission the hundreds of aged (or AIDS-infected) troops. Possibly more importantly, there were no resources to entice financially those who needed to be persuaded to support reforms, singularly when these

reforms would, for many of them, also mean the loss of employment and of status in the FACA. Similar dynamics apply to the national police.

The National Police

The national police are under the authority of the Ministry of the Interior in Charge of Public Safety. The national police, particularly affected by a series of mutinies by FACA soldiers targeting police stations and the looting of their armouries, were in the end victims of active neglect in their overall standing and welfare. The police have, in effect, been the stepchild of SSR. Profoundly demoralised by their predicament, they too were saddled by a number of aged personnel with years of accumulated salary arrears and no pension scheme, with a presence mainly in Bangui and without noteworthy equipment. As any of the main pillars of the security sector, they are in dire need of a reform of their status, structure, procedures, image and relations with the population before they can become a well-functioning service in a democracy. One of the most striking characteristics of the national police is that they only number 1,350 for a population of 4 million, compared to 20 years ago, for example, when there were more than twice as many. Even with the recent creation of a municipal police there do not appear to be enough policemen and women to meet the needs of a population victimised by crime and the widespread availability of weapons. Another characteristic also decried by the relevant commission during the national seminar on SSR was the widespread practice of human rights abuses by the police and equally prevalent corruption, both of which led to the particularly poor image that the population has of the police (and, indeed, the police of themselves).

Various efforts at training and increasing equipment were carried out by France to improve this situation. Similarly, the UNDP through its 'rule of law' programme and the EU through its justice reform programme have been carrying out various programmes to rehabilitate some police stations in the countryside as well as in the capital, Bangui, and to provide basic equipment. In spite of the recommendations of the seminar and the truly desperate situation in which the police find themselves, the predicament of the national police has not seen any notable change. They are still characterised by an inverted pyramid of hierarchy with many more officers than policemen, months of salary arrears, many ageing or sick personnel and very poor morale and self-image. It must be said that if for the FACA and the Presidential Guard, for example, the stakes in a reform can be high, this cannot be said of the reform of the police. The predicament described is due

in large part to the sheer complexity of the legacy of mismanagement that led to an utterly desperate situation and the seeming intractability of the dysfunction of this body. These predicaments are always highlighted when they are compared to the paramilitary body with similar functions, the gendarmerie.

The Gendarmerie

Thanks in large part to the role of France, which took on the task of providing some training and equipment even before SSR was formally embraced as a framework, the gendarmerie overall fared better than both the FACA and the national police. The gendarmerie has a presence throughout the country. However, if the gendarmerie suffers from some of the same weaknesses as the FACA, i.e. ethnic recruitment, limited number of commanding officers, ageing personnel and lack of equipment, this paramilitary body presents far fewer dysfunctions. Even lacking the thorough transformation that SSR implies to some extent, it seems to have a markedly higher sense of professionalism. Nevertheless, awareness within the command structure of the concept of democratic oversight of the armed forces in general, and of the gendarmerie in particular, seems low. In contrast to the FACA, however, there appears to be openness to more formal and sustained institutional and personal relations with the National Assembly's Defence and Security Commission and with civil society elements. There also seem to be an above-average awareness of the human rights dimension of the duties of the armed forces, and the gendarmerie in particular. This is encouraging given the critical role a force like the gendarmerie can be made to play in security sector governance. This is not to say that the residues of past practices do not still linger, or to downplay the fact that much remains to be done. Indeed, the competent commission of the national seminar on SSR highlighted the many areas where reforms need to be engaged in. The gendarmerie remains an island of sorts in the overall security architecture of the CAR, because of its more professional outlook, its presence throughout the national territory, its post-conflict restructuring by France and its better equipment. This certainly is the case when contrasted with the Republican (or Presidential) Guard, traditionally the praetorian guard of the successive regimes and still the most important security pillar of the Bozizé regime.

The Presidential (or Republican) Guard

This force of about 1,200 men is supposed to be part of the FACA, but in practice comes under the direct authority of the sitting head of state through a highly trusted senior officer. It has already experienced an attempt by the previous president to give it a more 'republican' feel. In reality, this attempt at reform under President Patassé turned into another exercise in building a loyal, typically ethnically based, militia. After the 2003 change of regime, an important contingent of the 'liberators' (also so-called 'patriots') came to make up this force, and its ethnic character soon reflected that of the head of state, continuing an established tradition. These features did not change after the 2005 elections. Many members of this body were accused of severe violations of human rights, such as extra-judicial killings, rapes, rampaging, ransoming of motorists, etc. These criminal acts have gone unpunished because of the 'debt' the head of state is supposed to owe the 'liberators'. It goes without saying that without a very strong will on the part of the head of state to turn the page on these practices, and in particular to showcase that impunity is not part of the 'deal', a reform of this critical body of the security sector will remain wishful thinking. The Presidential Guard perhaps better than any other security body illustrates the difficulty of SSR in environments such as the CAR. It exemplifies the difficulty of reconciling a definition of SSR that needs and wants to ignore the necessity of overcoming this symbol of personalised security and the exigency of 'democratising' the security of the head of state. The latter notion will require that such a body is not an 'exception' (i.e. allowed to remain under tight, usually ethnic, control and dependent directly on the sitting head of state in person) in the security architecture of the state.

Intelligence Services

Another significant state security agency still in dire need of reform is the intelligence services. As elsewhere, intelligence in the CAR is made up of military intelligence dependent on the FACA's (and gendarmerie's) Second Bureaus, and civilian intelligence. The relevant committee of the national seminar on SSR identified it as a key area, and of course to date the recommendations to achieve reform do not seem to have been implemented. Plagued by a legacy of being conceived by all as the political instrument of the head of state to maintain his regime, ensure his personal safety and punish his enemies, the intelligence services of the CAR are concentrated at the presidency. They are ill-equipped, poorly trained, have an insufficient

number of agents to carry out their normal duties and see their mission in the traditional terms above. 'Reform' in the minds of those interviewed is conceptualised only in terms of acquiring better equipment and financial resources to enable them to carry out the same mission 'better'. There seems to be a deep-seated, inherent difficulty in separating out the political opposition to the regime of the day from those who are intent on harming the interests of the country or pose a security threat to the state or its citizens. A 'professionalisation' of intelligence services will have to impress on the individuals who staff them that it is possible to make that difference objectively and carry out an apolitical mission that is also overseen by others (the parliament, specifically) without compromising confidentiality or methods.

The security sector of the CAR extends to other bodies, paramilitary or not. They include the customs, the environment protection agency (Service des Eaux et Forêts) in charge of the protection of wildlife and the environment, border guards, the (rapidly growing in numbers) private security companies, etc. These services are vital to ensuring the security, broadly defined, of the country, and are, like the core bodies discussed above, in serious need of reform. Those reviewed above and the challenges they presented for those who purported – let's presume they did – to carry out SSR will suffice to establish that the Central African Republic has, indeed, been a most challenging environment for reforms.

Conclusions and Recommendations

The absolute necessity to address urgently the dismal security situation of the country after the change of regime in 2003 and the subsequent elections in 2005 offered what was clearly a hopeful opportunity to carry out SSR in the CAR. As was theorised, such situations, when judiciously capitalised upon, may well offer the very best opportunity to break away from an unsatisfactory status quo.¹⁶ The preceding analysis demonstrates that in the end, given the rather meagre outcomes, it is hard to avoid the conclusion that no serious efforts at genuine SSR were carried out despite the unquestionably heightened awareness of the concept and its being embraced by all actors as a *sine qua non* condition of political stability and security for the state and the average citizen in the CAR. It is therefore no wonder that the promising, although limited, progress achieved by the December 2008 PID and the very important April 2008 national seminar on SSR seems to have unravelled, with the resumption of armed violence and horrendous

human rights violations in the north starting in February 2009.¹⁷ While this may well have been the outcome of broader political dynamics, the failure to implement SSR is without a doubt responsible for this development. The efforts to jump-start far-reaching reforms have remained in vain, and have left a strong malaise and a feeling that nothing will ever come from this flurry of activities to bring stability at long last. This malaise and cynicism must be dissipated. How the national stakeholders and their partners in the international community have approached SSR in the CAR suggests that there is still much room for improvement. While state capabilities remain admittedly very limited, at the highest level of the executive branch there is a disturbing tendency to continue to view SSR in its most minimalist meaning, which certainly does not include a genuine redistribution of power in the security area. As a consequence, at lower levels no efforts are made to implement even the most modest reforms.

Among the CAR's partners there is a growing sense that their efforts are not being rewarded even when they have made concerted attempts to provide funding and put in place monitoring and evaluation structures and mechanisms to accompany and sustain reforms. Several lessons can be drawn from this experience to inform recommendations on what could help the actual implementation of SSR in the CAR. At this juncture, and in light of what seem to be the shortcomings responsible for the lack of results, the focus must remain at the macro level of reform in order to get the framework and the overarching features right. More sector- and issue-specific and tactical measures can then be envisaged and will have a better chance of being implemented. Back in 2006, the author of this chapter suggested that the failure to make headway in SSR was due, in part, to the persistent confusion over what 'reform' fundamentally means and what the inclusion and empowerment of previously excluded stakeholders actually entail. This lack of clarity ranges from the executive branch and top-level members of the armed forces to parliamentarians, members of civil society and other stakeholders. As part of reform efforts, the respective roles and responsibilities of the various actors involved in the country's security sector must be clarified through legislation that emphasises democratic oversight and transparency.¹⁸

Any attempt to reset SSR implementation efforts will need to address this confusion and the related willingness to carry out a watered-down SSR, certainly in the most sensitive security bodies. However, it must be emphasised that while this confusion persists despite efforts to reconcile the main actors in the executive branch in particular with accepting the implications of a genuine SSR, it does not, by itself, explain the very limited

results of SSR attempts in the CAR. Indeed, as the analysis above also argues, for critical actors the more or less clear realisation that SSR may very well introduce dynamics that may not be easy to control also accounts for these outcomes.

This only highlights the complexity of the SSR enterprise and the dynamic nature and multiplicity of factors that could explain continued sub-optimum outcomes and setbacks. The sensitisation campaign that preceded the national seminar needs to be intensified, and SSR and its implications for governance explained better to all. This means that the international community must continue to carry out a combination of didactic initiatives to dissipate this confusion even while pressure is applied to enlist or strengthen commitment to genuine SSR. Any recommendation aiming at giving SSR a chance in the CAR must incorporate the fact that the country is heavily dependent on the financial and political backing of its international partners, and that it is very vulnerable to concerted and determined pressure to get its government to commit to and more importantly to carry out certain policies. It is already clear that in many areas reform, however benign, will have to be funded by international partners, which gives them important leverage. Bearing that in mind, a number of measures must be taken.

- Impress on the president and the executive branch in general that SSR is not simply a technical concept involving a ‘restructuring’ of the armed forces, but an eminently political process that implies a ‘real’ redistribution of power to other actors than just the executive and formal security forces in the management of security for all, and from its definition to monitoring and evaluation activities.
- Immediately create a legal framework by enacting a comprehensive/ omnibus law, with parliament, civil society and international partners playing a critical role in framing and determining the fundamentals and prescriptive aspects of such a ‘national security sector reform’ act.
- Create as part of the law mentioned above a ministry of state for ‘Security Sector Reform, Rehabilitation of Former Combatants’ and appoint a civilian, independent-minded advocate of SSR as minister. Her/his mission must be clearly spelled out, with strict, timetabled ‘deliverables’ and regular reports to parliament and the CAR’s international partners. This implies, of course, the voluntary delegation of important aspects of the constitutional powers of the president, in particular that of retaining the constitutionally dubious right to remain minister of defence. This ministry’s portfolio would only include ‘core’ security sector agencies, the FACA, gendarmerie,

national police and Presidential Guard; over time, when major reforms have become irreversible, other institutional changes will be required.

- One of the first tasks of this minister will be to conduct a national defence and security review that is inclusive.
- Revitalise and reconfigure (to include members of parliament in charge of defence and security, and civil society, for example) the defence- and security-related Conseil Supérieur de la Défense Nationale, an organ supposed to conceptualise and monitor government-wide security-related issues. This critical organ has been dormant in the main. This high-level council should liaise closely with a coordination committee made up of the CAR's international partners to steer critical aspects of SSR.

It is only once the framework of SSR is deemed to be 'right' that this important endeavour can be carried out properly. Only then can sector-specific strategies be flushed out, including how to proceed, financial conditions allowed, with an overhaul of the FACA, the Presidential Guard and the national police in particular, and their right-sizing, depoliticisation and non-ethnic recruiting. These, among other measures, will be much more achievable when the conceptual, legal and political frameworks for SSR have been corrected at the highest level.

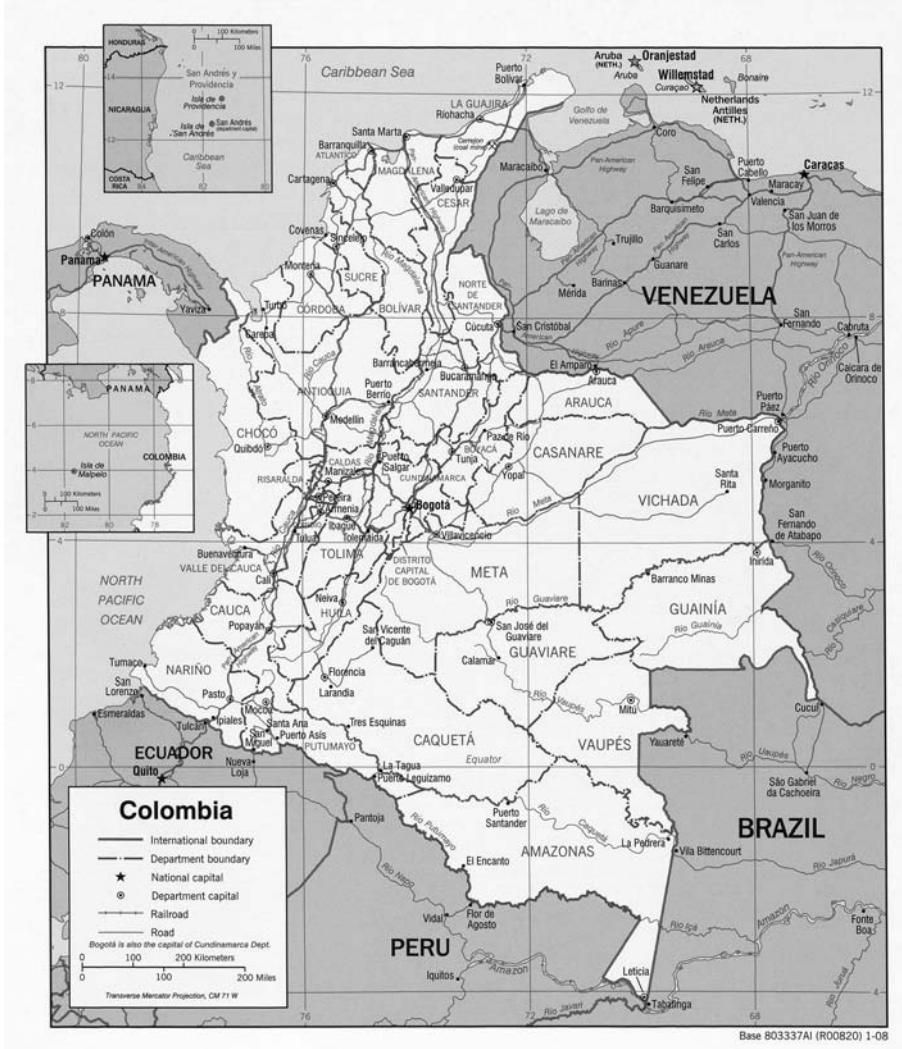
Notes

- ¹ In completing this study the author has relied heavily on knowledge and insights gained while carrying out field research in 2006 and 2009. During this time he met and interviewed a large number of stakeholders in SSR in the CAR as well as individuals and experts involved (at various levels) in efforts to bring about changes in the security set-up of the CAR.
- ² Dominique Bangoura, 'Réformes ou... refondation des armées africaines?', paper presented at Interactive Workshop on Francophone Defence Committees Needs Assessment, Lomé, 23–24 August 2008.
- ³ The operative definition of security sector reform (SSR) used in this chapter is based on the OECD/DAC's definition of 'security system reform', which describes '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 thus contributes to a well-functioning security framework'. OECD, *Security System Reform and Governance*, DAC Guidelines and Reference Series (Paris: OECD, 2005): 20.
- ⁴ For a brief presentation of actors and dynamics, see United Nations Development Program, *Crucial Steps: Security Sector Reform in CAR* (Bangui: UNDP, 2008).

- ⁵ These acronyms stand for MPRC (Mouvement Patriotique pour la Restauration de la Centrafrique); FDPC (Front Démocratique du Peuple Centrafricain); and UFDR (Union des Forces Démocratiques pour le Rassemblement).
- ⁶ See Rapport Final du Comité Préparatoire du Séminaire National sur la Réforme du Secteur de la Sécurité en République Centrafricaine (Bangui, 2008).
- ⁷ Remarkably, this agreement does not mention SSR. This only indicates the prominent place the concept acquired in a short period of time among armed groups.
- ⁸ See, for example, European Commission/UNDP, *Termes de Référence pour la mise en place d'une équipe multidisciplinaire en charge d'appuyer le processus de réforme du secteur de la sécurité en République Centrafricaine*, 2008. It is accompanied by a chronogram for the implementation of various programmes to support the recommendations and decisions of the seminar and PID.
- ⁹ According to the national seminar's final report, the pillars are defence (the FACA and gendarmerie), national police and other paramilitary forces, judicial and penal administrations, economic, financial and political governance, and intelligence services. The cross-cutting themes are:
- the democratic control of the security sector (role of parliament)
 - governance of the security sector (transparency and accountability of armed forces)
 - role of the media, civil society and gender
 - links between DDR and SSR
 - stemming the proliferation of SALW
 - the presence of foreign fighters on the national territory.
- ¹⁰ It should be noted that even generic questions regarding any aspect of defence and related issues cannot be addressed to the minister of defence, who, as president of the republic, is not subject to parliamentary oversight. This raises separate but pertinent constitutional concerns, since according to the constitution the president is not subject to parliamentary control. In an attempt to deflect this constitutional conundrum, President Bozizé appointed his son minister in charge of defence and related issues.
- ¹¹ For information about the outcome of these efforts, see Boubacar N'Diaye, 'Beyond Demobilization: Challenges and Opportunities for Security Sector Reform in the CAR', MDRP Working Paper Series, no. 2, Washington, May 2007.
- ¹² For an analysis of the evolution of the frameworks of the security relations between France and its former colonies, see Boubacar N'Diaye, 'Francophone Africa and Security Sector Transformation: Plus Ça Change...', *African Security Review* 2, no. 1 (2009): 1–29.
- ¹³ Ministry of External Relations, 'Security Sector Reform: France's Approach' (Paris: Ministry of External Relations, 2008).
- ¹⁴ This section has benefited from frequent conversations with Dr Niagale Bagayoko and consultation of her excellent study on the dynamics of the FACA in the context of the need for SSR in the CAR. See Niagale Bagayoko, 'The Central African Republic Security Sector: Actors and Structures' (unpublished report, 2008).
- ¹⁵ A high-ranking officer shared this information with the author during a conversation in August 2006.
- ¹⁶ This is the concept of 'positive opportunism' posited in Alan Bryden, Boubacar N'Diaye and Funmi Oloisakin, 'Security Sector Governance in West Africa: Turning Principles to Practice', DCAF Policy Paper, no. 8, November 2005: 11.

¹⁷ Combat between rebels who had adhered to the DDR process and the FACA in the north has resumed and reports indicate that civilians were victims of massacres in combat areas, allegedly by members of the FACA.

¹⁸ N'Diaye, note 11 above: 30.



Chapter 3

Limited Security Sector Reform in Colombia

Wolf Grabendorff

Introduction

Colombia is the only South American country that is experiencing an ongoing internal conflict and has a very specific security policy aimed at achieving permanent state control over the entire territory of the country as well as ending the production and trafficking of drugs. The Colombian military and police forces (the second largest in the region after Brazil) spend 3.5 per cent of the country's gross domestic product (GDP) and define their respective missions very differently from the way that security organisations in post-conflict societies do. Indeed, it is by no means clear whether the concept of security sector reform (SSR) is at all applicable to the Colombian case or how such reforms should be implemented and their 'success' could be measured, since the concept has only fleetingly been mentioned in the otherwise very lively academic and policy debate about security issues in the country. The question of the applicability of the general concept of SSR becomes further complicated by the overwhelming influence of the United States (US) as the principal external actor furthering and conditioning the limited SSR in Colombia according to its own domestic and international interests and priorities without specifically referring to the concept as such. The SSR process under way in Colombia since 1989 can only be viewed as being limited, as it has primarily been concentrated on achieving a modernisation of the security sector with the sole intention of improving the presence and security of the state and reducing the role of non-state armed actors in the country. By reviewing the national security challenges and institutional characteristics as well as the reform characteristics and objectives, the very specific and complex interaction between security and governance concepts in Colombia will become more transparent.

A Long History of Violence and Internal Conflict

Colombia's five decades of active armed conflict – beginning with the violent uprising in Bogotá in 1948, known as *Bogotazo* – involving various guerrilla and paramilitary groups within a weak state and without effective state control over parts of its vast territory have elevated the security issue to become the dominant policy problem for Colombian society.¹ Every government in power during the decades following the *Bogotazo* has promised and intended to end the conflict and pacify the country by applying a wide variety of methods and instruments, but without any noticeable success. Moreover, until today it has not been possible to reach a consensus within the society about the form the pacification process should take.² By 1999 the Clinton administration considered Colombia to be a serious risk for US security,³ and in the years thereafter it became a showcase for drug-related military aid under the title Plan Colombia.⁴ While this extensive US military aid programme – at the time the third most important one worldwide and the fifth since 2002, when only Iraq, Israel, Egypt and Afghanistan received more assistance⁵ – and the election of Álvaro Uribe (2002) with his programme of extending the role of the armed forces in internal security under the concept of *Seguridad Democrática* (Democratic Security – since 2003 developed in the Democratic Security Policy)⁶ have not brought about an end to the internal conflict, both programmes have certainly improved the presence of the state and the general security situation in the country, not only by reforming but also by increasing and modernising Colombia's military and police forces.

In Colombia, the programmes undertaken to ensure civil control of the military and achieve strategic and administrative reforms within the armed forces have not been driven by the need to accomplish a more effective system for human security and democratic governance, but mainly to complete and guarantee the presence of the state in the entire territory and to ensure its capacity to respond to the increasing violence by illegal groups upholding a minimum of democratic governance. That overriding political objective resulted in the various reforms within the security sector having quite different characteristics and intentions than those in other Latin American countries,⁷ where the transition from military or at least authoritarian rule to democratic governments was accompanied by greater transparency in civil-military relations. Even though Colombia has been considered an established democracy, the security-related activities in response to the long-lasting internal conflict have by no means always followed democratic procedures. Not only human rights violations but also

massacres and extra-judicial killings have been attributed to the armed forces of Colombia,⁸ since civilian control has often been not sufficient.⁹ This civilian control has only consisted of the presence of some civilians in the Ministry of Defence, a very strong command from the presidential palace¹⁰ and the lack of any parliamentary oversight. Such control was frequently considered by the members of Congress to be politically inopportune, because the ongoing conflict – referred to by some as ‘civil war’ – made it necessary for the government in power to demonstrate a great deal of confidence in the actions of the armed forces, since ‘winning the war’ appeared to be the only government priority.

In many countries SSR was considered an important instrument in a post-conflict situation to assist in the reconstruction of a state emerging from a violent conflict; however, in Colombia some elements of SSR have been considered a sheer necessity to enable the state to put an end to the conflict. Essentially, military reform by modernisation, strengthening and material capacity-building was the principal issue of limited SSR in Colombia.¹¹ The increase of the capacity of the insurgent forces and in the intensity of the internal conflict made such a military reform absolutely necessary in the eyes of the political establishment. At the same time it was felt that any serious reform, including the modernisation and restructuring of the armed forces, the ‘professionalisation’ of the soldiers, the promotion and protection of human rights to improve the tarnished image of the military and the development of an effective anti-narcotics strategy,¹² was unlikely to be achieved without external help.¹³ Ownership of these parts of the SSR could be claimed by Colombia even though the implementation was greatly influenced by the US, in part because the American concept of military modernisation included other elements which were imposed during the years of close cooperation with the Colombian government. Stronger civilian oversight and increasing accountability with regard to respecting human rights were certainly among them. The specific Colombian characteristics explain why there was so little domestic discussion about the necessity for SSR, since the entire political discourse by the government as well as the opposition was dominated by the need to redefine the appropriate role of the armed forces, including police and intelligence, in the ongoing conflict. The principal aim, at least during the last decade, was to make the armed forces stronger and more efficient but not necessarily more receptive to democratic governance and human security, even though a great deal of public relations efforts were made to demonstrate just that. In that respect the core components of SSR, as defined by Heiner Hänggi,¹⁴ have only been applied by the Colombian government to a very limited extent. In particular,

accountability to the citizens and parliamentary oversight have not been implemented. Historically, such decisive internal conflict situations tend to produce clear-cut conceptions of the enemy within the political and military establishment. In Colombia, it additionally contributed to the polarisation of the entire political spectrum and created a situation which was hardly conducive to pursuing wide-ranging reforms of the security sector but contributed to large popular support for strengthening it.¹⁵

The applicability of the general concept of SSR in the Colombian case cannot only be questioned because of the decisive fact that the range of reform steps had to be taken during an ongoing conflict within the country, but also because of a rather limited multi-sectoral approach in this specific SSR concept and implementation. Defence, intelligence, policing, financial management, disarmament, demobilisation and reintegration (of members of paramilitary groups) with varying intensity and coherence have been successive parts of it, while justice reform, the involvement of civil society and increasing civilian oversight have been notably absent or have only been included in part upon US insistence. In that respect, the widespread criticism voiced by civil society of the 'internationalisation' of the internal conflict brought about by Plan Colombia¹⁶ underestimated the positive side-effect of the US assistance conditions strengthening the role of Colombian civil society in the SSR policy debate.

If one turns one's attention to core security actors of SSR in particular, the Colombian case demonstrates once more that most of the reforms have been dominated by the need to increase the effectiveness of the state in fighting the internal conflict, but not necessarily to improve democratic governance. For that very reason, defence spending has nearly doubled since 2002, while intelligence gathering has not only been extended with regard to technical sophistication but also in terms of human participation, through the creation of a very extensive group of paid informers. Also, policing has become more not less militarised, to broaden the capacity of the police to support the armed forces in their fight against illegal groups and also to extend their presence in previously not yet 'liberated' parts of the country. Additionally, the accountability and transparency of the financial management within the armed forces have certainly advanced, but mainly as a result of the need to demonstrate such improvements to the external donor, the US.

The disarmament, demobilisation and reintegration (DDR) process of the Autodefensas Unidas de Colombia (AUC), the powerful federation of different regional paramilitary groups, had become a political necessity for the Uribe government to allow for the concentration of all military efforts to

fight the guerrilla groups Fuerzas Armadas Revolucionarias de Colombia (FARC) and Ejército de Liberación Nacional (ELN), and to gain, both internally and externally, additional legitimacy for the armed forces, along with reducing the extreme violence for which the AUC members had become known and dismantling their decisive impact on drug trafficking. Since the armed forces had been accused of frequent collaboration with the AUC members, who confessed to fighting the guerrillas and participating in the drug trade but were not considered ‘enemies’ of the state by the military and the major part of the political establishment, the Uribe government decided to exclude these ‘private armies’ from the government’s fight against the guerrilla groups, in spite of the political support it received from politicians allied with the AUC in Congress. On the other hand, for 32,000 AUC members the DDR process between 2003 and 2006 also served to demonstrate the willingness of the government to negotiate with the parties in the internal conflict, as the same process was offered to the ELN and FARC if they laid down their arms – only, in the eyes of many observers from civil society, the AUC was not an enemy of the political and economic establishment of Colombia but rather a ‘criminal’ part of it.

The civil society in Colombia has been very active, mainly as a voice of opposition against the consequences of the internal conflict, human rights violations, lack of justice and forced displacement, which have affected almost 10 per cent of Colombia’s population over the 20 years of continuous paramilitary activity (1986–2006) and have thereby contributed to the creation of the second largest group of internal refugees worldwide (circa 3 million). The absence of an effective and powerful political opposition in the country, partly attributed to the political space claimed by the guerrilla forces, has turned the civil society, at least since the beginning of the Uribe government in 2002, into an important actor on the national scene but certainly not into a possible partner in any SSR process of the current dimensions and limitations for a government convinced it must end the internal conflict militarily.

Although the current format of a limited ‘SSR’ has been very successful from the government’s point of view after the DDR of the politically organised paramilitary groups of the AUC and the weakening of the military capacity of the main guerrilla group FARC, recent discussions in Colombia are focusing upon the possible long-term effects of SSR for civil-military relations and the most likely position of the armed forces after the end of the internal conflict, at least in its present form. Discussions are beginning to take place within the military establishment with regard to the necessary reform process to diminish the size of the military and police

forces from the current 430,000 members and also what their mission should be.¹⁷

A new draft defence bill was submitted to Congress in 2009 (for the first time since 2002, when the previous bill was thrown out for procedural reasons by the Supreme Court for being unconstitutional),¹⁸ with little chance of becoming a law before the next presidential election in 2010. The preparation of the bill has demonstrated the willingness of the government to improve civilian oversight, since the various drafts of the law have been discussed not only with the military but also with academic specialists and previous civilian functionaries in the defence ministry, but without considering a public debate. Given the rapidly changing nature of the internal conflict in Colombia, it could be feasible that a 'classic SSR' may become necessary and even politically acceptable in the years to come. Such a future SSR of wide scope and more substance than the current Colombian version might look more like the SSR applied in other post-conflict societies, including the possible separation of functions and political responsibilities for military and police institutions.

From 'Plan Colombia' to the 'Democratic Security Policy'

Given the specific conditions of an internal conflict of increasing intensity and the growing importance of drug production and trafficking, which in turn impacted upon the conflict, by the end of the 1990s the reform of the military had come to be seen as a major political and strategic necessity in Colombia. Specific police scandals discovered and widely discussed by the media, mainly related to human rights violations and corruption resulting from their new role in the war on drugs, had led to various reform measures for the police¹⁹ and other elements of the military establishment in previous years. However, the most important effort began in 1999 with Plan Colombia,²⁰ when the US, as a major donor, became the principal external actor in planning, implementing and to certain extent also controlling the SSR in the country; the Colombian institutions appeared to have had no role at all in the creation and implementation of this plan, since the public were never consulted and the plan itself was first presented in the US.²¹ Plan Colombia was, in many respects, a reflection of the domestic and international interests of both governments, even though it was not originally conceived as the cornerstone of a Colombia-US alliance against drug production and trafficking and the rise of guerrilla warfare. President Andrés Pastrana (1998–2002) had originally presented it as an international support

plan (modelled after the former Marshall Plan) for peace talks to end the internal conflict and substantial economic assistance to overcome the drug-related development problems of the country, envisioning US\$7.5 billion for the 1999–2002 period, of which 35 per cent was supposed to be covered by international aid. The original structure of Plan Colombia, developed by some members of the National Planning Office of Colombia and selected US experts, reflected those intentions.

Plan Colombia essentially consisted of four pillars:

- anti-narcotics strategy
- economic and social recuperation
- institutional strengthening and social development
- negotiation of the armed conflict.²²

Even though there was a certain political willingness by some European governments to support the negotiation part of Plan Colombia, there was much less willingness to facilitate the improvement of the military capacity of the Colombian armed forces or to provide substantial investments in the economic and social infrastructure of the country, especially since the plan was presented to them by the Pastrana government only after the agreement with the US had already been concluded.

Since the US administration felt threatened by the increased flow of drugs into the United States and was equally fearful of increasing guerrilla activity in the Andes,²³ Plan Colombia was seen as a most efficient instrument to meet these domestic and international challenges. Between 1999 and 2009 Colombia received about US\$5 billion in support of military and security reforms, which was considered by the US as a major SSR investment. The administration therefore lost no opportunity in the public debate in the US, as well as in Colombia, to stress the effect of SSR upon the reform of human rights practices, the support for the justice system and the inclusion of civil society in Plan Colombia, while it was in public much less forthcoming about the delivery of expensive hardware in support of strengthening the operating capacity of the armed forces.

Plan Colombia became the principal topic of domestic political discussion during the Pastrana government, since it was seen by the opposition as well as a large part of the civil society and their international supporters as a form of ‘militarisation’ of the national strategy dealing with the internal conflict. This militarisation became especially obvious after

2001, when 99.4 per cent of the assigned US assistance constituted the military component; this stabilised at around 80 per cent in the following years and only reached 65 per cent in 2008.²⁴ At the same time, the Pastrana government made a major effort not only to strengthen the capacity of the armed forces to fight the guerrillas but also to develop a negotiating strategy for ending the internal conflict. Moreover, it went further than any previous government in creating the necessary conditions for peace talks with the FARC by accepting the creation of a *zona de despeje* (demilitarised zone, DZ), which in terms of surface area was of a similar size to Switzerland, to facilitate regular peace talks at different levels, including civil society and diplomatic participation. No internal consensus was reached with regard to the type of concessions which should be granted to the FARC should it be willing not only to accept a cease-fire but also to enter into a process of disarmament and reintegration into Colombian society. The guerrilla forces, meanwhile, used the DZ for their own military and economic advantage, and opted thereby for an intensification of the internal conflict. The FARC also established its own form of authoritarian governance over the population living in the DZ, which was hardly considered democratic by the rest of the country and contributed to an even greater decline in the very limited political support for the insurgents.

The disastrous end of that experiment with peace negotiations not only strengthened the role of the military – which had been most sceptical about that process right from the very beginning – but also paved the way for the election of Álvaro Uribe, who had already made it very clear during his campaign that he was in favour of abandoning the strategy of political and peace negotiations with insurgent forces. He wanted to substitute this policy with a new strategy to recover the entire national territory from the control of the irregular forces and to demonstrate through military action the clear capacity of the state to ensure the security of the entire population. This action would, he believed, deny the guerrillas, as well as the paramilitary groups, any access to economic benefits through drug trafficking and kidnapping.

While the Pastrana government had, within the context of Plan Colombia, already begun to strengthen the armed forces by increasing their size and equipment considerably,²⁵ it had also essentially left security matters to the military themselves.²⁶ The presidential candidate Álvaro Uribe envisioned instead a security-oriented state with strong counterinsurgency efforts based upon a strategy which would include not only the military and public functionaries in establishing security but the entire population supporting the efforts of the state.²⁷ But it was not only the failure of the

peace negotiations and the change of government which had a decisive effect upon the implementation of Plan Colombia – a quite similar essential impact came from the change in the global US security strategy after the events of 11 September 2001. The focus of SSR was very rapidly narrowed to implement effective anti-narcotics and anti-terrorism strategies and to deal especially within the country with those regions and parts of the population affected by one or both illegal activities. From the US view the SSR, financed to a large degree through funds of Plan Colombia, was to enable above all the armed forces to extend their control over the entire territory of the country, and thereby practically to reduce the production and trafficking of drugs and any guerrilla activity. Part of this strategy was the intention that the overall improvement of security in the country would soon after impact positively upon the investment climate and the development of good governance. The burden of success was thus placed upon the effectiveness of an all-out security strategy implemented not only by the military and the police, but rather by all state institutions.

The Democratic Security Policy (DSP) announced by President Álvaro Uribe in 2003²⁸ met all the characteristics of such a strategy and could be labelled as a further militarised version of the original Plan Colombia of the Pastrana government. Because of the involvement of US advisers in the formulation of the DSP, some observers have concluded that the SSR in Colombia has been driven more by foreign policy objectives than by national policy debate. Whatever the osmotic connection between Plan Colombia, as accepted and largely financed by the US, and the DSP of President Uribe might have been, there can be no doubt about the parallels in strategic thinking and political motivation. The DSP has become the central focus of President Uribe's government programme, and must be considered by far the dominant policy issue in Colombia. The undoubted success in recovering the security situation in a partially failing state has made Álvaro Uribe a most popular president, not only in his own country but also among its peers in South America. Nevertheless, the same policy has generated continuous criticism from the internal opposition and civil society in Colombia, as well as from some actors in the international community, with regard to the political, economic, social and human costs of its implementation. Aside from the continuous increase in the displacement of the population, the large number of extra-judicial killings committed by the armed forces, which were denounced by the United Nations as a systematic policy,²⁹ and the wiretapping of opposition politicians and members of the judiciary have contributed to open and increasing criticism of the DSP.

In contrast to previous SSR efforts in Colombia, the DSP was designed from the beginning of the Uribe government as a coherent strategy to include all military and economic as well as all legal and bureaucratic capacity of the 'democratic' state. It was formulated by Colombian and US experts and directly launched by President Uribe on 21 June 2003. The strategic objectives, which are at the same time the principal priorities of the Uribe government, have been clearly defined as:

- the consolidation of state control of the entire territory
- the protection of the population through an increase in the state presence and the reduction of violence
- the elimination of the illegal drugs trade in Colombia
- the maintenance of a military deterrent capability
- the efficient and transparent management of resources.

Contrary to Plan Colombia, the DSP does not include economic or social development goals or any strategy of negotiations to end the internal conflict, but it continues the military objectives of Plan Colombia and foresees additional national financing for the modernisation of the military. A number of institutional reforms have been carried out to implement these strategic objectives. The most important new body created was the Consejo de Seguridad y Defensa Nacional, chaired by the president and serving as the coordinating institution for all state activities related to the DSP. A joint intelligence committee was also established to increase intelligence capacity and unify the concepts of the different civilian and military intelligence agencies. Other significant but less formal innovations to bolster the efficiency of the armed forces have been the creation of a network of more than a million informants and civilian collaborators, who are paid to provide information about the insurgents; the organisation of groups of 'support soldiers' who would be stationed in their home communities and thereby increase military presence in rural areas; and the extension of a variety of police powers to the military with neither judicial approval nor oversight.³⁰ These less formal decisions to strengthen the capacity of the armed forces, which ran totally counter to the 'classic' SSR objectives, were confronted with severe criticism about their likely negative impact upon due process and civil liberties from various civil society institutions and independent lawyers. This public debate was key for the increasing ideological polarisation between many NGOs and the Uribe government.

From the Demobilisation of the AUC to the ‘Democratic Security Consolidation Policy’

The main point of disagreement between large parts of the opposition, civil society and the Uribe government developed because of the first of the AUC’s DDR measures in 2003. In December 2002 the AUC had declared a unilateral cease-fire and thus met the conditions that President Uribe had set for formal peace talks with the government. In July 2003 the peace talks were officially opened and the AUC promised to demobilise all its members by December 2005. At that time the membership was estimated at between 15,000 and 20,000 paramilitaries. By the time the demobilisation came to an end, some 32,000 ‘self-declared’ members of the AUC had taken advantage of the *Ley de Justicia y Paz* (Ley 975 of 2005), the Justice and Peace Law, which foresaw the dismantlement of paramilitary structures; it offered monthly payments and various integration schemes, as well as the option to collaborate with the process and thereby avoid extradition to the US in cases where serious drug-related crimes had been committed. This law stipulated not only the disarmament and imprisonment of the AUC leaders, but also a general withdrawal of all paramilitary forces from the armed conflict and the loss of their economic and political influence through local political élites, who had collaborated with and benefited from the paramilitary forces. A great deal of discussion evolved about the political usefulness of DDR for the government and the need for justice, which should be reached by due legal process for the victims.³¹ While the government emphasised the enormous advantages of the AUC demobilisation, there was less enthusiasm within the population about the process, since it seemed much too lenient towards the human rights violators from the AUC and too restrictive in facilitating the reparations and rights of the victims. Additionally, the public fear of the possible regrouping of former members of the AUC in new criminal organisations was very well founded. A new generation of criminal groups appeared after 2006,³² and by 2009 there were an estimated over 10,000 irregulars, distributed in 102 groups and active in 246 municipalities, consisting of not only demobilised but also reintegrated members of the paramilitaries, plus former members of the guerrilla groups.³³

Politically this demobilisation process was used by the Uribe government as an argument to demonstrate its willingness to follow through with peace processes in an ongoing conflict situation.³⁴ Moreover, the disappearance of the organised AUC forces was immediately reflected in a reduction in the numbers of homicides and forcibly displaced persons. It did

not, however, affect the anti-narcotics strategy or, for that matter, even the anti-insurgency strategy, since the military had to cover more ground against the guerrillas in those territories previously controlled by the AUC blocs. The Justice and Peace Law was also considered to be open for a future demobilisation of the guerrilla groups, once they were willing to accept an unconditional cease-fire. From the institutional point of view of SSR, the Justice and Peace Law serves as a clear example for intensive discussions about a process of conflict reduction, even though many of the demobilised members of the AUC were rather unhappy with their slow and incomplete reintegration process, while many of the victims felt that the Justice and Peace Law, with a limit of a maximum eight years of imprisonment for crimes against humanity, was much too lenient given the cruelty of the crimes committed and the lack of restitutions of property taken by the paramilitaries.³⁵

Another part of the Justice and Peace Law reflects a certain advancement of SSR concepts in Colombia. The National Commission on Reparation and Reconciliation (CNRR) was founded by Ley 975 to guarantee the rights of the victims of the illegal armed groups to truth, justice, reparations and non-repetition. The way that the CNRR functions is in some aspects similar to the truth commissions that have been established in many Latin American countries after democratisation, but in this case its mandate is limited to elaborating the system by which justice and reparations for the victims will be established and later applied by the justice system. The commission enjoys a great deal of public acceptance because it includes not only government representatives but also independent members from civil society and representatives of the victims, which could explain its strong support from the international community. The process of its work has, however, been rather slow. This is not only because of lack of government funding but also because after many decades of impunity³⁶ it has become rather difficult to establish a culture of reparation and reconciliation in Colombia. This is reflected in the exclusion of victims who have suffered from military and police abuses from the CNRR. The success of its work over time could be considered as an important indicator about the effects of SSR on democracy and governance in a society with an ongoing internal conflict.

Without any substantial changes in the original priorities of the DSP, in 2007 the Uribe government presented a new strategy called the *Política de Consolidación de la Seguridad Democrática* or PCSD (Democratic Security Consolidation Policy),³⁷ which offered an ‘integral’ concept of security for the second term of President Uribe’s government (2006–2010). This concept

envisions the integration of all state, private sector, NGO and international cooperation activities with the military presence in ‘certain’ areas, to demonstrate state presence and development benefits not only through military institutions.

The statistics of the achievements of the DSP between 2003 and 2007 were certainly impressive, especially with regard to the success of the measures taken by the armed forces to reduce the numbers of homicides and victims of massacres, kidnapping and forced displacement of persons.³⁸ But it was considered, even by the government itself, as a reduction in the number of negative indicators within the society and not as a creation of positive ones. The philosophy behind the PCSD is the need not only to control the national territory militarily, but also to offer (through the agencies of the state and its partners) sufficient positive incentives for the population to identify with this government. Winning the hearts and minds of a population tired of violent conflict and lack of justice could be seen as the main objective of this new security strategy. Some have interpreted the success in improving the security situation in general in the country as a reason to extend this strategy, since the population now also demand better infrastructure, social services and a general improvement of their economic condition.³⁹ If such improvements are not forthcoming as clear support for the security strategy of the government, and at the same time the armed forces do not fully comply with the envisaged standards for human rights, public opinion might easily change. By 2005 the Uribe government already seemed to be fairly preoccupied with the ‘sustainability’ of its flagship project.⁴⁰ To consolidate the positive effects of the DSP on security in the country, the new strategy of the Democratic Security Consolidation Policy, which incorporates some elements of ‘classic’ SSR, is based upon five objectives:

- consolidation of territorial control and strengthening the rule of law
- protection of the population and maintaining the initiative against all security threats against citizens
- increasing drastically the cost of drug trafficking
- maintaining a legitimate, modern and efficient armed force that can count on the confidence and support of the population
- maintaining the decreasing trend of all criminal indicators in the cities.⁴¹

The main points in this new strategy are the emphasis upon the rule of law, formally guaranteed by a well-established civil court system and some military courts covering specific issues, and the confidence of the population in the armed forces. The SSR employed in Colombia has, thus far, not been very successful on either count, since extra-judicial killings and the lack of application of the established laws relating to the members of the armed forces have been at the forefront of criticism from civil society as well as from the international community.⁴² Even though all necessary rules exist within the military code, a willingness to apply and enforce them on all levels and a general respect for human rights and those within Colombian society who defend and reclaim them still appear to be missing, due to the continuous impact of the internal conflict, which also seems to limit further democratisation of civil-military relations.

A new major effort to improve the education of the military has been organised by the armed forces themselves in the context of the reforms outlined in the PCSD to prepare them for a different future and a more accepted role in Colombian society.⁴³ Other shortcomings, which are not even addressed in the PCSD, include transitional justice beyond the CNRR for the AUC members and prison reform, as well as parliamentary oversight. The very sophisticated and multi-levelled Colombian justice system seems to be overwhelmed with the cases of AUC members; additionally, the numerous extraditions of leading drug traffickers among them to the US has not contributed to a clearer picture of criminal responsibilities. Those who are serving in Colombia's overcrowded prisons have been known to continue their criminal activities from within their prison cells, using the traditional channels of corruption.

Another weakness of the PCSD can be found in its failure to address the shortcomings of parliamentary oversight, which reduce civilian control to executive control. In the Colombian two-chamber Congress, only the Senate commands some formal oversight functions with regard to security policies and armed forces.⁴⁴ The two Senate commissions dealing with defence and security-related issues are the First, called the Constitutional Commission, and the Second Commission, which deals with foreign trade, foreign policy and border issues. There is no parliamentary committee that specifically deals with defence and security issues, and the interest of the senators in such issues is rather limited (as the reports of an independent NGO demonstrate⁴⁵), which not only reflects the general Latin American problem of their preference for leaving security and defence policies in the hands of the presidency or the militaries themselves,⁴⁶ but can also be interpreted as a specific reluctance by Colombian politicians to enter into a

process of opinion and control in regard to what must be called the most sensitive issue of the Colombian state. Parliamentary oversight will probably not be achievable by any SSR, and might not only require constitutional reform but also a change in the political culture of Colombia. This, however, is unlikely to happen without ending the internal conflict.

The Colombian experience with limited SSR demonstrates very clearly how specific national, historical and political conditions reduce the options for restructuring the security sector to further democratic governance. While the 'classic' SSR has been identified with post-conflict societies in democratic construction or reconstruction, the experiences in Colombia with limited SSR have been shaped not only by the impact of a continuous internal conflict involving multiple armed non-state actors, but also by the need to engage an external power in the process to guarantee the strengthening and modernising of the core security actors and advances in security management, especially in the application of justice and the rule of law.

While some very visible progress on these accounts has been made since 2002, under the current presidency of Uribe not all opportunities which presented themselves through the reduction of guerrilla activity, the DDR of the paramilitaries and the wide domestic and international support for the DSP have been used to further SSR. A strong presidential leadership, with a very limited interest in institutional channels of change, and a largely discredited parliamentary institution lacking agreement and resolve to control the limited SSR process hardly constituted an example in upholding the principles of democratic governance. The absence of parliamentary oversight, the limited space for civil society involvement, the by no means automatic acceptance of the rule of law by the government and the core security actors and the lack of provisions for the treatment of non-statutory security forces could be seen as the main indicators for the need to extend and complete the limited SSR in Colombia.

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Chapter 4

Security Sector Reform in the DRC: Forward to the Past

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Introduction

Seven years after the 2002 Global and Inclusive Peace Agreement, security has yet to return to the Democratic Republic of the Congo (DRC). So far, the Congolese army is composed of 18 ‘integrated’ brigades (a hodgepodge of experienced soldiers, former self-defence units, more or less efficient armed groups and ex-religious zealots)² and two rapid reaction force battalions. Rebel groups continue to roam the Congo. Unable to defend its territory against armed insurgents, the DRC has recently requested the help of its neighbours, Uganda and Rwanda.

Activities of both legitimate and illegal armed groups cause tremendous suffering among the civilian population: at an estimated 5.4 million deaths since 1998, the war in the DRC is the world’s most deadly conflict since the Second World War. Today, seven years after the peace agreement was signed, the Congo’s excess death rates (about 1,500 deaths a day) are nearly 60 per cent higher than in the rest of sub-Saharan Africa.³ In the east of the country, two-thirds of rapes are committed by men in uniform, usually carried out by gangs, while their victims are becoming increasingly younger (66 per cent of the victims are minors).⁴

The Congo’s first security sector reform (SSR) efforts at the turn of the century started from rock bottom. The army had suffered from years of neglect by the late President Mobutu’s regime, while the country had just recently emerged from a devastating war involving many regional countries, thus often labelled ‘Africa’s World War’.⁵ Moreover, lack of prior democratic experience, except for the immediate post-colonial period, had set a pattern whereby civilian oversight mechanisms were perceived as redundant and dispensable. All sectors of human activity needed to be rebuilt, and the security apparatus (army, police, judiciary and penitentiary)

was just one aspect of the immense reconstruction effort in a country that had only 300 km of paved roads.

This chapter essentially focuses on the interdependence between the political process and army reform in a post-conflict society. In the DRC post-conflict context, SSR was not a technical issue; from the outset, it was immensely politicised. Although essentially focusing on army reform, the DRC case briefly examines the roles of the efforts in police reform and of the disarmament, demobilisation and reintegration (DDR) process. In a post-conflict setting, DDR is key to offering alternative livelihoods to combatants unwilling or unfit to integrate into the armed forces for reasons ranging from disability or youth to a track record of abusive behaviour.

Studying SSR in the Congo is difficult both politically and in practical terms. Due to the sensitivity of the security issue, knowledge is often partial, fragmented or non-existent. Additionally, in view of the fact that the timeframe of this chapter did not allow for field research, the author had to rely on prior knowledge and a desk review.

The chapter is divided into three sections, starting with a historical overview of SSR which highlights some of its challenges and breakthroughs. Next, key issues at the core of SSR, such as the resistance to efficient oversight mechanisms, poor gender sensitivity, donor fragmentation, the difficulties of the DDR process and the question of police reform, are discussed in greater detail. Finally, the main lessons learned regarding the challenges and opportunities of SSR in the DRC are summarised in order to provide recommendations.

Historical Overview

One must take into account that the political process in the Congo is key to understanding the achievements, or lack thereof, of SSR. Congo's power struggle went through three phases – foreign occupation and stalled SSR efforts; a transition period where former enemy forces were merged under a single umbrella; and a post-electoral phase where (competing) strategic papers were developed – that have severely constrained available options in terms of SSR.

Phase 1: Foreign Occupation (1998–2001)

During two successive wars, in 1997 and 1998, nearly every neighbouring country carved out a piece of the Congo for its personal use. Terrible battles

were fought among foreign troops on Congolese soil, while the civilian population footed the bill. During this period the state had little power, controlling only the west of the DRC, and was characterised by a high degree of corruption. Focus at the time was not so much on SSR as on driving foreign forces out of the country.

Congo's most pressing task was to curtail the power of armed groups *de facto* dividing the country into three strongholds. Earlier attempts to address the issue, notably the 10 July 1999 Lusaka Cease-fire Agreement which included provisions on DDR, achieved little effective progress due to lack of political will both internally and regionally.⁶

Strong international support and regional peace initiatives, e.g. the Southern African Development Community (SADC) and the African Union (AU), together with the assassination of Congolese President Laurent-Désiré Kabila on 17 January 2001 paved the way for a political agreement. The Global and All-Inclusive Agreement, signed on 17 December 2002 by the main Congolese parties to the conflict as well as the political opposition, included an entire chapter on SSR.⁷ The resulting transitional government was an uncertain marriage between the leaders of the country's three main armed groups, which totalled – according to figures provided by the groups themselves – close to 340,000 battle-hardened combatants.⁸

The process was stalled for another three years due to insufficient financial and logistical support and the lack of a clear plan, reflecting the absence of political will. Basic data such as numbers of troops, armaments and deployment were to be collected and verified by the poorly funded Joint Military Commission and United Nations Peacekeeping Mission in the DRC (MONUC), which was no match for the enormous task.⁹ Meanwhile, high mortality rates persisted: by 2003 3.8 million people (out of a total population of 68 million) were estimated to have died since 1998 as a result of the conflict.¹⁰

Phase 2: The Transition (2001–2006)

The 2002 Global and All-Inclusive Agreement and the (slow) retreat of Ugandan and Rwandan forces operating in the Congo paved the road for a transfer of power to a transitional government composed of the main Congolese factions. However, implementation progressed at a slow pace, essentially for two reasons. Firstly, the DRC's neighbours continued to fight through proxies.¹¹ Secondly, it was military might that had given the president and vice-presidents access to power, and they were therefore reluctant to let go of their combatants.

A first, albeit modest, step forward occurred in June 2003 when a memorandum on the army and security allocated senior posts in the integrated high command of the armed forces. Overall command went to an officer of President Kabila's choice, the land forces went to the main rebel faction, the Rassemblement Congolais pour la Démocratie (RCD-Goma), and the navy went to the second largest group, the Mouvement de Libération du Congo (MLC).¹² In fact, military regions and senior staff positions *de facto* reflected military might, creating an incentive for the parties to strengthen their military power rather than collaborate.

On 25 July 2003 an oversight mechanism for the military – an inter-ministerial Commission on Politics and Security chaired by Vice-President Ruberwa, the RCD-Goma leader – was set up to oversee army and police integration. However, institutional progress had little impact on the battlefield: in the east fighting intensified, causing heavy casualties. The UN attempted to address the situation by imposing an arms embargo on the eastern part of the country, and called on the European Union (EU) to deploy a force in the east (Operation Artemis).¹³

In early 2004 the reform of armed forces had a second conceptual breakthrough. Belgian bilateral assistance convened senior military officers from all factions for a series of seminars in Kinshasa (November 2003 and January 2004). No grand strategic plan of army reform emerged, but a system was devised to bring an end to the persisting parallel command structures between the former factions – the attempt was to create an *esprit de corps*. The goal was not to create a professional army, but to merge former belligerents down to the foot-soldier level into a single 'national' army.¹⁴ Belgium put its money where its mouth was, and began training a first 'integrated' brigade in Kisangani on 9 February 2004.

However, implementation progressed slowly, hampered by the political ramifications of SSR. Reform in the Congo was trapped in a catch-22 situation: protracted violence prevented the implementation of state authority, while the vacuum of state power contributed to the proliferation of armed groups. MONUC was unable to control the extensive border and thereby monitor the arms embargo. Sexual violence, massacres, looting, extra-judicial killings and human rights abuses continued unabated and largely unpunished. The only area where some modest level of success was achieved was in extracting children from the armed groups into which they had been recruited.

As soon as an SSR issue proved politically sensitive, a deadlock effectively prevented any substantive progress; with the establishment of the Supreme Defence Council, three laws (defence and armed forces law,

nationality law and amnesty law) all stalled.¹⁵ The law on the general organisation of defence and armed forces stumbled over the Presidential Guard, which was a stand-alone army structure answering directly to President Kabila.¹⁶ The nationality law proved difficult primarily because it would decide on the nationality of the Tutsi community, allegedly supporting the most powerful rebel group, the RCD-Goma. The amnesty law was contentious because the head of state was believed strongly to oppose amnesty, wanting to avoid amnesty for his father's murder.

Finally, in early 2005, SSR received additional support from new donors, such as the UK Department for International Development (DFID), who had come to the conclusion that the lack of security hampered all other development efforts in the DRC. Although reluctant to engage in the training of what they feared could be 'tomorrow's killers', some donors understood that without military reform no significant progress would be achieved in the political process, economic recovery and the overall security situation.¹⁷ Crucially, the lack of progress in SSR effectively risked jeopardising the upcoming general elections planned for June 2005 (actually held a year later).

In January 2005 a unified national and international effort succeeded in a third breakthrough by giving the integration plan more manageable proportions. A simplified SSR emergency plan was devised, entailing a three-stage process whereby former combatants would be 'regrouped' and disarmed, 'oriented' (sensitised to DDR) and reintegrated into the army in a *brassage* centre or reinserted into society depending on their choice.¹⁸ SSR was handled nationally by the Structure Militaire d'Intégration (SMI), while the Commission Nationale de Désarmement, Démobilisation et Réinsertion was in charge of DDR. A Joint Commission on Security Sector Reform was co-chaired by the special representative of the UN Secretary-General (SRSG) and one of the vice-presidents, Azarias Ruberwa. International actors also had a broader involvement in the transition through the International Committee to Accompany the Transition (CIAT).

The sheer magnitude of SSR in the DRC, as well as the number and variety of donors involved, made any SSR effort daunting and it quickly ran into numerous problems. First, the numbers of troops provided by the transitional government were often too high. Because ranks were allocated to leaders of armed groups according to the number of combatants they brought in, they had often presented exaggerated numbers. As a result, some brigades ended up unbalanced between the different factions. Second, combatants sometimes had to travel long distances on foot to join *brassage* centres, which had not been properly budgeted and were ill-equipped, blocking the

entire process until the World Bank and other donors provided support. Third, some *brassage* centres were in such dire conditions that soldiers, housed in straw huts with no amenities, no equipment and no medical help, succumbed to cholera, tuberculosis and even starvation.¹⁹ Fourth, the linear process from *regroupement* to orientation, *brassage* centres and deployment meant that a bottleneck at any stage paralysed the entire process. Fifth, embezzlement was widespread.

Phase 3: Elections and Beyond (2006–present)

The third phase started with the July 2006 elections, when incumbent President Joseph Kabila established himself as the country's main power broker, sidelining two of the former vice-presidents, Azarias Ruberwa (RCD) and Jean-Pierre Bemba (MLC). During the elections, voters sanctioned and largely eliminated the RCD as a significant national political contender. Vice-President Bemba, who had run a successful campaign, was a harder nut to crack: it took an astute mix of military pressure, political intimidation and finally proceedings by the International Criminal Court (ICC). Political opposition soon disappeared or was muted in Kinshasa. Although fighting continued, it was confined to the east of the country, where rebellions increasingly fragmented into splinter groups. The hard-core elements of the RCD supported a new rebel group, Laurent Nkunda's Congrès National pour la Défense du Peuple (CNDP), in the eastern province of North Kivu. In terms of SSR, this period allowed for significant strides forward in bringing combatants under one unified command, although an effective army and peace in the east remain elusive to this day.

Between 2006 and 2009 the new Congolese army faced the dual task of undergoing integration while waging wars in the east against two extremely effective armed groups, the Congolese CNDP and the largely Rwandese FDLR (Forces Démocratiques de Libération du Rwanda). Authorities prioritised action against the CNDP, because the FDLR were their former allies whereas the CNDP, as a Congolese movement, risked becoming attractive to many political opponents. For three years, all of Kinshasa's attempts to bring a military solution to the problem failed.

After the first round of fighting, which took place between late 2006 and early 2007, national authorities negotiated with the CNDP a *mixage* process (instead of *brassage*) to integrate the armed group within the Congolese army. *Mixage* differed from *brassage* in at least two ways: firstly, it was conducted at the local level only (including the merger with Congolese brigades from the region only), and secondly, battalions remained

homogeneous and only the brigades' top leadership were mixed. When former CNDP forces started to operate against the Rwandese FDLR rebel group (the alleged condition for their *mixage*) on their own accord, causing substantial civilian casualties, the process unravelled.

Kinshasa also pursued a regional approach, which led to the ambitious Nairobi Communiqué of 9 November 2007 between Congo and Rwanda.²⁰ Under the terms of the agreement, the Congo would undertake military action against the FDLR, while Rwanda would 'prevent' support to the CNDP across its border. As the communiqué was being signed, the CNDP was rearming heavily, and soon thereafter pulled out of the *mixage* process.

This second episode of violence in late 2007 came at considerable human cost for the civilian population. The Congolese army attempted to compensate for its poor training and homogeneity by rearming with heavy artillery, including tanks. Heavy artillery proved ineffective against a guerrilla movement, and soon the Congolese authorities were again forced into negotiations.

After the failure of the regional approach, Kinshasa developed a comprehensive peace process locally in the Kivus. The process included all armed groups in eastern Congo, civil society and Congolese parliamentarians. The Actes d'Engagement of Goma, signed in January 2008, were a cease-fire agreement flanked by a permanent structure where the negotiation process would continue.²¹ Also included were promises of DDR and amnesty. The process soon went astray. It was not sustainable without international funding, which had not been planned for the long term, and substantial disagreements pitted the CNDP, which wanted a local integration process in North and South Kivu, against the authorities, which favoured a national *brassage*. By August 2008 the CNDP again withdrew from the process.

The third round of violence between Congolese authorities and the CNDP peaked in October 2008, when the CNDP capture a Congolese military base in Rumangabo, North Kivu. Congolese armed forces were in disarray, integrated brigades collapsed and some national soldiers defected to join their former armed groups.²² Again, the failure of the military solution prompted a negotiation effort, but this time only between the Congolese authorities and the CNDP, with the help of the UN special envoy, Olesun Obasanjo.

A decisive solution to the CNDP problem was found in less than a month's time when – for the first time – national, regional and international interests aligned. A UN Arms Embargo Panel report, published on 12 December 2008, gave substantiated evidence of support for the CNDP

coming from or through Rwanda. As a result, two donors, Sweden and the Netherlands (with the UK threatening to follow suit), reduced their aid to Kigali. In January 2009, under the terms of a secret deal only known to the top leadership of the DRC and Rwanda, Rwandese armed forces entered the DRC to engage in a joint Congolese-Rwandese military offensive against the largest armed group in the Congo, the FDLR.²³ However, the Rwandese's first move was to arrest the CNDP leader, Laurent Nkunda.

Laurent Nkunda's arrest was followed by the 'accelerated integration' of CNDP combatants, including the ICC-indicted chief of staff, Bosco Ntaganda, into the Congolese armed forces. The new accelerated integration process happened so fast that provisions could not be made for their salaries; therefore, salaries were taken from previously integrated brigades, which threatened to riot. When Rwandese armed forces left the Congo after several months of operations against the FDLR, the armed group (which had retreated westwards in the forest) emerged again, seeking revenge on the local population. Today, the strength, the composition and in some cases the very existence of some Congolese brigades, which disintegrated during the fighting and regrouped locally, at times integrating CNDP elements without supervision from the chief of staff, are anyone's guess.

Throughout the fighting, Congolese armed forces also went through different strategic SSR plans. A year after the elections, in September 2007, a national study known as the 'Directory Scheme on the Reform of Armed Forces' for the first time laid the groundwork for a longer-term reflection on the purpose, means and statute of the armed forces.²⁴ The three-phased reform would run until 2020, aiming at re-establishing state authority over the entire territory (2007–2008), securing the country and proceeding to an in-depth reform (2009–2015) and finally the armed forces would continue their modernisation, particularly in terms of equipment (2015–2020).

For the first time the DRC had a strategic vision about what its army should look like in the long run, based on a threats assessment. The main threats to the Congolese state were identified: they ranged from the transformation of political and social conflict into a general insurrection, a border war, the inability to take over from MONUC and the failure of the DDR and DDRRR (disarmament, demobilisation, repatriation, resettlement and reintegration) processes to the pillaging of natural resources.²⁵ The army would be made up of professional soldiers downscaled to half the current force (60,000–70,000 soldiers). It would include cover forces based on light infantry battalions, rapid reaction forces and principal defence forces. The army's main objectives were clearly identified as follows: defending the

country's territory and borders, protecting the population and the country's goods and contributing to the country's economic and social development.

An intense political power struggle arose concerning the implementation plan presented at a donors' roundtable in February 2008. During late 2007 and early 2008 two competing plans were developed by the Congolese minister of defence, Chikez Diemu, and the chief of staff, General Dieudonné Kayembe. The power struggle between the minister and the chief of staff fuelled rumours of a conspiracy theory. The 'Saint Cyriens plot' was named after the élite French military academy, which the heads of the Congolese armed forces, of the MONUC peacekeepers and of the EU advisory mission had all attended.²⁶ In collaboration with the army's leadership, the 'Saint Cyriens' had prepared a thorough plan based on a national audit of the armed forces. Although, according to most experts, Kayembe's plan was more sensible, the minister's prevailed and was presented at the donors' meeting. The Chikez implementation plan focused heavily on the reconstruction and development role of the army, while numerous other posts had no budget allocation.²⁷ According to the plan, for instance, the army would engage in the rehabilitation of roads, schools and clinics for an amount 'to be determined'. The army would also become self-sufficient in terms of food production, as it would engage in farming, herding and fishing.

The plan received a lukewarm welcome from the donors, as they felt that it did not properly address basic issues, such as the current insecurity in the east of the country.²⁸ For instance, many donors were not convinced that providing the Congo with tractors was a priority.²⁹ Given that most activities had no budget line, few donors were lining up to foot the overall costs. The minister of defence eventually reverted to a bilateral approach, essentially with South Africa and Angola.

A government reshuffle in late 2008 with a new minister of defence sent ripples of excitement among international donors. The new appointments, Minister of Defence Charles Mwando and chief of staff Lt-General Didier Etumba, both believed to be favourable to the Kayembe plan, seemed to offer promising prospects in overcoming two stumbling blocks. First, in early 2009 a revised plan of army reform was presented to the international community. Contrary to the Chikez plan, the revised plan was developed together with military attachés, MONUC and the EU. It is said to have dropped the production and development aspects of the Chikez plan and to be largely inspired by the former Kayembe plan. The revised plan was finally approved by President Kabila in late May 2009, thereby bringing an end to two years of intense muscle flexing between various factions at the

top of the Congolese state apparatus and bridging the rift with some of the main donors. A second recent development was meant to address one of SSR's main weaknesses: the lack of coordination at both national and international levels. The Comité de Suivi de la Réforme de l'Armée (CSRA), already discussed at the 2008 roundtable, has been unearthed to coordinate international donors together with Congolese actors in matters relating to SSR.

Key Issues

Throughout the recent history of SSR in the Congo, several issues have received little to no attention. The civilian population, however, is acutely aware of the key importance of oversight mechanisms, because they suffer the most as a result of the lack of action on these issues, which have either not been dealt with or efforts have been limited to mere window dressing.

In terms of oversight, for instance, the necessary institutions exist, but without the necessary means and capabilities their action is severely constrained. In terms of gender mainstreaming, although international capitals and UN resolutions increasingly draw attention to gender awareness, in the DRC the issue has hardly appeared on the SSR agenda, although men in uniform are today the main perpetrators of sexual abuse. Donor harmonisation was a difficult issue from the start, let alone in such a strategic area as SSR. Given the size of the country, the DRC needed external support and no single donor could afford to go it alone. However, donors were reluctant to share information on such a strategic issue as SSR, which was made worse by the fact that some of the most active donors (e.g. Angola and the Europeans) used different equipment and most importantly operated along very different SSR doctrines.

Two further issues that are key to SSR, but are not covered in the previous historical overview, also need to be discussed: DDR and police reform. Although this chapter focuses essentially on army reform, the country's key bone of contention due to its impact on the political process and development, DDR and police reform cannot be ignored. DDR and the failure or slow pace thereof have a direct impact on the success of army reform. The absence of lustration or vetting procedures, for instance, resulted in deals being struck with armed groups that the army could not overcome. This resulted in the integration of incompetent or abusive soldiers into the 'republican army' instead of dismissing them through a DDR process. Police reform is interesting, as contrary to the army it originally proceeded quite rapidly, since it was the prime guarantor of the transition institutions.

However, at the end of the transition it has run into the same problems as the army, such as the lack of a strategic vision and lack of oversight.

Oversight, the Elusive Holy Grail

Oversight mechanisms, key in a system where military abuse is so prevalent, received little attention from either national or international authorities.³⁰ In a post-conflict transitional setting where most leaders access power through the barrel of a gun, oversight of armed forces is bound to be a challenge. Congo's armed forces are sadly renowned for their abusive behaviour towards the civilian population, as well as for their corrupt practices, both within the army and to gain control over the country's riches. The involvement of armed forces, whether they are integrated or not, in so-called blood minerals is well documented.³¹

In the DRC there is no lack of oversight mechanisms; rather, it is their lack of capacity that has made them inefficient. By treating SSR as an entirely technical issue and using essentially military staff in their missions, the international actors neglected the political and oversight implications of the process.

Most donors' military missions do not entail a political adviser dealing with oversight, while the military often admitted struggling with 'that higher stuff'.³² Part of the civilian reluctance to engage with the armed forces stems from conservative rules on what funds can be accounted for as Development Assistance Committee (DAC) ones. While some donors, such as the UK, were innovative in their willingness to stretch the concept to include flanking measures designed to improve the army's living conditions, most Organisation for Economic Co-operation and Development (OECD) donors were reluctant to allocate funds to soldiers renowned for their abuse.³³

Oversight institutions and mechanisms are key to curbing the culture of secrecy, abuse and corruption that characterises armed forces in the DRC. Although many of the necessary institutions currently exist in the Congo, they tend to be so systematically underfunded and have so little capacity that their impact often amounts to little more than window dressing. First, military justice, the army's inspector general, the parliament and lustration are the prime institutions and mechanisms to address the armed forces' abusive behaviour. Second, military justice, the army's inspector general, the parliament, the state auditor and information sharing are all key to bringing corruption under control. Finally, in a democratic setting the parliament has

a unique checks-and-balances role to play in the supervision of the executive's decision to go to war.

Military Justice

Military justice is paramount in a country where soldiers have consistently been some of the worst human rights abusers.³⁴ Support for judicial reform has been patchy at best, focusing on some regions, but military justice never ranked top of the reform agenda. Military courts showed goodwill. In 2003, for instance, the Mbandaka military tribunal delivered the first sentence against the country's military personnel for crimes against humanity in cases of mass rape.³⁵ However, many of these efforts would subsequently fail, as prisons were in such dire conditions and corruption so prevalent that many convicts managed to 'escape' or bribe their way out.³⁶ As one of its main weaknesses, military justice ultimately depends on the army's cooperation in bringing the culprits to justice.

Military justice has not been a priority for national or international actors. As late as 2008, Minister Chikez's plan for army reform allocated oversight only modest budgetary lines, with military justice receiving a mere US\$4 million, compared to the rehabilitation of diverse army camps at US\$20 million each. Seven years after the beginning of the political transition, MONUC has developed a programme to address military justice, although it is essentially focused on training of personnel rather than increasing its human, financial and enforcement capacities.³⁷

Army's Inspector General

The General Inspector's Office, the army's internal investigation mechanism, has been facing two problems: the lack of funds (in early 2006 the alleged operating budget was US\$6,000 a month), and some of the staff are reported to be corrupt themselves.³⁸ As a result, the institution's efficiency has been poor at best.

Parliament

Parliamentary involvement and control over national security issues have remained minimal. Attempts to exercise oversight of the use of armed forces have proven dangerous for those parliamentarians who tried. When in early 2009 the head of the lower chamber, Vital Kamerhe, asked President Kabila

about the terms of the secret deal allowing Rwandese and Ugandan troops to operate on Congolese soil, he was pressured into resigning his position. Due to the lack of capacity, the parliament had often been perceived as a toothless barking dog. After the departure of Vital Kamerhe, the chamber became more subdued, if not effectively muffled.

State Auditor

The state auditor (Cour des Comptes), a well-respected and independent oversight mechanism, implied that army funds came from ‘separate’ funding mechanisms, as according to the national budget the Congo spent only US\$5–8 dollars per soldier a month.³⁹ So few army funds transiting through official budget lines begged the question of where the bulk of the funds was coming from and how they were allocated. What the state auditor revealed is that the army very likely engages in fund-raising activities of its own to survive – which is possible in the absence of sufficient funding and without any oversight.

This critical issue, the financing of the army, may potentially have extremely damaging consequences. With insufficient funding, the army is likely to look for alternative means of survival. This can range from outright extortion of the civilian population and illegal taxation to forced labour, when civilians are forced to mine for their local military commanders, thereby reproducing the behaviour of numerous rebel movements. The army’s ‘funding gap’ identified by the state auditor lends more credibility to the reports of army units engaging in mining activities themselves or by exploiting the local population.⁴⁰

Lustration

Vetting procedures of former combatants prior to integration in the national army were largely non-existent. The practice so far was when unable to overcome the worst abusers, it was best to coopt armed groups into the army when unable to overcome them on the battlefield. However, this has led to numerous human rights abusers achieving high-ranking positions in the army. The most famous case occurred in early 2009 when Bosco Ntaganda, a former rebel chief of staff, was integrated into the Congolese army as *de facto* deputy operations commander against the FDLR, despite an ICC warrant.⁴¹

Information Sharing

Without centralised information on human resources, funding allocation and, most importantly, weapons allotment, oversight is virtually impossible. Soldiers' salaries were diverted through payments to numerous 'ghost soldiers' and a scheme known as *Opération retour*, whereby regional and brigade commanders allegedly returned the salaries to their commanders in Kinshasa after pocketing their share.⁴²

The European SSR mission (EUSEC) tried to address some of these issues by conducting a nationwide operational audit of the armed forces and a biometric census of all military personnel, and by ensuring soldiers' salary delivery by separating the chain of command from the chain of payment. However, the results of EUSEC's audit have not been used so far, although it reached some interesting conclusions (e.g. the absence of a centralised weapons database). Moreover, brigades have recently been reshuffled, integrating new elements without input in the central human resources record. Finally, once the delivery of salaries came under EU control, *Opération retour* shifted to budget lines for logistical support and food rations.⁴³

Gender Blindness

Although the DRC has been labelled the 'rape capital of the world' and security forces are the main culprits, gender mainstreaming in SSR has been consistently overlooked by most actors, Congolese and internationals alike. In the Congolese army there are two issues: women were the prime victims of the security forces, and they were underrepresented in the armed forces. Former female combatants often tended to be categorised automatically as dependants. Moreover, serious allegations of misconduct by UN troops towards the Congolese population did not set a good standard to 'lead by example'.⁴⁴ Increasing the number of female soldiers among both Congolese and international actors would therefore kill two birds with one stone.⁴⁵

Initially gender did not reach the SSR agenda, but as the level of abuse did not waver that progressively changed. Over the past few years the UN has appointed a special adviser on sexual violence in the DRC, EUSEC hired a gender specialist and a focal point for sexual violence was named within the cabinet of the Congolese Ministry of Defence. However, the impact has remained minimal, as most actions and means are still oriented towards treating the victims or assisting army dependants, eventually providing

human rights training rather than preventing the crime itself by increasing the number of women within the army or ensuring fast-track promotion procedures for female soldiers.

A Donors' Patchwork

Prone to criticising the Congolese for their institutional labyrinth in SSR, the international community did not lead by example. Most donors paid lip-service to harmonisation, but real business occurred at the bilateral level. Bilateral donors included Western states (e.g. Belgium, France, the Netherlands, the UK) and two emerging and soon competing African powerhouses (South Africa and Angola), as well as a secretive long-standing Congolese partner, China. Recently the US also intervened, using contractors. The bilateral actors' inability to harmonise their programmes opened a breach for multilateral donors also to become involved. In 2005 the EU sent an advisory mission (EUSEC), while MONUC 'assisted' Congolese forces during operations.⁴⁶

Ad hoc cooperation between bilateral donors occurred (e.g. the Netherlands funding South Africa to carry out projects), donors would occasionally coordinate on a specific issue (e.g. channelling funds through a multi-donor trust fund for DDR) and regional cooperation was developed (e.g. EUSEC), but, overall, donors hardly ever sang in tune.

Western actors did not eye China's growing influence in the DRC well.⁴⁷ There were also fault lines between Western and Southern actors, ranging from incompatible radio equipment to the very concept of a republican army. Relatively unnoticed, an intense competition developed between Angola and South Africa, where the latter reaped the lion's share.

Not only was SSR perceived as sensitive and therefore secret, but bilateral military cooperation often reflected the donor's interests rather than those of the Congolese recipient. China trains senior officers and allegedly delivers military equipment, because it needs the Congo's natural resources. Angola trains the Republican Guard and in effect controls Kitona's military camp, because it wants to suppress its own insurgency in Cabinda's peninsula, and has a desperate need to access electricity from the Congo's Inga dam. Belgium has sold its old military equipment to the DRC.

Multilateral cooperation proved equally difficult. Multilateral donors such as MONUC, which provided 'on-the-job training', and EUSEC, which intervened in an advisory capacity, did not see eye to eye. A recent UN resolution actually had to recommend that MONUC and EUSEC work

together.⁴⁸ Some EU countries were reluctant to engage in army reform, as police seemed a safer bet; therefore two separate institutions, EUSEC and EUPOL, were set up.

Bilateral cooperation was preferred by both the Congolese and donor countries. However, the scope of reforms needed in the DRC was such that greater coordination was unavoidable to stabilise the country effectively. Once transitional institutions such as CIAT disappeared, two parallel platforms of cooperation emerged: MONUC and three working groups (army, police and justice) between major bilateral donors and the EU. While the former had the authority of a UN mandate and a large country presence, the latter had most of the financial means and both did not always see eye to eye. Two countries preferred to play it alone, China and Angola.

DDR, the Goose that Lays the Golden Eggs?

Whereas SSR started with cautious international support at a bilateral level, DDR started from completely opposite premises with comfortable international funding, channelled through a single fund administered by the World Bank's Multi-Country Demobilization and Reintegration Program (MDRP).⁴⁹ Although the UN Development Programme (UNDP) was first used as an executing agent, disagreements about overheads and the need to support capacity-building led the MDRP to shift its support to an ad hoc national agency, the Commission Nationale de Désarmement, Démobilisation et Réinsertion (CONADER). The institution was flanked by a committee for the management of demobilisation and reintegration funds.⁵⁰

DDR in the Congo suffered from mismanagement and a lack of political will and experience. First, military leaders were reluctant to relinquish control over their combatants because they provided them with a powerful political bargaining chip, while other leaders had genuine concerns for their lives after the assassination of President Laurent-Désiré Kabila.⁵¹ The initial incentive structure tended to drive the best and brightest out of the army; combatants received US\$410 when leaving the army, and a mere US\$10 a month if they embraced a military career.⁵² Second, despite the fact that the Congo had no recent DDR experience, little training was provided to CONADER staff and efficiency soon became an issue. Late payments in orientation centres stalled the entire DDR and SSR processes, as former combatants refused to leave the centres without their allowances.⁵³ According to the MDRP's own statistics, only 40 per cent of the demobilised combatants received reinsertion packages. Third, in an impoverished

country, the MDRP's US\$272 million attracted considerable greed.⁵⁴ Claims were made that CONADER had mismanaged or overspent by processing fake combatants or processing the same combatant multiple times. In September 2006 the DDR programme was suspended before the targeted 150,000 combatants were demobilised.⁵⁵

After nearly two years of an uneasy standstill, the process resumed when the national programme received additional funding of US\$72 million from the International Development Association and the African Development Bank.⁵⁶ The current national programme for DRR, the Programme National de Désarmement, Démobilisation et Réinsertion (PNDDR), is meant to process the remaining combatants and extract an estimated 8,000 children still believed to be associated with armed groups.

Police, an Easy Ride?

The police were in a similar condition to the army, but were not perceived as having the same disruptive capacity as the military; therefore the police were in charge of securing transitional institutions and reform was less contentious. Moreover, during the transition in the electoral run-up, donors were keen to keep the military in their barracks and give police the prime responsibility for securing the electoral process. The relative lack of political interest opened the door for a handful of donors to give police reform a head start: primarily MONUC, a dedicated EU mission (EUPOL), Angola and France.⁵⁷

Some key issues remained problematic: reform originally focused on Kinshasa, few oversight mechanisms existed and the achievements sometimes did not translate into actions due to weak judiciary and penitentiary systems. Although new integrated police leadership was quickly appointed and housed with MONUC, the lack of equipment, logistics, training and personnel records compromised reform attempts. After an initial focus on Kinshasa to secure transitional institutions, police reform expanded nationwide, providing all policemen with new uniforms and brief training (e.g. in human rights), since the police were to secure the electoral process.

After its initial head start, police reform has been lagging behind. In the February 2008 SSR donors' meeting in Kinshasa, the donors' enthusiasm was doused by the amounts requested (US\$1.4 billion for police reform alone). Participants recommended instead that parliament at last adopt a draft law on the reform and reorganisation of the Congolese national police, which were still awaiting a reliable census and struggling with an unknown

number of ghost policemen. Another issue relating to the police's nature and operating procedures was that although theoretically civilian, the institution's top leadership drew heavily from the military. This led to the police not being perceived as 'civilian' and often operating very forcefully, with abusive behaviour towards the local population.

Lessons Learned – Insights into Disabling Factors

From the onset, SSR in the Congo was an uphill battle, largely due to the fact that the DRC was a failed state (having suffered from years of neglect under Mobutu) emerging from two successive wars (5.4 million deaths) with an unstable peace agreement (due to the absence of a military victory).

Lesson 1: SSR During a Political Transition Requires Political Savvy

Post-conflict governments resulting from a peace agreement are notoriously more unstable than those emerging from military victory.⁵⁸ The DRC's transition leadership was divided between three armed factions, and the struggle to secure power effectively prevented any substantive long-term discussion. Political power was given according to military might, thus there was little incentive for the commanders of the main armed groups to tackle SSR, as this would undermine their position. To date, no strategic plan has been effectively implemented. So far, the Congo's approach to SSR has been similar to boarding a plane without having settled on one's final destination. SSR merely consisted of putting combatants together, not building an effective army.

If changes in military power had immediate political implications, the opposite was equally true – any political change tilted the balance of armed forces. Kabila's electoral victory allowed him to retain the Republican Guard, a *de facto* large praetorian guard at his personal disposal, while the two other former military-political commanders, Jean-Pierre Bemba and Azarias Ruberwa, lost their political stature and had to relinquish control of their troops. The late-2008 governmental reshuffle and the appointment of a new minister of defence sent ripples of excitement among the international community, eventually allowing for the reversal of the ill-conceived Chikez plan.

Lesson 2: In a Failed State, SSR's Main Challenge Is the Lack of Information and Therefore the Temptation to Do Business as Usual

Without centralised information on human resources, deployment, command structures, funding allocation and weapons allotment, oversight, strategic vision and therefore a sanitised SSR are virtually impossible. There is a tendency to reproduce the actions of the past, even if they were terribly abusive and never effective, rather than using the collapse of the old order as an opportunity to build a new system from scratch. The Congolese army, for instance, has been and still is today known in the Great Lakes region for not having won a single war since Congo's independence.

Although not in a position to provide training or operational support to the army, EUSEC developed a unique niche focusing its attention on information gathering. Its three main achievements are doing a biometric census, and thereby creating a human resource database; conducting an operational audit of the army; and separating the chain of command from the chain of payment. Similar initiatives are now considered for the police. However, the EUSEC mission suffered from a lack of political capabilities, which influenced its capacity to engage the domestic political scene.

Lesson 3: Rules Alone Do Not Curb Abuse, Oversight Does

During the transition, the leaders of the main armed groups disagreed on everything, except keeping civilians away from the army. This entrenched habit was the rule during the colonial period, under the late President Mobutu, and endured under Laurent-Désiré Kabila, the father of the current president. After the 2006 elections, President Joseph Kabila perpetuated the pattern. He kept a private military staff (Maison Militaire), a shadow military cabinet alongside the integrated military hierarchy and a much-feared Republican Guard. Aside from his own praetorian guard, the president also occasionally involved the regular army in major offensives without oversight. In late 2008, for instance, two secret military agreements were negotiated directly between President Kabila's inner circle and their Rwandese and Ugandan counterparts, completely bypassing parliamentary supervision.

Today, corruption and abuse remain widespread because oversight mechanisms are weak; they lack independent enforcement mechanisms. Thundering official statements of zero tolerance to abuse and human rights training are useless as long as national oversight mechanisms are not empowered. Curbing sexual abuse requires decisive proactive policies.

Gender must be mainstreamed among both donors (particularly military attachés) and peacekeeping troops, and most importantly a minimal threshold of women (20–25 per cent) must be included in the Congolese armed forces.⁵⁹ This begs the question as to what the army's reform agenda would look like if civil society (e.g. women's, victims' or parents' organisations) were involved in SSR assessments and oversight.

Lesson 4: Managing Expectations – War and SSR

Weak capacity is the main characteristic of a failed state. Therefore, engaging into the dual challenge of SSR and waging wars against multiple armed groups raises the question of overloading the system. From the onset, MONUC and the Secretary-General consistently argued that the solutions to the protracted conflict would have to be political, not fought over in the battlefield. As the events leading to the January 2008 arrest of Laurent Nkunda highlighted, a political solution to the Congolese conflict needs to be sought locally, regionally and internationally. Ongoing criminality and abusive behaviour by individuals require forceful action.

Since the end of the war, the Congolese armed forces, with no prior experience of acting together in the battlefield, modest training, insufficient pay, little equipment and scant support, performed accordingly: poorly. Waging a war against a flurry of armed groups required not only a unified but also an effective army. Since the end of the transition in 2006, the new Congolese army has faced the dual task of integrating while fighting two extremely effective armed groups, the Congolese CNDP and the largely Rwandese FDLR. Worst of all, the newly integrated Congolese brigades proved, according to most military experts, less effective than those that had not yet been integrated, precisely because they lacked an *esprit de corps*.⁶⁰

Lessons Learned – Insights into Enabling Factors

Notwithstanding the appalling human rights situation, some moderate level of success has been achieved: fighting is essentially limited to the east of the country, and attempts to create a unified army out of the transition's three main armed groups – supported by distrustful neighbours – have proceeded with remarkably little in-fighting between combatants originating from different groups.

Lesson 5: The Wonder of Small Things: Technical Advice

One of the best-informed outfits on Congo's military was also one of the most modest foreign contingents, EUSEC. Initially low key and operating on a relatively small budget, the EU mission has been proactive and forward-looking in the field of army reform. Originally too small a mission to engage in training or equipping, EUSEC focused its attention on army reorganisation and management. It identified the military's main weaknesses and threats (poor living conditions, corruption and lack of centralised information) and developed various systems to address these issues. Among the most successful were the separation between the chain of payment and chain of command, an army census, a centralised human resources database, flanking measures for the soldiers' families and an operational audit upon which the latest plan for army reform is based.

Two other small outfits, the UN Arms Embargo Panel and a previous Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, both consistently highlighted the link between natural resources and conflict. They have also been successful in developing effective solutions to tackle Congo's protracted war. Through its December 2008 report, the Arms Embargo Panel has raised awareness on the link between neighbouring countries and some of Congo's armed groups, managing to trigger effective actions among donor countries. The panel also stressed the necessity for international companies to exercise due diligence to avoid using Congo's blood minerals. Various schemes are currently being tested to enforce such mechanisms.⁶¹

Lesson 6: Large Is Beautiful: Whole of Government and Harmonisation

Donors' efforts must take into account the interconnection between the political, economic and security realms and lead by example. Curbing an often ineffective, abusive and corrupt army requires donors to adopt a whole-government approach whereby defence, foreign affairs, trade and development ministries must pursue a coherent approach to bolster military capabilities while strengthening oversight to limit abuse and corruption.

In the Congo, the sheer size of the country and the number of combatants meant that multiple donors had to be involved to address the challenge and agree on a common agenda. Unfortunately, donor harmonisation in SSR never materialised. A type of international military assistance and training team or a comprehensive and cross-cutting security compact matrix, where donors collaborate to develop a common framework,

never materialised. Key donors (e.g. China and Angola) or key issues (e.g. oversight) were often left out. Difficulties in adopting a strategic plan for army reform were compounded by the fact that donors (particularly from different regions) did not see eye to eye with regards to SSR. Angola, China and the West have different understandings of the role, goal and procedures of security forces. If standardisation of SSR practices in post-conflict settings is the obvious way to go, it needs to reach out to non-Western powers, such as China and, in the case of the DRC, also Angola.

On the seldom occasions where donor harmonisation materialised, it proved effective. The most recent effort leading to the arrest of Laurent Nkunda and the dismemberment of his rebellion, where the United Nations, multiple donors, regional powers and local interests aligned, is a case in point.

Another example is the mental shift that occurred in early 2005 among donors traditionally not active in the field of security (e.g. DFID), which had come to understand that the lack of security hampered all other development efforts in the DRC. From that point onwards a link was made by some of the most advanced donors between SSR and development (or lack thereof). This was reinforced by donors' willingness to stretch the definition of DAC aid (or SSR-related support that could be counted as overseas development aid). However, efforts are still required at the political level to mainstream SSR, make the process more inclusive and ensure independent oversight mechanisms.

Insights into Intended and Unintended Coping Strategies

SSR in the DRC lacked a programme or vision, implementation capacity and political will from national, regional and international actors. Nevertheless, achievements have been made, activities have been carried out, often on an ad hoc basis, and tests trials were run, sometimes successfully. In some cases, very creative thinking was used to overcome bottlenecks.

The creative use of cell phones in SSR provided an interesting coping strategy used to deal with lack of equipment, poor communications and a scarce banking system. In a fragile state where institutions and infrastructure are weak, highly developed cell-phone networks have been used extensively by both the army and the police to communicate. Radio communications were difficult, because either the equipment did not exist or the networks were incompatible. As a result, some of the most intense fighting against the

CNDP rebellion occurred around the Celltell tower, which the army defended vigorously lest its troops lose their communication capacity.

In a country where the banking system was emerging and notoriously unreliable, mobile phone-card sellers present everywhere were used by the DDR programme to pay former combatants. Once they returned to their villages, former combatants could collect their monthly allowances at cell-phone-card retailers.

The continuous deadlock on an SSR strategy while there was an obvious urgency to neutralise the army's potential threat was at the root of the involvement of non-traditional donor agencies (e.g. development) in SSR and of the creation of alternative programmes. EUSEC's initiatives of separating the chain of payment from the chain of command within the army, as well as its biometric census, constitute good examples thereof. The involvement of development agencies to improve the army's living conditions (e.g. renovation of *brassage* centres and the provision of clean water, sanitation and tents) and to assist with flanking measures for the soldiers' dependants have also allowed for substantial progress in the whole-of-government approach in the security sector.

If some programmes successfully managed to work around the political impasse, some evils have continued to plague SSR, proving extremely adaptable and inventive. Spoilers also devised strategies to thwart the progress achieved. EUSEC's chain of payment programme ensured that salaries reached their intended beneficiaries, the soldiers. But the programme's unintended consequences were the subsequent drying up of the brigades' food allocation and provisions for logistical support. The *Opération retour* corruption scheme had merely shifted to other budget lines.

Conclusions

Today, the DRC is at a crossroads: both politically and with regards to SSR, a new window of opportunity may emerge, or the past may repeat itself. Three years after the 2006 elections, the country has adopted democratic procedures, but it is still struggling with the spirit of democracy: transparency, oversight, accountability and meaningful opposition. In the reform of security forces, the same pattern emerges: a republican army appears in all strategic plans, but hardly translates into reality.

Today's army is relatively similar to the late President Mobutu's. Both were poorly paid, poorly treated by their own government (with the notable exception of the Presidential Guard), abusive towards the Congolese

population, operating without oversight and composed of an uncertain mix of well-trained officers and political appointees. As a result, Congo's armed forces still have not managed to win a single war or the trust of the population. There are historical reasons for such inefficiency. The operating principles of the security apparatus trace back to the colonial period: security forces were not made for the people, but to protect the interests of those in power. After independence, state-building occurred among élites, not between the state and the people, and SSR was designed to strengthen the power of the new élite.⁶² Although the most recent revised plan of army reform endorses a more progressive vision of the army's role, in practice old habits die hard.

The political deadlock at the national level and the lack of harmony within the international community with regards to SSR have led to a patchwork approach, but also to creative thinking. The links with the development community (e.g. flanking measures for army dependants) and the focus on managerial capacity (e.g. census and payment) have been positive developments, moving SSR well beyond the traditional 'training and equipment' approach. The inability to tackle oversight of the armed forces remains a stumbling block that risks preventing the establishment of a strong and effective security system, jeopardising peace and security in the Congo. The development of a professional fighting force requires a dual process of positive incentives (e.g. improved pay, living conditions, training, equipment, career prospects) and strong oversight mechanisms (e.g. internal, judiciary, parliamentary, financial auditing and lustration).

Efforts must also be stepped up in terms of overall SSR. Army, police, military justice, civilian justice and the penitentiary system are part of a logical continuum and must be considered together. Capacity and oversight are equally lacking in police and justice reform. When means were originally granted, as was the case for DDR, the lack of accountability and oversight often led to corruption, and thus ineffectiveness, driving existing donors away. Therefore strong commitment and complete openness with independent enforcement mechanisms are needed to rebuild trust in the Congolese security apparatus. It also requires the international community to act cohesively. The discrepancy between its SSR requirements in the DRC and its unwillingness to share or disclose information about its own activities cannot go unnoticed by its Congolese partners. Resistance by civilians and the military to acting jointly with the donor community is deadly in the Congolese context. So is the international community's unwillingness to impose forceful due diligence procedures on its companies suspected of

trading in blood minerals. The world needs to lead by example and abide by its own rules.

Notes

- ¹ The author is indebted to Nele Groosman for having kindly helped out with producing this chapter.
- ² One rebel group, the CNDP, famously wore a badge that read 'Rebels for God'; others, such as the Mai Mai, believe in traditional magical spells.
- ³ International Rescue Committee, 'Mortality in the Democratic Republic of Congo: An Ongoing Crisis', January 2008. Excess deaths are usually defined as the number of people dying in that location in comparison to other countries from the same region with similar levels of socio-economic development.
- ⁴ UN Security Council, 'Fourth Special Report of the Secretary-General of the United Nations Organization Mission in the Democratic Republic of the Congo', UN Doc. S/2008/728, 21 November 2008: 9; Human Rights Watch, 'Les soldats violent, les commandants ferment les yeux. Violences sexuelles et réforme militaire en République Démocratique du Congo', July 2009. Male rape also appears to have become more common. Interviews with health workers and civil society, Rutshuru, North Kivu, November 2008.
- ⁵ The war in the Congo is referred to as Africa's World War because it dragged eight of its neighbours into the conflict. Gérard Prunier, *Africa's World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe* (London: Oxford University Press, 2008).
- ⁶ The UN Secretary-General speaks about 'long period of apparent stagnation' and the 'obstructive attitude' of the belligerents. UN Security Council, 'Sixth Report of the Secretary-General of the United Nations Organization Mission in the Democratic Republic of the Congo', UN Doc. S/2001/128, 12 February 2001: 16.
- ⁷ Chapter 7 deals exclusively with the 'army'. It entails two ideas: the formation of an integrated national army inclusive of the country's main rebel movements; while a Conseil Supérieur de la Défense will declare war and give advice on SSR, DDR and national defence policy. Annex V relates to security and military issues, whereby security is provided for leaders during the transition and Congolese security forces are under the leadership of the Comité intérimaire chargé de la défense et de la sécurité, a body including representatives of the main armed movements as well as police, defence and security services. A copy of the original agreement can be found at <http://www.grandslacs.net/doc/2826.pdf>.
- ⁸ Specialists estimated the actual amount as close to half the official number. Interview with national and international security experts, Kinshasa and Goma, 2005.
- ⁹ In MONUC's own terms, 'At the current stage, not enough is known of the armed groups, their numbers, their weaponry, their location, their command structures and leadership and their likely intentions to make it possible to draw up a detailed operational plan for immediate implementation, even if the resources were available.' UN Security Council, note 6 above: 9. The Joint Military Commission was set up as a result of the 2001 Lusaka Agreement. Composed of the main belligerent parties, it was meant to investigate cease-

fire violations, work out mechanisms to disarm the identified militias and monitor the withdrawal of foreign troops.

- ¹⁰ UN Security Council, 'Second Special Report of the Secretary-General of the United Nations Organization Mission in the Democratic Republic of the Congo', UN Doc. S/2003/566, 27 May 2003: 17. Given the ongoing violence, the mortality rate has not abated and the death toll keeps on rising.
- ¹¹ The three main factions were President Kabila's FAC (Forces Armées Congolaises) in the west of the country, Vice-President Jean-Pierre Bemba's MLC (Mouvement de Libération du Congo) in the north and Vice-President Azarias Ruberwa's RCD (Rassemblement des Congolais pour la Démocratie) in the east. Numerous splinter groups and realignments occurred, but the three main factions were those that had gained access to the vice-presidency in the interim government.
- ¹² See http://ospiti.peacelink.it/anb-bia/week_2k3/030703b.htm.
- ¹³ The arms embargo was imposed by UNSC Res. 1493 (S/RES/1493/2003).
- ¹⁴ UN Security Council, 'Fifteenth Report of the Secretary-General of the United Nations Organization Mission in the Democratic Republic of the Congo', UN Doc. S/2004/251, 25 March 2004.
- ¹⁵ UN Security Council, 'Third Special Report of the Secretary-General of the United Nations Organization Mission in the Democratic Republic of the Congo', UN Doc. S/2004/650, 16 August 2004; UN Security Council, 'Sixteenth Report of the Secretary-General of the United Nations Organization Mission in the Democratic Republic of the Congo', UN Doc. S/2004/1034, 31 December 2004.
- ¹⁶ International Crisis Group, 'Security Sector Reform in the Congo', *Africa Report*, no. 104, 13 February 2006.
- ¹⁷ Support from bilateral donors included Western donors, South Africa and Angola. More recently, the US also intervened. International donors were particularly active: the EU sent a mission (EUSEC), while MONUC 'assisted' Congolese forces during operations. Interview with senior diplomats, Kinshasa, December 2005; interviews with US officials, international security experts and Congolese military, Kinshasa and Goma, 2007–2008.
- ¹⁸ The original plan proceeded along similar lines but on a grander scale, including 25 orientation centres and 16 *brassage* centres to integrate 18 brigades prior to the elections. The emergency plan entailed only 12 orientation centres and six *brassage* centres, in the hope of completing the integration of six brigades prior to the June 2005 elections. Henri Boshoff, 'Overview of Security Sector Reform Processes in the DRC', *African Security Review* 13, no. 4 (2004).
- ¹⁹ International Crisis Group, note 16 above; UN Security Council, 'Nineteenth Report of the Secretary General on the United Nations Organization Mission in the Democratic Republic of the Congo', UN Doc. S/2005/603, 26 September 2005: 7–8; interview with international NGO representative, Kinshasa, December 2005.
- ²⁰ The full text of the communiqué is available at http://www.iss.co.za/dynamic/administration/file_manager/file_links/GLCOM9NOV07FR.PDF?link_id=29&slink_id=5117&link_type=12&slink_type=13&tmpl_id=3.
- ²¹ The full text of the agreement is available on the BBC website at http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/24_01_2008northkivu.pdf.
- ²² Interviews with international military experts, April–May 2009.
- ²³ A similar accord was struck with Uganda and southern Sudan to chase (or eliminate) a Ugandan armed group, the Lord's Resistance Army, from the Congo.

- ²⁴ Commandment of General Chief of Staff, *Schéma directeur de la réforme des forces armées* (Kinshasa: Armed Forces of the DRC, 2007).
- ²⁵ While the DDR process targets the reinsertion of national combatants into society, DDRRR (disarmament, demobilisation, repatriation, reintegration and resettlement) is geared towards foreign nationals.
- ²⁶ Interviews with senior military officials, Kinshasa, March 2008.
- ²⁷ Chikez Diemu, *Projet de feuille de route pour la mise en oeuvre du plan global de la réforme de l'armée* (Kinshasa: Ministry of Defence, 2007); Henri Boshoff, 'Security Sector Reform in the Congo: The Status of Military Reform', *Africa Studies Review* 17, no. 2 (2008): 62–64.
- ²⁸ UN Security Council, 'Twenty-fifth Report of the Secretary-General of the United Nations Organization Mission in the Democratic Republic of the Congo', UN Doc. S/13/2008/218, 2 April 2008.
- ²⁹ Many senior military commanders allegedly invested in large farms, which made many donors even more reluctant to support the plan. The EU would eventually fund the tractors. Interviews with international military expert, Kinshasa, March 2008; interview with international military expert, Brussels, April 2009; Sébastien Melmot, *Candide au Congo. L'échec annoncé de la réforme du secteur de la sécurité (RSS)* (Paris: Laboratoire de Recherche sur la Défense, September 2008): 19.
- ³⁰ Nicola Dahrendorf, 'MONUC and the Relevance of Coherent Mandates: The Case of the DRC', in *Security Sector Reform and UN Integrated Missions: Experience from Burundi, the Democratic Republic of Congo, Haiti, and Kosovo*, eds Heiner Hänggi and Vincenza Scherrer (Geneva: DCAF, 2008): 67–112.
- ³¹ United Nations, 'Group of Experts on the Democratic Republic of the Congo', UN Doc. S/2008/43, 13 February 2008; Global Witness, *Faced with a Gun, What Can You Do?* (London: Global Witness, July 2009), available at http://www.globalwitness.org/media_library_detail.php/786/en/global_witness_report_faced_with_a_gun_what_can_you.
- ³² Interview with senior international military official, Geneva, May 2009.
- ³³ In a series of recent reports, the UN and NGOs alike document recent gross and pervasive human rights abuses by the Congolese armed forces, including extra-judicial killing and rape: United Nations Mission in DRC and Office of the High Commissioner of Human Rights, 'Rapport d'enquête consolidé du Bureau Conjoint des Nations Unies pour les Droits de l'Homme (BCNUDH) suite aux vastes pillages et sérieuses violations des droits de l'homme commis par les FARDC à Goma et à Kanyabayonga en Octobre et Novembre 2008', Geneva, 7 September 2009; Global Witness, note 31 above; United Nations Security Council, 'Interim Report of the Group of Experts on the Democratic Republic of the Congo', New York, 18 May 2009; Oxfam International, 'Security Forces? The Security Services and Protection. Community Testimonies from DRC', March 2009.
- ³⁴ According to the Congolese judicial system, all actions involving either a member of the armed forces or a weapon of war (non-defined) fall under the realm of military justice. Interviews with military prosecutors and human rights activist, Kinshasa and Goma, 2006 and 2008. For human rights abuses see UN Security Council, 'Report of the Secretary-General Pursuant to Paragraphs 10 and 14 of Security Council Resolution 1649 (2005)', UN Doc. S/2006/310, 22 May 2006: 9; UN Security Council, note 28 above: 11; *AFP*, 'DRC Officers Accused of Rape Still Serving: Army', *AFP*, 22 June 2009.
- ³⁵ UN Security Council, 'Report of the Secretary-General on Children and Armed Conflict in the Democratic Republic of the Congo', UN Doc. S/2006/389, 13 June 2006: 8.

- ³⁶ UN Security Council, 'Twenty-second Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo', UN Doc. S/2006/759, 21 September 2006: 13.
- ³⁷ UN Security Council, 'Twenty-sixth Report of the Secretary-General of the United Nations Organization Mission in the Democratic Republic of the Congo', UN Doc. S/2008/433, 3 July 2008: 12.
- ³⁸ Interviews with military experts, Kinshasa, 2005–2007.
- ³⁹ State Auditor, 'Audit des dépenses publiques', 1 December 2006–28 February 2007 (Kinshasa: State Auditor, 2007); International Crisis Group, 'Escaping the Conflict Trap: Promoting Good Governance in the Congo', *Africa Report*, no. 114, 20 July 2006: 22; International Crisis Group, note 16 above; Melmot, note 29 above: 19.
- ⁴⁰ Global Witness, note 31 above.
- ⁴¹ UN Security Council, 'Rapport d'étape du groupe d'experts sur la République Démocratique du Congo', UN Doc. S/2009/253, 4 May 2009: 10; UN Security Council, 'Twenty-third Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo', UN Doc. S/2007/156, 20 March 2007: 8.
- ⁴² International Crisis Group, note 16 above.
- ⁴³ Interviews with military experts, Kinshasa, 2005–2008, and members of the Congolese armed forces, North Kivu and Province Orientale, 2005–2008.
- ⁴⁴ UN Security Council, 'Twenty-first Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo', UN Doc. S/2006/390, 13 June 2006: 13; Louis Charbonneau, 'Peacekeepers May Have Committed Sex Abuse in Congo', Reuters, 12 August 2008.
- ⁴⁵ Nicholas Kristof, 'Rape as a Strategy of War', *New York Times*, 18 June 2008; François Landiech, 'Note on Sexual and Gender-based Violence', *SIDA*, 27 May 2009; International Crisis Group, 'Beyond Victimhood: Women's Peacebuilding in Sudan, Congo and Uganda', *Africa Report*, no. 112, 28 June 2006.
- ⁴⁶ Interview with Congolese and US officials, Goma and Kinshasa, December 2007 and March 2008.
- ⁴⁷ China signed a US\$9 billion deal with the DRC in 2008, in effect trading natural resources for infrastructure. John Vandale, 'China Outdoes Europeans in Congo', IPS, 8 February 2008, available at <http://ipsnews.net/news.asp?idnews=41125>.
- ⁴⁸ UN Res. 1856 of 19 December 2008 specifically mentioned that MONUC's actions with regards to SSR had to be developed 'in coordination with international partners, including the European Union operations EUSEC and EUPOL'.
- ⁴⁹ The MDRP would eventually disburse about US\$272 million in the DRC. Donors are essentially 'Western', including Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Italy, the Netherlands, Norway, Sweden, the United Kingdom and the European Commission. See MDRP Fact Sheet (Washington, DC, August 2008), available at http://www.mdrp.org/PDFs/MDRP_FS_0808.pdf.
- ⁵⁰ UN Security Council, note 14 above.
- ⁵¹ UN Security Council, 'Seventeenth Report of the Secretary General of the United Nations Organization Mission in the Democratic Republic of the Congo', UN Doc. S/2005/167, 15 March 2005: 7.
- ⁵² The *tronc commun* refers to a process whereby all combatants would be regrouped, disarmed and sent to an orientation centre. It is only at that stage that they choose whether

they want to stay in the army or return to civilian life. International Crisis Group, note 16 above, Executive Summary: i.

⁵³ UN Security Council, note 35 above: 13.

⁵⁴ MDRP Fact Sheet, 'Democratic Republic of the Congo', March 2009, available at http://www.mdrp.org/PDFs/MDRP_DRC_FS_0309.pdf.

⁵⁵ UN Security Council, note 44 above: 11.

⁵⁶ With regards to the new DDR funding, see UN Security Council, note 36 above: 16.

⁵⁷ UN Security Council, 'Special Report of the Secretary-General on the Elections in the Democratic Republic of the Congo', UN Doc. S/2005/320, 26 May 2005: 11; International Crisis Group, note 16 above.

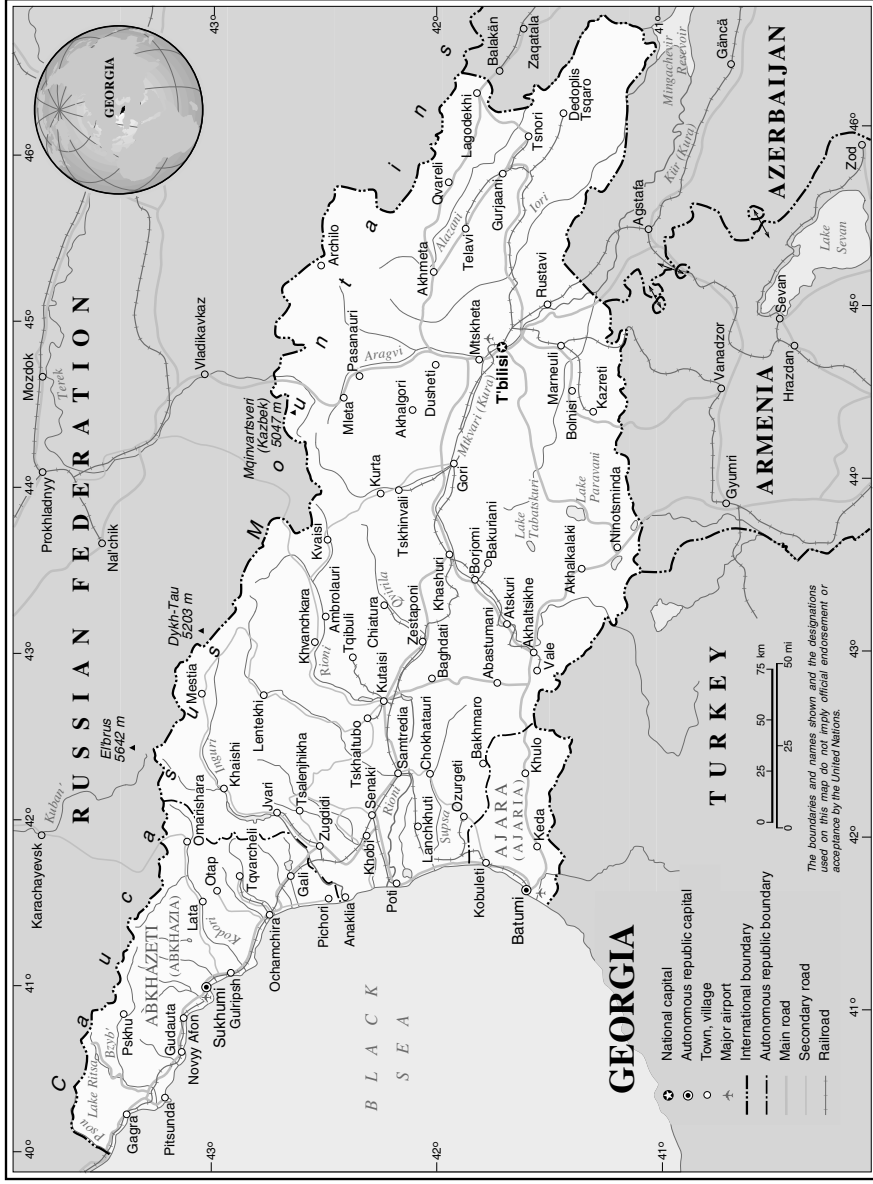
⁵⁸ Virginia Page Fortna, 'Scraps of Paper? Agreements and the Durability of Peace', *International Organization* 57, no. 2 (2003); Monica Toft, 'Peace through Security: Making Negotiated Settlements Stick', paper presented at International Studies Association Annual Conference, San Diego, 22–26 March 2006.

⁵⁹ Megan Bastick and Kristin Valasek, eds, *The Gender and SSR Toolkit* (Geneva: DCAF, 2008); International Crisis Group, note 16 above.

⁶⁰ Interviews with national and international military, Kinshasa and Goma, December 2005, June 2006 and March 2009.

⁶¹ Reports of the UN Arms Embargo Panel, available at <http://www.un.org/sc/committees/1533/egroup.shtml>. A good overview of the mechanisms is developed in Global Witness, note 31 above.

⁶² Interview with African SSR expert, Geneva, 4 June 2009.



Chapter 5

Impatient Reformers and Reignited Conflicts: The Case of Georgia

Duncan Hiscock

Introduction

The ‘Rose Revolution’ which brought President Mikheil Saakashvili to power in November 2003 marked a decisive turning point in the history of Georgia. As part of its radical vision to overhaul the whole state, the new government promised to transform Georgia’s security sector in line with Western models and standards of security sector governance, with the stated aim of joining the North Atlantic Treaty Organization (NATO) and the European Union (EU). Within months the government of Georgia had announced far-reaching plans for defence, police and judicial reform and had already implemented many important changes. Compared to the frustratingly slow pace of security sector reform (SSR) in many other countries, Georgia appeared to be approaching SSR with a drive rarely witnessed even in more developed, more stable environments.

Inevitably, as time has passed, questions have been raised about the appropriateness and effectiveness of Georgia’s reform process. Two recent events – the heavy-handed break-up of opposition protests in Tbilisi in November 2007, and the conflict between Georgia and Russia in August 2008 regarding the disputed territories of South Ossetia and Abkhazia – have drawn international attention to the Georgian security sector. Did these events represent the failure of SSR in Georgia, or are they merely a setback that has highlighted the challenges more precisely?

This chapter is based on the author’s observations of the SSR process since the Rose Revolution, supplemented by a desk review of relevant documents and analysis and research interviews in Tbilisi in May 2009. It begins with a brief description of the major SSR activities that have taken place since 2003 regarding defence, policing and justice agencies. It then sets out four aspects of SSR in Georgia that may provide a new perspective on some key aspects of SSR. These four aspects are:

- the high degree of local ownership of reform by the Georgian government – unusual, given that élites are often resistant to reform
- the context in terms of unresolved conflicts, SSR and peacebuilding
- the context in terms of geopolitical tension
- the trade-off between following best practice and implementing reform in a narrow window of opportunity.

The conclusion then places these ideas back in the context of international theories and practice of SSR, with brief recommendations for how the Georgian example can inform other SSR processes around the world.

A Brief Overview of SSR Activities in Georgia

This section reviews the main changes that have taken place in the security sector in order to place the discussion in a suitable context. It does not analyse the success or failure of each measure, beyond general observations; as argued below, while many apparently positive steps have been taken, it is too early to evaluate whether the overall SSR process has been successful.

Overarching Security Reforms

The goal of the post-Rose Revolution political élite is to transform the state from a barely functioning post-Soviet bureaucracy marred by corruption and organised crime into a modern, Western state that could justifiably join the EU and NATO. SSR in Georgia should be seen through this prism, even if neither the government of Georgia nor international actors have directly used the language of security sector reform. It is more accurate to talk more generally of security sector reforms, since they have not been drawn together into a comprehensive, cross-governmental approach; reforms have mostly been pushed through by impatient reformers without reference to a wider sectoral strategy. Nor have Georgia's international partners pushed the concept of SSR, partly because the language of 'SSR' is relatively recent but also because of their ambivalent attitude towards supporting Georgia's reforms (see below).

Nonetheless, three sets of documents have guided the overall reform process over the last few years. The first is Georgia's National Security Concept, which was adopted in 2005. This was the first time that Georgia had developed an overarching security strategy. It identifies Georgia's key

national interests and the threats to these interests, including the lack of territorial integrity and risk of territorial disintegration; the spill-over of conflicts from neighbouring countries; military intervention; Russian military bases stationed in Georgia; contraband and transnational organised crime; and international terrorism. It then outlines the major directions of national security policy, the most important of which are the strengthening of democratic institutions and effective governance; strengthening of defence capabilities; restoration of territorial integrity; and Euro-Atlantic integration.¹ Hence, while the National Security Concept does not provide a detailed blueprint for reform (and is not intended to), it has set the main directions for the SSR that has taken place.

SSR in Georgia has also been driven by major agreements signed with NATO and the EU. Reflecting these organisations' different natures, Georgia's joint programmes with NATO have focused on defence reform, while the EU has centred on justice reform – though there is considerable overlap, with both organisations emphasising that security also depends on democratic political institutions and procedures. Georgia's cooperation with NATO has been defined through a series of short-term action plans, first the Individual Partnership Action Plan (IPAP) and then the Annual National Programme,² which have set concrete tasks for Georgia to achieve in order to move closer to NATO membership. Similarly, Georgia's reform commitments to the EU are enshrined within the European Neighbourhood Programme Action Plan (ENP AP) adopted in 2006.³ In terms of SSR, this is most notable for its emphasis on the rule of law and reforming the criminal justice sector in line with the concept developed by the Georgian government and the EUJUST Themis 'rule of law' mission from 2004 to 2005 (see below).

However, while the Georgian government places great importance on its relations with NATO and the EU, Western attitudes towards the relationship are more ambivalent. There are deep internal divisions within the two organisations about whether or when Georgia might be allowed to join either organisation. Under President George W. Bush, the US lobbied other NATO member states hard to invite Georgia to prepare a membership action plan, but this was resisted by some European states, which argued both that Georgia is far from NATO membership and that inviting Georgia to join the alliance would unnecessarily anger Russia. These tensions meant that NATO decided it could not agree to invite Georgia to develop a membership action plan at the Bucharest summit in April 2008.⁴ This was shrugged off by the Georgian leadership, who argued that reforms would continue in the same direction regardless. The NATO-Georgia Commission

established in the wake of the August 2008 conflict will continue to provide cooperation mechanisms and support for further reform.⁵ Yet it is clear that Georgia will not receive the depth of external support for its SSR process that it hoped for. Although Georgia is likely to receive strong continued support from the US, NATO and EU engagement remains lukewarm – not a situation in which comprehensive SSR is likely to occur.

Defence Reform

It is in the defence sector that the changes are most visible. During the reign of President Shevardnadze, there had been some attempts at reform but with few results. The International Security Advisory Board (ISAB), an independent group of experienced Western military experts that was established to advise the Georgian government on defence reform, had made a series of recommendations but few were taken on board. A US-backed Georgia Train and Equip Programme (GTEP) was launched in 2002 that trained four light infantry battalions and one mechanised armour unit, with the stated aim of preparing troops to combat international terrorism.⁶ Beyond that, however, little was done and the armed forces were hampered by low defence budgets and poor working conditions.

Since 2004, however, the pace of defence reform has been very quick, and by early 2006 ISAB concluded that most of its recommendations had already been implemented.⁷ At the structural level, key changes include the appointment of a civilian defence minister and civilianisation of the Ministry of Defence (MoD), the consolidation of militarised forces under the MoD through the integration of Interior Ministry interior troops into the armed forces and the restructuring of the joint staff as a purely military body. On a practical level, training has been completely overhauled, not least through a follow-up US programme called the Sustainment and Stability Operations Programme (SSOP), while infrastructure and equipment also improved considerably, as symbolised by the opening of two Western-style bases in Senaki and Gori. This was underpinned by huge increases in military spending. In 2002 military expenditure was just 74.6 million laris (less than \$50 million), but by 2007 it had reached 1.56 billion laris (around \$0.75 billion); as a percentage of GDP, military expenditure rose from 1.0 per cent in 2002 to 9.2 per cent in 2007.⁸

The government argued that this massive increase in defence spending was needed both to strengthen its armed forces so they could better protect national interests and to reach NATO standards. Yet although Georgia's implementation of NATO action plans was largely praised, some decisions,

particularly regarding personnel numbers, went against NATO recommendations. While external experts argued that a small but well-trained, well-equipped force would be more suitable and sustainable (ISAB proposed a figure of 13,000–15,000 troops⁹) and Georgia's own Strategic Defence Review of 2007, carried out with international support, proposed reducing troop numbers by approximately 10,000 by 2015,¹⁰ short-term decisions increased the number of personnel: there are currently well over 30,000 troops, including 23,000 land forces; furthermore, the government formed a national military reserve of up to 100,000 people (though many fewer are currently combat-ready).¹¹ This perhaps reflects different expectations of how the Georgian armed forces might be deployed. A small, mobile force would be most able to contribute to NATO missions, but Georgian decision-makers remained preoccupied with the threat of further conflict in the Caucasus – and perhaps maintained a simplistic belief that 'the more troops, the better'.

The conflict in August 2008 had a huge impact on the armed forces, with then Defence Minister Davit Kezerashvili estimating that the war caused about \$250 million worth of material losses, including heavy damage to the bases at Gori and Senaki.¹² The conflict also forced Georgia's international partners to ask themselves some challenging questions about the purpose of defence reform in Georgia. How much had it really been about democratisation, joining NATO and fighting 'terrorism'? Did Georgia think it would help defend against external aggression? And had some Georgian decision-makers believed that reformed armed forces would be more able to reinstate territorial integrity by violent means if necessary? These questions are discussed in the SSR and peacebuilding section below.

Police Reform

Enormous changes were made to the police service in the first couple of years following the Rose Revolution. A massive reduction in the number of police and other Ministry of Internal Affairs (MIA) employees meant that between November 2003 and early 2005 the workforce fell from over 53,000 to approximately 22,000 (leaving a whole generation of poorly trained, corrupt policemen unemployed).¹³ The primary motivation was to raise standards by having less officers but paying and training them much better – and salaries were raised accordingly, meaning that for the first time police officers received a liveable salary by Georgian standards. At the same time, the government disbanded the corrupt and ineffective traffic police and, almost overnight, a new patrol police was introduced.¹⁴ The patrol police

were given better salaries, new cars and uniforms, and took responsibility for regulating traffic, dealing with emergency situations and maintaining order and controlling crime in public locations. It was instantly popular with the public, particularly since the government emphasised that any police officer caught taking bribes would be severely disciplined and such petty corruption more or less disappeared.

These were the most high-profile reforms, but many other institutional changes were also introduced. The border guard service, previously independent, was integrated into the police. A new Department for the Protection of Human Rights and Monitoring was intended to ensure that the MIA adhered to human rights standards and abuses were investigated. An overhaul of police training, including a total reorganisation of the police academy, was also initiated. And in 2005 new neighbourhood police were introduced to complement the patrol police by managing neighbourhood disputes and preventing and investigating local crime.

These early reforms were not performed according to a comprehensive analysis of what changes were needed. In the first months after the Rose Revolution, the minister of internal affairs met regularly with Georgian civil society experts and experts from relevant embassies and multilateral organisations, who provided ideas and feedback, but the reforms were developed primarily by the MIA in an attempt to capitalise quickly on favourable circumstances. Nonetheless, alongside these immediate reforms longer-term plans for structural reform were also developed. A reform strategy published in 2005 envisaged a firm separation of strategic and operational policing functions and a clear division of responsibilities between the police and the MIA. There would also be a reorganisation of the management of different functional and territorial tiers of policing, introducing some decentralisation of powers to the local level while making lines of responsibility clearer.¹⁵

International advice and support for police reform came primarily from two sources: the US and the Organization for Security and Co-operation in Europe (OSCE). The US provided considerable financial and technical support on a bilateral basis, which was particularly important in the early days of the new government, given that multilateral aid takes longer to be agreed. Multilateral international support was coordinated and implemented by the OSCE, which launched a Short Term Assistance Programme (STAP) followed by a more detailed Police Reform Programme, which had two main directions – community policing and human resource management.

However, in the last couple of years the reform process seems to have taken a different direction. Symbolically, the MIA appears to have removed the above-mentioned reform strategy from its website, and there has been a gradual centralisation of power, with many departments now subordinated directly to the minister. David Darchiashvili argues that the ministry has concluded that the previous reform strategy is unrealistic, 'a thing of the future at best and an idealistic approach at worst',¹⁶ because of the difficult law-and-order situation, with the government still seeing a major threat of insecurity emanating from organised crime, the lack of control over the territories of Abkhazia and South Ossetia and internal disruption by external forces. He concedes, however, that this centralisation has had negative consequences for human rights and the rule of law.

Especially from 2006 onwards, the police were accused by opposition groups and some international observers of sometimes operating outside the law and failing to investigate some cases properly. A high-profile example was the murder of Sandro Girgvliani. It was alleged that MIA officials beat and killed Mr Girgvliani for insulting the minister's wife. An investigation resulted in four ministry officials being convicted, but opposition groups claimed that the investigation had not been carried out properly and alleged a cover-up. Another cause of concern was the violent way in which the police broke up demonstrations in Tbilisi on 7 November 2007, using tear gas, water cannons and rubber bullets. There were also many reported cases of police officers beating up protesters.¹⁷ Accusations of police brutality were never thoroughly investigated.¹⁸ The day ended with the imposition of a state of emergency, which lasted for over a week despite significant international criticism.

In some respects, the government appears to have learned from these events. Between May and July 2009 opposition protesters blocked the main street in Tbilisi and several other strategic sites, as part of a plan to force President Saakashvili to resign. The government did not attempt to clear the streets, and although there were a few sensitive incidents and accusations of protesters being attacked, this more measured response meant that the protests remained peaceful, gradually ran out of steam and eventually ended by August.

More generally, the path of future reform remains unclear. The previous reform strategy has been halted and there appears little prospect of a genuine separation between the Ministry of Internal Affairs and operational policing functions. Moreover, international support for police reform through the OSCE has come to a halt after Russia blocked the budget of the OSCE Mission in Georgia. There is thus little international attention

on policing, with NATO focused on defence reform and the EU largely focused on judicial reform. Previous reforms have so far remained effective – even the government’s opponents admit that the patrol police remain mostly free from corruption (with the state continuing to pay reasonable salaries) – but there appears to be little desire to drive a new wave of reforms.

Justice Reform and the Rule of Law

Judicial reform in Georgia has moved more slowly than defence and police reform. The government inherited an ineffective, deeply corrupt judiciary, open to both bribery and political interference. Various internationally backed projects on justice and the rule of law had been implemented during the Shevardnadze era with little overall impact on the quality of justice.

The government committed to comprehensive reforms of the justice system, but soon came up against a core dilemma for judicial reform: how can the executive push through root-and-branch reform and drive out undesirable elements while at the same time promising judicial independence?

The government began by putting pressure on judges it considered suspect. In 2005, 21 of 37 Supreme Court judges resigned after the authorities told some judges that they should either resign or face disciplinary hearings, while another nine were suspended from office following such hearings.¹⁹ The president was also given special powers in 2004 to appoint and dismiss judges. The government has since employed a number of tactics to try to improve the quality of judges, including lowering the minimum age for judicial appointments and the establishment of a High School of Justice, managed by an independent board, which provides a 14-month programme covering many aspects of legal process which ‘students of justice’ must undertake before being appointed as judges.²⁰

However, this activist course raised concerns that the government would continue to interfere in judges’ work. Its determination to crack down on judges it perceived as inadequate was interpreted in some quarters as creating ‘an environment in which it was easy for the government to intimidate judges’.²¹ According to this view, ‘the overhaul of the Supreme Court gave the entire judiciary a message that political loyalty is required’,²² which judges then sought to demonstrate by convicting a high percentage of defendants: ‘against the background...[of]...a campaign of zero-tolerance [against crime], the use of strict sanctions by the judges became a method to prove loyalty to the Government’.²³

Judicial reform and the rule of law are high on the EU's agenda. In 2004 the EU created the EUJUST Themis 'rule of law' mission, made up of justice experts from various member states. Its main goal was to support the Georgian government in developing a comprehensive strategy for criminal justice reform, a goal that it achieved in mid-2005. Georgia's ENP AP states that Priority Area 1 is to 'Strengthen rule of law especially through reform of the judicial system'. This requires 'reform of the whole judicial system in line with European standards', including ensuring a proper separation of powers and independence of the judiciary, prosecution, police and law enforcement agencies; improvement of training of judges, prosecutors and other officials; improved access to justice; and thorough reform of the penitentiary and probation services.²⁴

Reforms continued apace, with the government amending legislation on appointment of judges, giving judges greater powers to manage the courtroom and introducing legal aid in 2007. Despite this, great public dissatisfaction with the quality of the rule of law in Georgia remains, and is considered one of the key drivers of opposition protests. International observers also expressed concerns, with an International Crisis Group report in the wake of the November 2007 protests wondering whether Georgia was 'sliding towards authoritarianism'.²⁵

Again, however, it seems that the government was shaken both by the November 2007 protests and by the August 2008 conflict, and in September 2008 President Saakashvili reiterated his commitment to justice reform and announced a series of measures to reinvigorate the reform process, including the intention to introduce jury trials (following suitable preparation and piloting) and a new drive to fill vacancies in district and appeals courts. In December 2008 the Criminal Justice Reform Inter-Agency Coordinating Council was established, with responsibility for revising the reform strategy developed with EUJUST Themis in 2005.²⁶

There is no doubt that the government has been very active in introducing changes. Nonetheless, the quality of the rule of law in Georgia remains a major issue. This concerns not only the accountability and professionalism of official bodies but also the establishment of the rule of law as a societal norm. Bitter political disagreements and a continued mistrust of the state among many sections of society suggest that the reform process still has a long way to go.

Oversight Institutions

Lastly, it is worth reviewing the effectiveness of various oversight mechanisms – parliament, the ombudsman, civil society and the media – in holding the government to account and strengthening security sector governance.

Parliament has some capacity to hold the security sector to account, in particular through the Defence and Security and the Legal Issues Committees. The Defence and Security Committee includes an inner ‘Group of Trust’ of five people that exercises budgetary control over special programmes and secret activities. However, the parliament is dominated by the pro-government Unified National Movement (UNM), which holds 119 of 150 seats, and only one member of the Defence and Security Committee is not from the UNM – this clearly limits the extent to which such committees will hold the executive to account. Nevertheless, parliament can at times be very influential, as demonstrated by the hearings of the Parliamentary Temporary Commission on Military Aggression and Other Acts of Russia against the Territorial Integrity of Georgia, which heard numerous points of view, including a five-hour questioning of President Saakashvili, something unthinkable in most other post-Soviet countries.

Georgia has a public defender (ombudsman), Sozar Subari, who was appointed to a five-year term in 2004. The public defender submits regular reports on human rights to parliament and performs various monitoring activities. Subari has been a high-profile ombudsman and has been vocal in drawing attention to human rights issues. However, his influence over the executive is somewhat slim; he has taken a tough stance over the police dispersal of the 2007 protests and is perceived by the government as a biased, oppositional figure.²⁷

The same polarisation can increasingly be found in civil society. In the late Shevardnadze era, civil society was relatively well organised and influential, though few organisations had much knowledge of justice and security issues. Since the Rose Revolution, however, civil society has become more marginal, in part because many civil society leaders have moved into government. Other civil society organisations have become more loudly critical of the government and are perceived as strongly oppositional. This means that they have limited influence over government policy and practice, as their concerns are often dismissed outright.

Broadly speaking, the media have also followed a similar path in their relationship with the government. In the first years of the Saakashvili government, the media became less critical of the government; Freedom

House suggested in 2006 that ‘after the Rose Revolution the media proved vulnerable to behind-the-scenes pressure from the government’.²⁸ This came to a head with the controversy over the Imedi television station, which was taken off air during the November 2007 demonstrations amid government accusations that the station wished to subvert the state. However, since the August 2008 conflict the media situation appears to have improved slightly, with some channels being openly critical of the government and televising much of the 2009 street protests.

In summary, oversight mechanisms do exist and do allow for a plurality of views. However, their relationship with the government is often polarised and bad-tempered (in both directions), meaning that they have relatively little influence over government policy and practice. Hence, in governance terms, these oversight mechanisms still have relatively little capacity to bring about better government, improved decision-making and stronger accountability.

Learning from Georgia: Four Aspects of Reform

From an international comparative perspective, at least four dimensions of SSR in Georgia make it an interesting case study, some of which relate to the starting point and context of reforms, others to the path they have taken.

Local Ownership

Georgia exhibits a high degree of local ownership, at least in terms of the government’s apparent commitment to the long-term goal of rebuilding its security sector in line with Western models, not only in structural terms but also in terms of democratic governance and oversight. This is much more unusual than SSR practitioners normally admit, since in many countries the ruling élite fears that SSR will weaken its power and undermine (vested) interests. What are the reasons for this, how did local reformers come to adopt these Western models and what could be replicated to promote stronger local ownership elsewhere?

Perhaps the most important point is that, simply put, politics matters. The Georgian government’s enthusiasm for SSR is driven by factors well beyond the boundaries of ‘technical assistance’, including a strong desire to join European and transatlantic institutions and an equally strong hostility to Russia. Although it is often hoped that SSR assistance missions will generate a more conducive environment for reform (on the assumption that initial

success will breed support), SSR practitioners mostly have only limited influence over these top-level political factors.

Nonetheless, international actors have influenced SSR in Georgia in several ways. Firstly, although Shevardnadze-era reform programmes had little direct impact on how the security sector operated, they sowed seeds that only bore fruit several years later; one experienced international actor in Georgia explained that ‘the system wasn’t listening, but individuals were’.²⁹ A critical mass of younger professionals was forming who understood the need for reform. It also helped that many Georgians returned in a ‘reverse brain drain’ in 2003 and 2004, and could build on their experiences abroad.

Secondly, the mere fact of sustained external support, backed by resources and long-term commitment, has clearly had an impact. This is particularly noticeable in defence reform, where NATO and particularly US engagement has been highly influential. From the Georgian perspective, the assurance that the US is a long-term partner committed to sharing its expertise and providing major material support has allowed bonds of trust to develop, which means that Georgian decision-makers are prepared to tackle even very sensitive issues with their international partners. By contrast, police reform has received relatively little attention from Georgia’s Western partners (with the OSCE obviously lacking the influence of NATO and the EU), and this lack of international engagement in and pressure for reform is one major reason why reform within the MIA appears to have stalled.

Thirdly, the process of reform is made easier by the existence of a clear external goal – membership of NATO and the EU. Although NATO and the EU have often appeared half-hearted in their support for Georgian steps towards this goal, the Georgian government’s commitment to these aims gives the SSR process a stronger sense of direction. Furthermore, the fact that other post-socialist states have achieved this transition process gives the Georgian government a range of examples, however imperfect, which it can be inspired by and learn from.

A more difficult question is how deep this local ownership really goes. While the Georgian government is committed to its goals of NATO and EU membership, it often seems impatient and disinterested in the numerous tiny, detailed changes that it should make to get closer. NATO and the EU have approached reform from the opposite direction, emphasising the need to deal with the minutiae of reform without fully acknowledging that they are steps towards membership. This has created a vicious circle – Georgian officials are unlikely to carry out complicated and painful reforms without external pressure and support, but this pressure is lacking in part because NATO and EU members doubt that Georgia is able to achieve such reforms or that it

should even try to do so. Thus, although the West's increasingly cautious approach towards Georgia is unlikely to change the Georgian government's SSR policies, it does make it less likely that reforms will be carried out thoroughly and in accordance with NATO and EU standards.

Ultimately, however, local ownership means that the national government must decide what is best for the country, learn from its own mistakes and refuse unhelpful external advice. One well-connected interviewee reported frequent discussions at high levels of government about which international advice and support to accept, based on a conviction that Georgia should not undertake reforms simply to please an international donor.³⁰ However, another interviewee raised concern that this might allow the government to cherry-pick those reforms that suited it, interpreting them in its own terms and ignoring advice it does not like.³¹

Another question is whether 'local ownership' in Georgia extends beyond the government into wider society. As argued in the 'trade-offs' section below, reforms have been driven by a narrow group of reformers without much public outreach. Some interviewees suggested that the general public thus viewed reforms with suspicion, because it was no longer possible to solve one's problems using the old, informal methods (such as connections and petty corruption), but people had little understanding of the 'correct' way of doing things and little faith that formal security and justice mechanisms would be fair and effective.³² The government's impatience with reform, coupled with the weak and polarised nature of civil society, suggests that while the government displays strong local ownership of SSR, the reforms may not have deep roots in society.

Unresolved Conflicts, SSR and Peacebuilding

Georgia presents a challenging example in terms of the starting point and context of SSR. It is generally thought that while SSR can occur in a variety of different contexts, internationally supported SSR usually takes place in a post-conflict situation, in a transition society (e.g. one undergoing democratisation), in a development context or in countries with high crime rates. Georgia displays strong elements of a transition society, and was also in many ways in a 'post-conflict' situation following the three conflicts of the early 1990s (the conflicts that led to the *de facto* separation of Abkhazia and South Ossetia, and an internal civil war). Yet the unresolved conflicts with Abkhazia and South Ossetia were a decade old when the new government launched its reforms, rather than immediately 'post-conflict',

and were commonly referred to as 'frozen' (although recent history has shown how easily such conflicts can 'defreeze').

There is a growing trend among international actors to highlight the links between SSR and peacebuilding, and indeed to claim that SSR is an essential peacebuilding activity which when undertaken successfully will reduce the risks of conflict.³³ Though no one has ever claimed that simply starting an SSR process is enough, the SSR that did take place in Georgia did not prevent a violent conflict and a major political crisis from erupting. What, if anything, was done to link SSR to peacebuilding activities?

Neither the Georgian government nor the international community tried seriously to link security sector reforms to conflict resolution activities regarding South Ossetia and Abkhazia. There are some obvious reasons for this. As already noted, this was not an immediately post-conflict situation and there was already a strongly entrenched status quo for the management of the cease-fire agreements and conflict resolution processes. These processes were perceived very negatively by the Georgian government, which saw them as entrenching the *de facto* separation of the two territories. The Georgian government felt that these formats gave Russia undue influence as both a peacekeeper and a negotiator, and did not perceive Russia as a neutral and fair actor. Furthermore, the processes were somewhat complicated, spread across different international organisations (the OSCE in South Ossetia, the United Nations in Abkhazia) and had achieved few concrete results in over a decade of negotiations. The Georgian government therefore launched a concerted diplomatic campaign to make Western capitals aware of its frustration with these processes, in the hope that this would lead to an eventual change of format. In such circumstances, it is difficult to see how the SSR process could have been linked to formal conflict resolution. Moreover, from the perspective of the EU and particularly NATO, the apparent attitude was that while it would be necessary to resolve these conflicts before Georgia could seriously be considered for membership, since this was not an immediate prospect these issues could be dealt with at some point in the future; in any case, the existence of these unresolved conflicts should not act as a block on all SSR activities.

Nonetheless, these conflicts inevitably had a huge impact on the path of SSR, even before the August 2008 conflict. They heavily influenced how Georgian officials analysed and prioritised security concerns, which in turn influenced views on which reforms are necessary and/or feasible in such tense circumstances. For example, the policing of certain areas around the conflict zones – the Gali district straddling the line of control between Tbilisi

and Sokhumi and the Georgian villages in South Ossetia – was a particular concern which was never adequately regulated.

Equally, it may be argued that the SSR process had a negative effect on conflict dynamics. The huge increase in defence spending was criticised in some quarters for sending the wrong signals to Abkhazia and South Ossetia, and to Russia, making peaceful conflict resolution less likely.³⁴

In such situations, SSR practitioners are left with a dilemma. Defence reform is always likely to be treated with suspicion by other parties to the conflict. Does this mean that no defence reforms should take place? This would effectively provide other parties with a veto, which would have been unpalatable not only to the Georgian government but also to Georgia's Western allies. Yet could more have been done to ensure that defence reform did not stoke further tension in the region? Could NATO have insisted on reforms that were more clearly 'defensive' in nature? Despite its influence, it seemed unable to persuade the Georgian government not to expand its troop numbers and not to establish a reserve force – two steps that had limited utility in terms of NATO accession and were perceived as threatening by neighbours. Furthermore, Georgia's Western partners did not predict the August 2008 war. It appears that NATO, and particularly the US, failed to be a suitably critical friend. Either they themselves did not consider how defence reforms would affect conflict dynamics, or they did not adequately communicate any concerns to the Georgian government and did not seek to ensure that reforms did not further increase regional tensions.

Even if the neighbouring countries should not have the right to block reforms, they are undoubtedly key stakeholders and should be consulted in some form. The likelihood is that defence diplomacy from NATO or EU member states would never have been taken at face value by the other parties to the conflict. It is equally hard to imagine that they could have been involved more directly in the SSR process – for example, even limited attempts to engage the Abkhaz authorities in police reform activities through the UN mission were resisted.³⁵ Nonetheless, some form of consultation where other stakeholders were given 'a voice but not a veto' may have pushed the SSR process down a more conflict-sensitive route, or might at least have made reformers (particularly external actors) more aware of the impact of reforms on conflict dynamics.

In summary, it is clear that the underlying assumptions usually made about 'post-conflict SSR' – namely that it is immediately post-conflict, that outside actors (the 'international community') have a shared vision of what needs to be done and that they have enough influence to set the rules of the game – were not applicable to Georgia. In practice, the SSR process and the

conflict management and resolution processes went on in parallel, affecting each other but not being linked together. In the case of Georgia, it is not easy to see how defence reform could have been carried out in one territory without being viewed with deep suspicion by other parties – but steps such as undertaking a conflict analysis (i.e. reviewing conflict dynamics and predicting how they will be affected by reforms) and engaging other actors in dialogue with at least ‘a voice but not a veto’ may have reduced the risk of defence reform acting as a trigger to conflict.

SSR in an Area of Geopolitical Tension

Although there are always problems caused by rivalries and disagreements between international actors engaged in SSR (normally referred to in terms of ‘donor coherence and coordination’), at the highest strategic level there is still usually a reasonable degree of consensus within the ‘international community’ about the need for and direction of SSR. There has been no such consensus regarding Georgia, which is at the centre of a major geopolitical confrontation between the US, NATO and the EU on the one hand and Russia on the other. Is it still possible to undertake an internationally supported SSR process if influential international/regional actors strongly disagree about what is necessary?

In fact, a major SSR process has been initiated with considerable external support. Yet this reform process must be seen in a wider context – it is not only national politics that matters, but international politics too. In countries that sit at the epicentre of a geopolitical fault line, SSR is always likely to be just one factor in a bigger game (as demonstrated by the closure of the OSCE Police Reform Programme). In such cases, the path of SSR also depends on the political will of external actors: how necessary do they believe SSR to be, and how willing are they to support SSR even if other countries disapprove? Western support for SSR in Georgia ultimately depends on bigger questions about the West’s strategy towards Georgia and Russia, and equally Russia’s strategy towards Georgia.

Trade-offs between Best Practice and Windows of Opportunity

The Georgian government has often seemed impatient about the reform process. It would argue that the challenging environment – the lack of democratic traditions, the overall weakness of the state, entrenched corruption and crime, the unresolved conflicts and the constant tension with Russia – means that the window of opportunity for undertaking reform is

very tight. This has been reflected in the style of reforms, which have generally had the following characteristics.

- They are sketchy about the detailed content of reform, often appearing to have been prepared in a hurry.
- They have usually been developed by a small number of people, with little external consultation or explanation (with civil society organisations, relevant experts, the general public, etc.).
- It is thus unclear how ‘institutionalised’ these reforms are, i.e. how thoroughly state institutions contribute to, understand and accept these changes and how able they are to realise these reforms.
- They sometimes attempt to ‘take a short cut’ to their goal, even if this involves compromising key principles such as the rule of law, or ignoring international ‘best practice’ guidelines that would involve a longer process to reach that goal.

To give one example of this approach, in the first months of the new administration, high-level law enforcement and justice officials engaged in a rudimentary form of plea-bargaining with known organised criminals. In layman’s terms, the basic deal was ‘pay back to the Georgian state some of what you have stolen and we will not prosecute you – otherwise be prepared for a very speedy trial which you can expect to lose’. This was criticised in some quarters as ‘buying off justice’ and a subversion of proper judicial process.³⁶ Few would deny, however, that it achieved what the government wanted, with a major reduction in the degree of organised criminal activity and large amounts of money being contributed to state coffers.

In general, decision-makers felt that the severity of the challenges they faced required immediate action, and anything that slowed down the process might render their actions ineffective.³⁷ Is it true that for governments operating in challenging environments, following international best practice too closely (as defined in normative documents such as the OECD DAC Handbook on SSR) will result in actions that are too slow and unwieldy to be effective? If a narrow window of opportunity forces reformers to calculate a trade-off between complicated, detailed best practices and quicker but less thorough reforms, what degree of flexibility is appropriate and when do reforms become too hasty to have the right long-term effects?

This is a genuine dilemma both for national officials and for international SSR practitioners. Best practice suggests that reforms need to be institutionalised to be effective over the long term. Yet is it feasible to

expect institutional approaches to reform from states with very weak institutions? Georgian reformers apparently believe that institutional development must come later, and have taken a personalised route based on strong individuals driving through reform as they see appropriate. This approach has been called ‘reform at any cost’ by one international observer,³⁸ which an influential Georgian commentator attributes to a difficulty in shifting from a ‘prolonged revolutionary syndrome’ to real institutional building.³⁹

The lack of consultation and the limited institutional preparation have allowed the Georgian government to introduce change at great speed. Yet there is a risk that these achievements are not built on solid foundations and could collapse when the personalities who built them leave the political scene. In truth, it is too early to tell how successfully embedded the reforms of the last few years really are. Time will tell whether this gamble has paid off, but it is certainly understandable. If it is shown to work, SSR practitioners may have to reassess how they sequence and prioritise reforms, especially in those critical first months. If, however, it turns out that there are no short cuts to effective SSR, a different question arises: what can external actors do to keep that window of opportunity open as long as possible and persuade national reformers that the shortest way may not be the quickest?

Conclusion

This chapter has not directly analysed the success or otherwise of the many reforms that have taken place in Georgia in the last five or six years. Instead, it has focused on how and why these reforms occurred, the context in which they have taken place and what questions and lessons it is possible to take from the Georgian experience. Summarising the above discussion, the main conclusions that may be drawn are as follows.

- Ultimately, SSR is a highly political process. SSR both influences and is influenced by the wider political situation, nationally and internationally. This can be positive – the political environment may create strong national and international support for the development and implementation of reforms. Equally, however, strong elements within or outside the country may be hostile to reforms, while external actors may not understand the context and recommend inappropriate or unfeasible reforms.

- There is no simple formula for creating local ownership. However, even in countries with no notable reform process, sustained engagement may sow seeds for future reforms by growing a network of individuals who understand the need for reform.
- Reform is more likely to succeed if the national government sees a clear direction and end goal for the reform process. While in many cases membership of a specific organisation may not be a feasible goal, it is beneficial for all sides to share similar expectations about the direction of reforms.
- Launching SSR in areas where there are long-standing unresolved conflicts is fundamentally different from ‘post-conflict’ SSR in an immediately post-conflict situation, where international actors have greater opportunities to set the rules. It is essential that the term ‘post-conflict’ does not become a lazy shorthand that prevents SSR practitioners from adequately understanding conflict dynamics.
- Defence reform in such environments is particularly controversial and it is often hard to see how it can be undertaken without causing further tension. This is a topic that deserves further analysis, as perceptions that one side is benefiting unequally from defence reform are likely to be present in many circumstances.
- Best practice guides on SSR are insensitive to the narrow windows of opportunity that exist for reformers in challenging local environments. SSR practitioners should think seriously about how much can be achieved in such circumstances and which reforms to prioritise. An assessment of capacity and political context should be undertaken alongside the initial assessment of SSR priorities, which can then be mapped against the reform programme that is developed. Planners must decide what is feasible, how to prioritise and sequence reforms, and what can be done to make the context more conducive to further reform.

Notes

- ¹ Government of Georgia, ‘National Security Concept of Georgia’, Tbilisi, May 2005, available at http://www.parliament.ge/files/292_880_927746_concept_en.pdf.
- ² Though the full IPAP 2004–2006 was not made publicly available, an adapted version that does not include timelines or NATO support activities has been published on the website of the Georgian MoD: Ministry of Defence of Georgia, ‘Georgia’s Commitments under the Individual Partnership Action Plan (IPAP) with NATO – 2004–2006’, available at <http://www.mod.gov.ge/?page=-10&Id=18&lang=1>. The Annual National Programme

is also not a public document; the first ANP was agreed formally in May 2009: Civil Georgia, 'Georgia Hands Over Annual Programme to NATO', 25 May 2009, available at <http://www.civil.ge/eng/article.php?id=20986>.

- ³ European Union/Government of Georgia, 'EU/Georgia Action Plan', Brussels/Tbilisi, 2006, available at http://ec.europa.eu/world/enp/pdf/action_plans/georgia_enp_ap_final_en.pdf.
- ⁴ The Bucharest Summit Declaration was limited to a statement that: 'Today we make clear that we support these countries' applications for MAP.' NATO, PR/CP(2008)049, Bucharest Summit Declaration, 3 April 2008, para. 23.
- ⁵ NATO, 'Framework Document on the Establishment of the NATO-Georgia Commission', 15 September 2008, available at <http://www.nato.int/docu/pr/2008/p08-114e.html>.
- ⁶ US Department of State, 'Georgia "Train and Equip Program" Begins', News Release No. 217-02, 29 April 2002, available at <http://www.defenselink.mil/releases/release.aspx?releaseid=3326>.
- ⁷ International Security Advisory Board, 'ISAB Report 2006', 15 February 2006, available at http://www.osgf.ge/ccds/Doc/ISAB_Report_2006_Eng.pdf.
- ⁸ Figures taken from the SIPRI Military Expenditure Database, available at <http://milexdata.sipri.org/>.
- ⁹ International Security Advisory Board, 'ISAB Report 2005', 14 March 2005, available at http://www.osgf.ge/ccds/Doc/ISAB_Report_2005_Eng.pdf.
- ¹⁰ Ministry of Defence of Georgia, 'Strategic Defence Review', Tbilisi, 2007, available at <http://www.mod.gov.ge/files/cocqkdkekleng.pdf>.
- ¹¹ Figures from the Georgian MOD website, available at <http://www.mod.gov.ge/>. The 2009 budget, available on this site, provides for 37,800 staff.
- ¹² Koba Liklikadze, 'Lessons and Losses of Georgia's Five-Day War with Russia', *Eurasia Daily Monitor* 5, no. 185, available at [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=33974](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=33974).
- ¹³ *24 Saati*, 25 March 2007, quoted in David Darchiashvili, *Security Sector Reform in Georgia: 2004–2007* (Tbilisi: Caucasus Institute for Peace, Democracy and Development, 2008): 31.
- ¹⁴ Civil Georgia, 'Georgia to Have New Patrol Police', 19 July 2004, available at <http://civil.ge/eng/article.php?id=7448&search=police>; C. J. Chivers, 'The Traffic Officer With His Hand Out Has It Whacked', *New York Times*, 24 August 2004, available at <http://www.nytimes.com/2004/08/24/international/europe/24georgia.html?pagewanted=all>.
- ¹⁵ As explained in Darchiashvili, note 13 above, plans for future reform were described on the Ministry of Internal Affairs website until mid-2007, at which point these pages were revised. There is still a page about police reform (<http://www.police.ge/en/Reforms.aspx>), but it describes reforms that took place in 2004–2007, gives little indication of future plans and does not mention the reforms that did not take place. This summary of the reforms that were previously proposed is therefore based on Darchiashvili's account.
- ¹⁶ Darchiashvili, note 13 above: 34.
- ¹⁷ Human Rights Watch, 'Crossing the Line: Georgia's Violent Dispersal of Protestors and Raid on Imedi Television', December 2007, available at <http://www.hrw.org/sites/default/files/reports/georgia1207web.pdf>.

- ¹⁸ Human Rights Watch argues that ‘despite repeated calls from key international actors...the government has refused to launch a comprehensive investigation into the events of November 7...Authorities initiated investigations into only a handful of cases of possible excessive use of force.’ Human Rights Watch, ‘Country Summary: Georgia’, in *World Report 2009*, Human Rights Watch, January 2009.
- ¹⁹ Human Rights Watch, ‘Country Summary: Georgia’, in *World Report 2007*, Human Rights Watch, 2007.
- ²⁰ The High School of Justice was established by the Law of Georgia on the High School of Justice, 2602-rs, dated 28 December 2005; the school has developed its curriculum with help from foreign experts such as the American Bar Association.
- ²¹ International Crisis Group, ‘Georgia: Sliding Towards Authoritarianism?’, *Europe Report*, no. 189, 19 December 2007: 22.
- ²² Ibid.
- ²³ Georgian Young Lawyers’ Association, *Judiciary in Georgia: Is the Georgian Justice Independent and What Is the Guarantee of Its Independence?* (Tbilisi: GYLA, 2007): 43.
- ²⁴ European Union/Government of Georgia, note 3 above.
- ²⁵ International Crisis Group, note 21 above.
- ²⁶ European Commission, *Implementation of the European Neighbourhood Policy in 2008: Progress Report Georgia*, SEC(2009) 513/2, 23 April 2009: 5.
- ²⁷ Following the police dispersal of the November 2007 protests, the public defender suggested that ‘Georgia is now the same as Lukashenka’s Belarus’, quoted in C. J. Chivers, ‘Georgian Leader Imposes a State of Emergency’, *Wall Street Journal*, 8 November 2007. President Saakashvili has since complained that ‘unfortunately the Public Defender’s Office has become politicised’ in Civil Georgia, ‘Saakashvili: Public Defender’s Office Politicised’, 23 January 2009.
- ²⁸ Freedom House, ‘Country Report: Georgia’, in *Freedom in the World 2006* (Washington, DC: Freedom House, 2006).
- ²⁹ Anonymous interview, Tbilisi, May 2009.
- ³⁰ Anonymous interview, Tbilisi, May 2009.
- ³¹ Anonymous interview, Tbilisi, May 2009.
- ³² Anonymous interviews, Tbilisi, May 2009.
- ³³ Though the report of the UN Secretary General on SSR acknowledges that SSR goes beyond peacebuilding/post-conflict contexts, it overtly links SSR to peacebuilding by stating that ‘a security sector reform framework is essential in the planning and implementation of post-conflict activities’ and that ‘the Department of Political Affairs has focused on security sector reform in peacemaking processes’. United Nations, ‘Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform’, UN Doc. A/62/659-S/2008/39 N, 23 January 2008. Equally, the OECD DAC Handbook on SSR states that ‘international actors increasingly recognise that SSR is a high priority for conflict prevention, peacebuilding and development’. Organisation for Economic Co-operation and Development, *OECD DAC Handbook on Security System Reform: Supporting Security and Justice* (Paris: OECD, 2007): 30.
- ³⁴ Koba Liklikadze, ‘Sabre Rattling Over South Ossetia’, IWPR Caucasus Reporting Service, no. 276 (2005); Liz Fuller and Richard Giragosian, ‘Georgia: What Is Behind Expansion of Armed Forces?’, 19 September 2007, Radio Free Europe/Radio Liberty; International Crisis Group, ‘Abkhazia: Ways Forward’, *Europe Report*, no. 179 (2007).
- ³⁵ International Crisis Group, *ibid.*: 21.

- ³⁶ For example, the Council of Europe expressed concern that ‘the “plea bargaining” system, which makes it possible for some suspects to have their charges reduced or dropped in return for the payment of the money they have allegedly embezzled, is, to say the least, controversial...The system may not only create an impression that big thieves are allowed to buy an immunity from justice, but is also worrisome because the lack of legal and administrative checks and balances in the Georgian police, prosecutor services and courts create a risk for abuse.’ Council of Europe, ‘Honouring of Obligations and Commitments by Georgia’, Doc. 10383, 21 December 2004. In Georgia, Tina Khidasheli, then head of the Georgian Young Lawyers’ Association, said: ‘The transfer to the budget of funds paid by people under investigation, as well as possible exemption of these people from liability after they have paid the sum, is not regulated by Georgian legislation...It is in fact illegal, especially when these people’s guilt has not been established by a court’, quoted in Tamar Khorbaladze, ‘Georgia in the Black, for Once’, IWPR Caucasus Reporting Service, no. 245, 4 August 2004.
- ³⁷ Anonymous interview with government representative, Tbilisi, May 2009.
- ³⁸ International Crisis Group, note 21 above: 13.
- ³⁹ Ghia Nodia, *24 Saati*, 18 October 2004, quoted in Civil Georgia, ‘Civil Watchdogs Blow the Whistle’, 18 October 2004, available at <http://www.civil.ge/eng/article.php?id=8227>.

Chapter 6

Morocco: Reforms in the Security Sector But No ‘SSR’

Hanspeter Mattes

Introduction

In Morocco a comprehensive and programmatic reform of the security sector is difficult to achieve because it is hampered by the nature of the political system and four other factors: the spread of corruption within the justice system and in the security organs; the involvement of members of the civilian and military security organs in criminal activities; the fact that government officials in prisons and members of the security institutions still use violence and torture, although NGOs (non-governmental organisations) confirm these are isolated cases; and the security provisions and surveillance in the war against terrorism or to prevent terrorist attacks. Nevertheless, the formal legal status of each Moroccan citizen has steadily improved since the 1990s and a trend towards conforming to international legal norms can be observed. In 1999 King Mohammed introduced a guideline to alter the relationship between the state and the population, with his ‘new concept of authority’. In this context reforms concerning the security sector were introduced. Although Morocco is not actually pursuing a security sector reform concept as defined by the United Nations (UN) or the Organisation for Economic Co-operation and Development (OECD) DAC Handbook, the measures taken might lead to structural changes in the political system in the long run which would affect normative aspects of the security sector.

After a short overview of the above-mentioned ‘new concept of authority’, the chapter concentrates on the limited measures of Moroccan security sector reform, the effects of the king’s ‘new concept of authority’ on the organs and facilities of the security sector and details of the reform agenda, before giving an assessment of the state’s measures and, finally, reflecting on the prospects for further reforms in the Moroccan security sector.

A New King and a 'New Concept of Authority'

The death of King Hassan II of Morocco on 27 July 1999 and the coronation of 36-year-old Crown Prince Mohammed VI three days later heralded a change in the relationship between the king and the Moroccan people. The first measures swiftly followed, and were then steadily added to and were supposed to reach conceptually beyond individual improvements in the areas of human rights and justice. The reforms, which have been intensified since 1999, are designed to reshape the relationship between the king, his government and the country's citizens. They require a change in behaviour from the state's public officials with regard to the country's citizens, their respect for civil rights when dealing with the citizens and gearing government services towards the needs and interests of the population. The improvements that are hoped for in the behaviour and functioning of public services since 1999 have also included the security sector, in which successive reforms of varying kinds have been implemented.

King Mohammed's reforms in the areas of politics and security, economics and social welfare, religion and culture (language policies) since 1999 have been based on the political changes initiated by King Hassan after 1990. King Mohammed's declaration in his first speech from the throne on 30 July 1999 that he would continue to pursue his father's policies is therefore factually correct.

King Hassan had himself announced and initiated a new beginning in dealings with the political opposition and a renunciation of massive repression and human rights abuses: the first break with previous methods was the establishment of a state-run human rights council in 1990 (CCDH/Conseil Consultatif des Droits de l'Homme) and the authorisation of public debates concerning human rights abuses. Throughout the 1990s King Hassan pressed determinedly on with the phasing out of state repression and the strengthening of human and civil rights. The measures implemented in those years reflect the changes in the attitude of the king towards the population and individual citizens. The function of a citizen as a stabilising factor in domestic politics, especially in times of economic upheaval and conflict, was recognised. The strengthening of human and civil rights aimed to encourage citizens to be loyal to the state and its senior representatives and thus to ensure the long-term existence of the monarchy. Concretely that meant renouncing some of the practices used in the past, such as the disappearance of persons in opposition to the king or keeping them in detention without trial. In the following years individual institutional and constitutional reforms signalled to the citizens and the (organised) political

opposition that a new *modus vivendi* was being sought and that the state and/or king were keen to distance themselves from the serious abuses of human and civil rights and arbitrary acts committed by the administration in the past.¹

The years from 1990 until King Hassan's death in July 1999 are divided into reform phases by Moroccan political analysts.²

- 1990–1993 is regarded as being the period for the ‘completion of the state of laws’. One spectacular event in this phase was the closure of the infamous Tazmamart prison in 1991/1992 and the amnesty given to the approximately 30 political prisoners who had been held there since the 1970s.
- The period from 1993/1994 until the government of Prime Minister Youssoufi took office in March 1998, during which the king had high hopes for reforms, is known as the phase of the ‘politicisation of the legal issue’, because the societal significance of human and civil rights was recognised and headline-grabbing measures were adopted. For example, in 1993 a minister for human rights was installed by the prime minister; the Dahir from the colonial time (1935), which had provided the basis for the repressive guidelines determining the treatment of opposition, was done away with; and for the first time concessions were made to the associations of the Berber-speaking Moroccans in order to promote their language and culture. During this period the protection of women and children was officially supported by the passing of appropriate laws. In 1994, the justice minister openly admitted for the first time the need for reforms.
- During the phase from March 1998 until King Hassan's death in July 1999, the government was tasked by the king to deal with ‘pending issues’: all issues relating to state repression and human rights abuses were to be rapidly resolved and compensation was to be agreed with the victims or their families. King Hassan's sudden death did, however, make it the new king's task to take concrete steps.

In keeping with King Hassan's recommendation, King Mohammed continued the course of qualitative improvements to the relationship between the king/state services/state officials and Morocco's citizens. Thus on 17 August 1999 permission was given for the Truth and Justice NGO and an independent commission for the compensation of victims of the arbitrary rule from the 1960s to the 1980s to be set up. This first stage of the work to resolve the issue of state repression culminated in January 2004 with the

founding of the Equity and Reconciliation Commission (Instance Équité et Réconciliation/IER),³ to investigate publicly the state's abuse of human rights from 1956 to 1999 and establish the fate of those who had disappeared during that period.

King Mohammed, like his father, is reforming step by step and cautiously; this has been a feature of his governmental style since 1999. The king is working closely on these reforms with a small group of mostly young technocrats educated in Europe and the USA. Decisions on reforms are communicated by the king to the relevant institutions and the people. The interventions he has ordered in the security sector have concentrated on strengthening human and civil rights. The dismissal of long-serving Minister of the Interior Driss Basri on 9 November 1999 was symbolic of this. In the eyes of the Moroccan people Driss Basri represented the state's repression, as it was his task as minister of the interior to control and persecute opposition. A further step to contain the Islamist movement – its radical and moderate segments – by reconciling the Moroccan people with the state and its institutions was King Mohammed's proclamation⁴ of his 'new concept of authority'.

This concept should be a guideline for state institutions, facilities and office holders. It requires that public services and local issues be supported and their efficiency improved; individual and collective freedoms are protected; and state action should be oriented around the objectives of security, stability, the maintenance of social harmony and encouragement to invest. King Mohammed explained that his 'new concept of authority' was binding for all public office or authority holders. The task of public officials and functionaries was, from then on, to reconcile citizens with the state's authority and administration, to protect the citizens' dignity and to intensify investments that strengthen the economic and social development of Morocco and its citizens, since there is no freedom without security and stability, no development without a peaceful society and no local democracy without daily contact with citizens and without their participation. The Ministry of the Interior and the security services answering to it carried out appropriate adjustments to comply with these guidelines (discussed below).

Limited SSR as a Reaction to National and International Political Developments

Despite the emphasis on the necessity for closer relations with the people and greater citizen participation, the measures that have been introduced so

far in the security sector do not come close to the UN's definition of SSR (security sector reform) if the criterion for the implementation of more consistent democratic norms is to be found in the management and operative activities of the security sector. The institutionalisation of civilian and democratic checks on the security sector as a whole is not to be expected in the foreseeable future; 'checks' on civil authorities (in terms of an examination of the way they function and their respect for human and civil rights etc.) are permitted in certain areas, for example in prisons, but the actual security services are exempted.⁵ The reasons for this can be found in the structure of the political system. The introduction of effective civilian parliamentary control over the security sector is not possible because of the nature of the system. The specific relationship between the king and the people, the dual loyalty that the king, as a secular and religious leader, demands and the power and decision-making centre that he embodies for a majority of the population are consistent with the relationships of king-functionary of the state, king-prime minister and king-government. Just as it is the 'king's government' and the king can 'force' government and parliament into acquiescence by means of his 'non-discussable' royal directives,⁶ so the security organs are services of the king or 'organs serving him' that are duty-bound to maintain the system as it is.

The changes that King Mohammed has genuinely been striving to make since 1999 contain no plans to alter the political system in any way that would affect his own exceptional position. The reforms are designed to be long term, and should be successive and yet aimed at the individual sectors and concentrate on single concrete improvements in the institutions (for example police, justice, prisons) of the security sector in order to increase the effectiveness and efficiency of the services (through modernisation, new equipment, training and organisation); on the other hand, they should establish a new, more trusting relationship between the state/state functionaries and citizens. In this context the term 'rule of law' is used and is apparent in the establishment of a citizens' complaints procedure (known as *Diwan al-madhalim*)⁷ and in the inclusion of NGOs as a support for the sectoral part-reforms (for example, the OMP/Observatoire Marocain des Prisons). Within the government these reforms are driven by the Ministry of Justice and Interior.

The aims of the reforms are thus definitely targeted at the interests of the Moroccan people; at the same time, they occur within the larger context of system stabilisation. The national reconciliation process with the victims of human rights abuses committed between 1956 and 1999 and with their families and descendents, started in 1999, has been part of this plan to

stabilise and legitimise the monarchy. The closing report of the Equity and Reconciliation Commission (IER), which was made available to the public in January 2006, is seen as the final step in efforts to come to terms with the past (the processing of about 22,000 cases). The commission's remit ended when the report was submitted, although some human rights NGOs would have preferred to bring those responsible for human rights abuses to justice.

The king's 'new concept of authority' falls in line with the tradition of a direct relationship between the ruler/king and the subjects/people; the discourse has been modernised and elements of a modern political system are being introduced, but without implications for the basic political structure and the position of the king. SSR, a term that is not officially used in Morocco, as an all-embracing concept does not act as a guiding principle behind state activity; the guiding principle is the 'new concept of authority' including all state activities. Within this concept reform measures are conducted in parts of the existing political system that do not affect the overall structure and the control system, yet they are intended to affect and change the relationship between the people and the state's institutions not only 'cosmetically'. In these areas, which also relate to education and the raising of the people's awareness of human and civil rights, a willingness to expand the reforms is apparent. It is in these areas that external support is possible. Nevertheless, changes in mentality and behaviour with institutional consequences are only likely to happen in the long term if educational efforts in this field are intensified for the population and the security personnel.

At the beginning of the 1990s, King Hassan was prepared to make reforms in the areas of justice, civil law and human rights in order to reconcile the population with economic and social sacrifices demanded by the International Monetary Fund's structural adjustment plan, which had been running since 1983 and which, owing to the continuing need for economic restructuring, would intensify in the coming years. In 1989 and 1990 urban unemployment increased still further, and even official studies admitted publicly that about 6.5 million Moroccans out of the 25.1 million inhabitants were living in poverty, with over half of them living in absolute poverty. Political liberalisation measures, improvements in human rights, public discussions about the criticism of state behaviour expressed by Amnesty International and Moroccan human rights organisations, the removal of the restrictions governing the issuing of passports, the setting up of administrative courts, the raising of the minimum wage as a trade-off for the 'social harmony pact' that institutionalised regular contacts between trade unions, employers' associations and the government to prevent strikes in 1990 all served, along with a more open attitude to the left-wing

opposition parties and the appointment of a prime minister from the ranks of the former left-wing opposition in February 1998, to maintain social peace in the country. There have been massive threats by trade unions to organise strikes.

The need to provide attractive conditions for foreign companies and investors and to intensify Euro-Mediterranean cooperation required gradual liberalisation in order to improve Morocco's image abroad.

Not only did Europe put pressure on Morocco to combat the drug trade and illegal migration with greater intensity, but also Morocco's own view that organised crime was on the increase and together with illegal migration and the risk of terrorism (attacks in May 2003) threatened peace within Morocco convinced King Mohammed to push on with reform of the security organs as a way of increasing their effectiveness and efficiency. Moreover, the legal basis was to be adjusted to the security policy requirements, the social developments and the 'new concept of authority'. Reforms in the justice system, the penal system, in the reintegration of juvenile offenders and in the protection of citizens against possible administrative abuses and inequalities have continued parallel to organisational modernisation and a restructuring of the security organs.

The citizens' faith in the administration was, at long last, awoken: that is why, during his speech on 30 July 2008, the king announced his intention to press on with the 'concept of rule of law'. In particular, it is designed to build trust in the justice system: the goal is to strengthen the rule of law so that all citizens, whatever their material situation and social status, can be sure they will be given the legal rights they are entitled to, that they need not fear administrative arbitrariness and that justice is freely accessible to them – i.e. that access is not dependent on clientelism or bribery.⁸

Four main driving forces for the reforms in the security sector have been identified.

- The maintenance of domestic political stability through the safeguarding of social harmony.
- The social and economic development and modernisation of Morocco as a key to the future of the country.
- The rapprochement of the European Union as a politically important economic and development partner, and the creation of an adequate legal and institutional framework for the deepening of cooperation on all levels.
- The combating or curbing of organised crime and terrorism.

The protection of women and children as well as the provision of assistance for women, children and adolescents by the creation of the appropriate legal framework and the implementation of affirmative action targeted at specific groups – such as the promotion and protection of the rights of Berber-speaking Moroccans – are officially seen as a further central element of the development and modernisation of Morocco that must be pursued.

The Impact of the King's 'New Concept of Authority' on the Security Sector

King Mohammed's 'new concept of authority' and his corresponding wish to take the populace and their needs and interests into consideration when making political decisions combine – with respect to the security sector and its management – the effective and efficient organisation of the security sector with the aim of making constitutional norms the basis of the behaviour of state institutions and their officials. In this context, some attention should be focused on private security services. After the terror attacks of 16 May 2003, staff numbers were increased. Another positive development was the fact that the Moroccan private security services set up an association to promote their interests (with the founding of the Association Marocaine des Entreprises de Gardiennage in 2003 and the Association Professionnelle des Agences de Sécurité au Maroc) in 2007, which were combined with demands for vocational training. The private security services are striving for the sector to be made more professional and modern.

The OECD DAC or UN definition of the term SSR with respect to the reform process points to a strengthening of civilian and democratic checks and the importance of increasing the effectiveness and efficiency of the security sector. If the reforms in Morocco are looked at from this aspect, it should be noted that since 1999 a concentration on increasing effectiveness and efficiency has dominated and the aspect of civilian and democratic checks has not played any role at all. Reforms in the security sector have been introduced, but no SSR as defined by the UN has been launched.

In addition, it should be noted that there is a clear asymmetry between the reform intensity and the scope of the state's interventions in the individual parts of the security sector: reforms that can be seen as accompanying measures to the strengthening of human rights and the rule of law dominate; a gender orientation⁹ is also included, as are efforts to strengthen the rights of the Berber-speaking Moroccans and children, and to

integrate the measures in the national development concept. Those measures that are clearly in the foreground and designed to reinforce human and civil rights and the rule of law are being driven forward by the king's efforts and will (the 'push factor'), and are still in full swing.

These processes that accompany the reform of the security sector have a definite normative aspect: as far as the (long-term) aims are concerned, they are geared towards universal concepts as formulated in UN documents. They should be implemented, however, at a 'Moroccan pace', i.e. cautiously, so as to guarantee as wide a consensus as possible in society.

The reforms of the security sector institutions (including the judiciary and penal systems) set different priorities. The police and prison reform is not only devised with increases in effectiveness and efficiency and modernisation in mind, but is also normative in character: respect for human and civil rights and the strengthening of the constitutional behaviour of public officials are being intensively propagated and discussed in the media. In comparison, the reforms within the armed forces have been considerably more restrained and limited on the one hand and, on the other, have largely focused on modernisation with a view to increasing effectiveness and efficiency. The most important reforms within the security sector since 1999 are described below.

Police (Direction Générale de la Sûreté Nationale/DGSN)

The police force comprises somewhere in the region of 45,000 personnel (2007).¹⁰ In 2004 a police reform was initiated that was accompanied by a media campaign aimed at improving the reputation of the police as the state institution which is concerned with citizens' security and with being citizen-friendly (motto: *Citoyenneté et efficacité*). Within this context, the then acting director-general of the police, Hamidou Laânigri, conducted a campaign to increase police efficiency and transparency.¹¹ Another very important step was the setting up of two new units: the Groupe Urbain de Sécurité (GUS; Urban Security Group) and the 'citizen-friendly police stations' (Postes de Police de Proximité/PPP).

The campaign for more transparency was to be reinforced by more information about the police and their activities, training and equipment. In February 2005 this was supplemented by the publishing of the first edition of *Police/al-shurt*, a newly founded magazine published in both Arabic and French. Since its creation, more than 5,000 copies of the magazine have been published each month and distributed through newsagents across the country.¹²

GUS was supposed to comprise 33 units (6,600 persons) by the end of 2006 and be present in all of the larger cities in Morocco: it is designed to be deployed when there are fires, serious traffic accidents and so on or in any other situations that might lead to turmoil, chaos or panic. The idea was to ease the general feeling of insecurity which has been increasingly voiced in public in the last few years in Morocco, accompanied by criticism of the police. Every GUS unit contains 200 police officers, who are armed, motorised and equipped with the latest communication devices.

The 'citizen-friendly police stations', PPPs, are to be open 24 hours a day and manned by four officers. Some 1,000 PPPs (made up of a total of 12,000 police officers) in the urban conglomerations were planned for the end of 2007. Again, the stated primary aim of this measure was to improve the feeling of security among the citizens by reducing insecurity.¹³

The reputation of GUS among Morocco's citizens was already so bad by the end of September 2006 (accusations of attacks and human rights abuses¹⁴) that its disbandment in October 2006 was announced at short notice; chief of police General Hamidou Laânigri was removed and assigned to reforming the auxiliary forces (see below). However, as early as November 2006 GUS was reactivated because the Interior Ministry sensed a substantial worsening of the security situation.¹⁵

After the scandal involving GUS, the king appointed a civilian to be chief of police (Cherki Draiss).¹⁶ At the same time he insisted on the advancement of women in the police service; in July 2008 the first batch of 19 women successfully completed their training.

In order to cope better with the rising crime rate (robberies, illegal drug trafficking) as a result of severe socio-economic conditions, staff targets were agreed for 2007 and the period between 2008 and 2012: money was made available for 3,000 new police jobs in 2007; the target for 2008 to 2012 is to create 5,300 additional new posts (for example 3,000 within the police force and 1,000 in the auxiliary forces) and to improve operational activities by modernising equipment; for these purposes 1 billion dirham (\$120 million) has been made available.¹⁷ Furthermore, with one eye on the citizens and under the motto 'More transparency and a better public reputation', it was announced that a Central Office of Communications was to be set up that was to be permanently occupied and should report immediately about important (internal) incidents and findings. Parallel to this, investigations are being conducted into members of the police who are accused of being involved in illegal activities.

Border Police and Harbour Police

In 2008 staff numbers were increased and equipment was improved within the police forces responsible for guarding border crossings, in the auxiliary forces – which assist in protecting borders and stand under military command – and the harbour police. Since 2006 harbour security has been continuously improved, with the expansion of checks and the deployment of new technical equipment such as scanners and radar.

Moreover, since December 2004 the Interior Ministry has been charged with tackling networks of human traffickers (illegal migration) and thus with intensifying border controls. The Interior Ministry announced positive results with respect to these measures as early as 2005.¹⁸

Armed Forces

The armed forces stand outside civilian control. In order to increase effectiveness and efficiency, measures have sought to improve staffing, training and equipment. There are signs that the auxiliary forces are to be modified, since their behaviour as anti-riot units in various cities in the summer of 2007 triggered public protests.

- *Forces Armées Royales (FAR)*. The FAR has over 420,000 officers and soldiers at its disposal. After military service was reduced from 18 to 12 months in January 1999, compulsory service was completely abolished in 2006. In January 2001 the pay level for the lowest ranks was brought in line with the official minimum wage, and the considerable differences in officers' wages were closed to improve morale within the FAR and minimise the risk of (widespread) corruption and participation in criminal activities.¹⁹ King Mohammed is still striving to repair the FAR's poor reputation, which has been damaged by numerous negative headlines (for example, concerning the involvement of officers and soldiers in illegal drugs deals); thus more transparency and more information about FAR are planned. At the moment, concrete measures have still not materialised. All in all, the FAR has only been reformed with a view to improving its effectiveness and efficiency (armaments, aircraft etc., joint international manoeuvres), and the morale within the organisation (especially regarding pay scales and the prospects for promotion). Demands made by human rights organisations in 2008 that the FAR's

archives be opened to public scrutiny are unlikely to be met with a positive response in the near future.

- *Gendarmerie Royale (GR)*. The Gendarmerie Royale consisted of about 22,000 men in 2007; since the 1980s it has been thought of as well organised, efficient and loyal to the king's family. Since the Islamist terrorist attacks in May 2003, its anti-terrorism capabilities have been added to. In 2008 the formation of a sniper unit was begun.
- *Forces Auxiliaires (Auxiliary Forces)*. The auxiliary forces, made up of about 80,000 men, are primarily responsible for security in the northern and southern zones, and more especially for border controls.²⁰ In September 2006, in order to improve efficiency, a restructuring of the auxiliary forces was ordered: this task was assigned by the king to Hamidou Laânigri, an experienced division general who had previously been director-general of the police. After the involvement of members of the auxiliary forces in the illegal drugs trade (in 2006) in northern Morocco had been uncovered, an improvement in the public's image of the auxiliary forces through reform was necessary (motto: 'humanise' the auxiliary forces' conduct towards the Moroccan people and 'moralise' inwards); a campaign to improve the image of the auxiliary forces became even more necessary in 2007 after assaults on citizens had been reported.

The Secret Services

The multifaceted secret services, which are responsible for homeland and international security,²¹ have been included in the reform process since the mid-2000s, although improving (technical) efficiency has been in the spotlight since the terrorist attacks on Casablanca in May 2003. In addition, King Mohammed strove to make changes in personnel which, by Moroccan standards, had the 'effect of a bomb'²² or of a 'civilian coup'.²³ This refers, in particular, to the first time that a civilian (Mohammed Yassine Mansouri²⁴) was appointed to become head of the foreign intelligence service, the Direction Générale des Etudes et de la Documentation (DGED), on 14 February 2005. The DGED, which reports directly to the king, had always been led by a high-ranking officer since its inception in 1973. To combat the increase in economic espionage in Morocco, a separate department was created within the DGED in July 2007 (Cellule Contre-ingérence Économique). It seems that through the appointment of a civilian, the king hoped to restore public trust in the DGED.

The national security services, in particular the Direction Générale de la Surveillance du Territoire (DGST; sometimes abbreviated to DST), which was also founded in 1973 and whose headquarters are in Témara (south of Rabat), but also the Renseignement Généraux and the Direction de la Sécurité Royale, are sections of the DGSN and therefore report to the minister of the interior.

The DGST has been undergoing restructuring since 2005, and especially since February 2006 when Chakib Benmoussa took over as the interior minister,²⁵ to ensure that it focuses on its core task, which is to guarantee national security while avoiding abuses to human rights. Combating terrorism is its real core task (e.g. the breaking up of the Bélliraj group in 2008). In a message given on 4 March 2008, King Mohammed paid public tribute to the DGST for its services and the ‘restoration of public trust’ for the first time.²⁶

Justice

Since 1997/1998 the modernisation of trade law and the creation of commercial courts and the corresponding appeal mechanisms have been widely regarded as the most significant reforms within the justice system. All other legal reforms are lagging behind. The king’s repeated demands that the justice system be reformed point to significant difficulties in implementing a fundamental modernisation of the judiciary due to conservative personnel. Although more attention has been paid to the training of judges during the past few years, the training methods themselves have not been sufficiently modernised. On 21 February 2005 the prime minister announced that Morocco was determined to bring its justice system into line with international standards (to this end the unreserved recognition of several international conventions was announced, among them the International Convention Against Torture); the Special Court of Justice for State Officials was closed in 2005. The tendency to bring legislation formally in line with the international legal system and international standards has continued despite the intensification of security efforts to combat terrorism and protect the country against it.²⁷ The promotion of international standards in legislation and the legal system is linked to the ambition of the king to modernise Morocco.

Penal System

The penal system in its practices is lagging behind when it comes to reform. Indeed, between the first annual report of the Observatoire Marocain des Prisons (OMP) – an NGO which was founded in 1999 and legalised in 2002 – which was published in 2002 and its latest report covering 2007 to 2008, the situation in the prisons had not improved.

The most serious problems according to the OMP are overcrowding and a lack of money to improve the nutrition and medical care of the prisoners or to pay the prison staff more. In the OMP's 2007–2008 report that appeared in February 2009, it was stated that the occupancy rate was, on average, 133 per cent (in some prisons the figure reached 200 per cent); in total about 50,000 people are incarcerated in 59 prisons in Morocco today. In January 2008, prisoners in El Mohammedia staged a protest during which they complained among other things of being starved. The OMP also complains that no consideration is given to alternative punishments to prison sentences. There have been some positive developments since 2002, however; for example, the establishment of the Fondation Mohammed VI pour la Réinsertion des Détenues, which in particular has dedicated itself to the reintegration of juvenile and under-age prisoners into society. In addition, it is worth mentioning schemes specially designed to provide training for female prisoners. The overall situation in prisons, however, has remained as problematic as before. Whether the 'emergency plan' announced on 15 November 2008 to improve the situation in the prisons and of the prisoners manages to produce a qualitative difference remains to be seen. Even so, some 21.8 million euros has been put aside for the provision of food and to improve hygiene: in total a budget of 64.7 million euros (US\$92.4 million) is planned for the medium-term modernisation of the prisons (six new prisons are in the pipeline). There is no discussion, at least not in public, concerning the provision of alternative punishment for individual offences.²⁸ The OMP continues to criticise the way in which the prison staff harass prisoners. Indeed, ongoing charges concerning the torture practices used by some wardens and their condescending attitudes to the prisoners – contravening their human and civil rights – illustrate that staff training and monitoring are by no means adequate.

Reforms in the Security Sector without Strengthening Oversight

The measures that have been undertaken in the security sector since 1999, like the reforms initiated during King Hassan's reign in the 1990s, are single measures designed to improve the effectiveness and the reputation of the security organisations and the judiciary through strengthening compliance with human rights and the rule of law. This cannot be said to be a systematic implementation of a reform programme for the security sector. The 'new concept of authority' propagated by King Mohammed on the one hand requires from the state's institutions that they increase the citizens' participation in order to find out what their interests and needs are, and in so doing integrate them in the setting of policies. On the other hand, this concept does not aim to institutionalise effective control over the security sector by parliament, which, through general elections, is the formal representative of the citizens. In reality, in the Moroccan political system the management, checks and initiatives to reform the civilian and military security apparatus all lie within the king's power. The transformation, management, financing and functioning of the security sector and its supervision are carried out according to the king's instructions and not according to the independent initiatives of selected institutions.

Besides the CCDH, the state human rights council, various NGOs such as the Observatoire Marocain des Prisons, Moroccan human, women's and children's rights organisations, plus, since 1998, the NGO Amnesty International Maroc and the association Transparency Maroc, which was officially permitted in January 1998, all serve to monitor and critically observe developments (and formulate proposed improvements). Consultation with state offices by NGOs has not been institutionalised and is therefore irregular; their reports, however, are one contribution to the information that the state has about deficiencies, problem areas and the interests found within certain groups. There is no sign that such consultation will be formalised.

Assessment of the State's Measures to Reform the Security Sector

State reforms in the security sector are not embedded in a comprehensive, thoroughly planned programme to reform the security sector as a whole: they are reactive single measures or, in the case of legislation, are measures with which the king emphasises a normative agenda. These measures act as guidelines shaping Morocco's future political orientation (in other words, the direction of development for Morocco that he would like); they pursue a

future-oriented concept that nevertheless is only being driven forward slowly and which is not following any set time plan. The individual measures are focused on making changes to organisations, the assignment of tasks, job appointments, training, equipment etc. in order to improve effectiveness and efficiency. They have mainly been reactions to developments that put pressure on the relationship between the state and the population or were thought to pose a risk to domestic political stability. The passing of new laws designed to strengthen human, civil, women's and children's rights and to modernise the legal and justice systems serve both domestic and foreign policy goals. Domestically, they are supposed to improve the relationship between the state and the Moroccan people and help create domestic political consensus and cohesion; in terms of foreign policies they are directed at European and international cooperation partners and are designed to signal long-term development goals so as to guarantee cooperation in development.

The formal legal status of each Moroccan citizen has steadily improved since the 1990s. A trend towards conforming to international legal norms can be observed, but nevertheless follows a specifically Moroccan rhythm and is concentrating for the moment on reinforcing individual and group specific rights and modernising legislation related to trade and investment – in other words, the economic sector. In each case it is thanks to the king's commitment that even sensitive areas such as equal opportunities for women – which touch on religiously and culturally defined traditional mores and customs – could be modernised despite resistance from religiously conservative and Islamist circles.

Without the use of the king's authority and prerogative, normative reforms and reforms to state structures, even when new laws are passed, would be difficult to achieve. The difficulties that can arise, despite the king's express determination to see changes made in these areas, become apparent when one looks at attempts to implement equal rights for men and women, to strengthen children's rights (especially in the reduction of child labour) and to guarantee 'humane' behaviour in prisons and respect for human and civil rights. Ensuring that state functionaries and, in particular, the members of the security institutions and the justice system behave differently will require a huge effort by the king and massive campaigns to increase awareness, plus training courses and legal instructions to achieve gradual change. The inclusion of NGOs and the punishment of breaches of the law are, in this context, a further instrument with which a lasting impact can be made.

The king, according to the Dahir of 31 July 2008, still personally appoints the senior ranks of the police, the military and the civil service (by Dahir), although since 1996 police officers formally have been representatives of the state and not ‘representatives of the king’. This makes it clear just how sensitive the king regards this area to be, and for that reason he does not transfer any responsibility for it to the government or parliament. In the medium term nothing about this situation is going to change, also because of the latent terrorist threat. Owing to Morocco’s political system and the practically applied specific power structures in Morocco, the understanding of the need for security sector reform is – as described in the introduction – not identical with the OECD DAC and UN definitions.

Nevertheless, aside from the intensification of human, civil and group-specific rights, other developments can be seen as positive, although their long-term effects on perception and behaviour cannot be predicted today.

- The admittance and encouragement of public debates on issues such as torture, abuse of human and civil rights, protection of disadvantaged social groups, violence in society, state violence (not only in the period from 1956 to 1999),²⁹ the rule of law, abuse of authority and corruption among state officials.
- The periodic state-run ‘Campaigns to Moralise Public Life’,³⁰ which touch on the issues of corruption and the misuse of public money and authority; they are evident also as measures to increase public awareness.
- The toleration of the engagement of NGOs and the receipt of their critical reports. The public disclosures of corruption, involvement in criminal practices by public officials, misuse of power and positions of authority and human rights abuses carried out by public officials have resulted in numerous cases of prosecution since 1999, especially when the scandal has threatened to damage the reputation of state security organisations.
- The instruction of state officials, also in the security sector, in human and civil rights as part of their job training and further training; even if this instruction and efforts to increase awareness are still insufficient, they are a promising start.
- The demands made by the king in one of his speeches in July 2008 that the rule of law be applied, and the emphasis placed in his speech on devising judicial reforms around the needs and interests of the citizens.³¹

It is, however, likely that such changes will happen and will be echoed in demands made by civil society organisations to the state for changes to the law and to enforce adherence to legal requirements etc.³² A fundamental and comprehensive reform of the security sector embedded in a programme with a clearly defined timescale is being hampered by the nature of the political system, as described above. The implementation of individual sector reforms has been negatively influenced by four other factors:

- the spread of corruption within the justice system and in the security organs
- the involvement of members of the civilian and military security organs in criminal activities and in cooperation with organised crime (mostly illegal drugs trade)³³
- the fact that there is still no generalised condemnation of violence and torture within society (despite the formal criminalisation of torture in Morocco), so that some government officials in prisons and members of the security organs still use violence and torture; nevertheless, NGOs report that they are now only used in isolated cases
- security provisions and surveillance in the war against terrorism and to prevent terrorist attacks; with respect to this, security measures were intensified and individual civil liberties (e.g. the right of assembly) were restricted in 2003, especially after the terrorist attacks on Casablanca.

The Prospects for Further Reforms in the Moroccan Security Sector

No structural changes to the political system are to be expected in Morocco in the medium term. That also means no security sector reforms according to the OECD DAC or UN definitions, based on a coherent programme with normative scope designed to accomplish security sector governance, with its five attributes of transparency, responsibility, accountability, participation and responsiveness, can be put into practice. The existing all-encompassing control exerted by the king over security will not be relinquished to parliament.

It is likely there will be further measures to increase the effectiveness and efficiency of security organisations and to improve public officials' behaviour and the relationship between the state and the state's citizens, and thus indirectly consolidate the support of the majority for the king's policies

and his development and modernisation goals. International engagement within this context will be restricted by sovereignty and utility considerations: that is, technical cooperation will be more welcomed than any normative guided reform pressure. In this context, the planned US-Moroccan cooperation in the field of security and stability reinforcement as formulated in December 2008 in the US Country Assistance Strategy³⁴ for Morocco stresses technical aspects.

External support for security sector reforms in Morocco can for the most part only lay the groundwork at this current stage, given the limited official willingness to conduct comprehensive reform.

At the moment, an intensification and concentration of external support for help designed to improve vocational training and instruction given to public officials working in the security sector (including the justice sector and the prisons) on aspects of human rights, civil rights and constitutional behaviour in the respective professional contexts would be the most promising course of action – although with only long-term impact.

This approach will probably be accepted by the country's leadership as part of the intensive engagement of external donors, and may even be welcomed because of gaps in the state's capacities. The necessity for re-education has been recognised and is a priority aim in the king's reform concept. On the other hand, these are measures that will largely contribute to improving the security sector governance of the existing political system and, moreover, retain the potential to bring about changes to the security sector and the dominant behavioural norms of the majority society in the long term.

In other words, initiatives to promote training schemes, training courses, integration in international training programmes for security sector staff in particular and practice-oriented training courses on methods and behavioural patterns that comply with constitutional standards are vital at the moment as preparation for future extensive (normative) reforms of the security sector. They are realistically the only possible instruments at the moment for exerting external normative influence on the security sector.

Notes

- ¹ Amnesty International, *Maroc. Torture, 'disparitions', emprisonnement politique* (Paris: La Découverte, 1991); Mohamed Souhaili, *Les damnés du royaume: le drame des libertés au Maroc* (Paris: Editions ouvrières, 1986); US State Department, *Country Reports on Human Rights Practices for 1982: Morocco* (Washington, DC: US State Department, 1983).
- ² Abdallah Saaf and Abdelrahim Manar Al Slimi, 'Morocco 1996–2007. A Decisive Decade of Reform?', *Arab Reform Initiative* 43 (2007), available at www.arab-reform.org.
- ³ IER, '2005 Closing Report (*Rapport Final*)', available at www.ier.ma; the statute of the IER was published by Royal Dahir on 12 April 2004.
- ⁴ The king's speech of 12 October 1999, available at www.maroc.ma ('Discourse', arranged according to the year).
- ⁵ This does not exclude that – as was the case in the last few years – individual members of the security organisations can be charged with corruption, abuse of position or involvement in criminal activities; these measures belong to the periodically recurring campaigns to 'moralise' public officials which ran parallel to the modernisation of the security sector and efforts to improve the relationship between the state and citizens.
- ⁶ See Moroccan Constitution, art. 28, available at www.parlement.ma.
- ⁷ The introduction of a Complaints Commission was announced on 9 December 2001 and staff were hired on 26 December 2002, although it only actually began its work on 15 April 2004.
- ⁸ Mohamed Aujjar, 'La sécurité judiciaire nécessite un environnement judiciaire sain', *Aujourd'hui le Maroc*, 11 August 2008.
- ⁹ On 10 December 2008 the king announced that Morocco would unreservedly recognise CEDAW. Morocco is therefore the first Arab state to accept the whole international convention to remove all discrimination against women.
- ¹⁰ Casafree.com, 13 July 2009. On new aspects of police formation see *Police Magazine*, 'Quelle formation pour la police d'aujourd'hui', *Police Magazine*, no. 8, September 2005: 19–27; and the report on international cooperation in the field of formation 'with the technically most advanced' Western countries (e.g. USA, France, Spain, Germany, Great Britain, the Netherlands, Japan) in *Police Magazine*, no. 8, September 2005: 28–30.
- ¹¹ *L'Opinion*, 23 June 2004; *Maroc-Hebdo*, 29 October 2004; for a report on the 'new approach' see *Police Magazine*, 'Les hommes qui nous font "peur"!', *Police Magazine*, no. 1, February 2005: 11–21.
- ¹² See *Le Journal*, February 2005, for comments on the distribution of the first issue of *Police Magazine*; see also *Police Magazine*, 'Editorial', *Police Magazine*, no. 1, February 2005.
- ¹³ *L'Opinion*, 22 October 2004; *Telquel*, no. 147, 2004.
- ¹⁴ On abuses of the GUS see *La Vie éco*, 4–10 August 2006; *Aujourd'hui le Maroc*, 21 June 2006; on their dissolution see the official communiqué in *Aujourd'hui le Maroc*, 16 October 2006.
- ¹⁵ *Le Matin*, 'Les GUS reprennent du service. Devant la dégradation de la sécurité, il fallait des renforts', *Le Matin*, 22 November 2006.
- ¹⁶ Cherki Draiss worked his way up in the Ministry of the Interior; in June 2005 shortly before his appointment as head of the DGSN, he was appointed *wali* of Laâyoune-

- Boujdour-Sakia Lhamra (Western Sahara). The media describe him as a ‘negotiator’ in (social) conflicts. See *Aujourd’hui le Maroc*, 14 September 2005.
- ¹⁷ *Le Reporter*, ‘Sécurité renforcée’, *Le Reporter*, May 2008.
- ¹⁸ Khadija Elmadmad, ‘La gestion des frontières au Maroc’, European University Institute, Badia Fiesole, May 2007: 40.
- ¹⁹ The denunciation of corruption in the army by Captain Adib in 1999 and his subsequent 30-month prison sentence (2001) caused national and international furore.
- ²⁰ Especially for border protection 2,500 men were sent in the north, 500 to the south and 1,500 to the east.
- ²¹ See for an overview *Telquel*, ‘Exclusif: Voyage au cœur des services secrets’, *Telquel*, no. 167, 18 March 2005.
- ²² *Le Journal*, 15 May 2005.
- ²³ *Maroc-Hebdo*, 14 May 2005.
- ²⁴ See a short biography in *Orient (Opladen)* 46, no. 2 (2005): 189–194.
- ²⁵ *Telquel*, ‘Ministère de l’Intérieur: Qui fait quoi?’, *Telquel*, no. 362, February 2009.
- ²⁶ *Telquel*, ‘DST. Le service de tous les secrets’, *Telquel*, no. 317, April 2008; the head of the DGST since 2005 has been the ‘technician’ Abdellatif Hammouchi.
- ²⁷ Saaf and Slimi, note 2 above.
- ²⁸ The OMP as early as 11 September 2002 was demanding a ‘prison revolution’.
- ²⁹ United Nations Committee Against Torture, *State Violence in Morocco* (Geneva: UNCAT, 2004). This includes contributions by Moroccan NGOs: Democratic Association of Moroccan Women/ADFM, the Bayti Association and the Moroccan Prison Observatory/OMP).
- ³⁰ On the campaigns in 2000, 2005, 2006 and 2007, see *L’Opinion*, 20 January 2000; *Maroc-Hebdo*, 29 April 2005; *Maroc-Hebdo*, 22 September 2006; *L’Economiste du Maroc*, 31 January 2007.
- ³¹ See the king’s speech to the nation, 30 July 2008, available at www.maroc.ma.
- ³² One example of this is the mobilisation of parts of civil society (including the setting up of NGOs) and the prompting of public debates concerning child protection, child prostitution, child abuse and domestic violence.
- ³³ In 2006 the disclosure of the involvement in the illegal drugs trade of police officers, judges and officers in the Moroccan armed forces led to the demand in *Maroc-Hebdo*: Mustapha Sehim, ‘Assainir le Maroc’, *Maroc-Hebdo*, 22 September 2006.
- ³⁴ USAID, ‘Morocco, Country Assistance Strategy’, 12 December 2008, available at http://pdf.usaid.gov/pdf_docs/PDACN034.pdf.

Chapter 7

Security Sector Reform in Nepal: Challenges and Opportunities

Bishnu Raj Upreti¹ and Peter Vanhoutte

Introduction

Nepal is in a critical transition from war to peace and is therefore facing several transitional challenges. One of them is transforming the security sector, which has operated within a highly centralised and unitary political system for more than two centuries. When the Communist Party of Nepal (Maoist)² (CPN (M)) waged an armed insurrection in 1996, the state security system was reshaped to counter the insurgency. Hence, one of the biggest challenges is to transform the counterinsurgency and focus on ensuring that existing security policies, strategies and organisations fit into the changed political context. This chapter argues that the ongoing peace process will not be completed nor will democracy be stabilised without a thorough transformation of the security sector. This is an important challenge given the selective, partial or inadequate understanding of the principles and components of security sector reform (SSR) and, more importantly, the principles of security sector governance by the key actors, such as political parties, security institutions and concerned ministries. The SSR concept is new in Nepal and key actors have used the concept based on their existing knowledge and understanding. The result of this is that the concept has only been applied partially or selectively. The lack of any basic agreement among the key actors about the need for holistic SSR has hampered the facilitation of a constructive SSR debate, which consequently has not received enough attention at decision-making levels. The objective of this chapter is to inform readers of the 2009 DCAF yearbook about the existing status of the debate on SSR in Nepal. This chapter mainly focuses on the Nepalese Army (NA) and the CPN (M) ex-combatants (often called the 'People's Liberation Army' (PLA))³ in the public domain. Other existing security institutions such as the civilian police, the armed police force (APF) and the Department of National Intelligence (DNI), as well as other state and non-statutory actors

of SSR, are only marginally discussed, mainly because they are less important to the peace process and more open to the SSR process in line with the concepts discussed elsewhere in this chapter.

The Context

Nepal is emerging from a decade-long armed conflict (lasting from 1996 to 2006), which ended after the signing of the Comprehensive Peace Agreement (CPA) in November 2006. Ending the armed conflict was a priority for all actors: politicians and civil society at large as well as the international community. On 22 November 2005 the main political parties concluded a 12-point understanding that was to serve as the basis for their further actions. Since that time the political and security dynamics have started changing rapidly, and the restructuring of the security sector gradually became a concern at large. Before the political changes of April 2006⁴ it was extremely difficult for civil society to engage in the SSR debate, because both the government and the security agencies, in particular the NA, were not ready to discuss it at all. Those who dared to write about the issue in critical terms were seen or interpreted as an ‘enemy of the security organisations’, aiming to damage their image or to weaken them. Very few academics and researchers dared to engage in this subject, as doing so involved very serious personal security risks.⁵ However, the situation did change after the CPA. Moreover, the involvement of the United Nations Political Mission in Nepal (UNMIN) in monitoring Nepal’s peace process,⁶ the Agreement on the Monitoring of Management of Arms and Armies (AMMAA), the promulgation of the interim constitution, the completion of the Constituent Assembly election (on 10 April 2008) and the declaration of the republic have paved the path for a wider SSR process in Nepal.

The following definition of security sector reform, which was developed by Heiner Hänggi, is used in this chapter:

Security sector reform includes all activities aimed at the effective and efficient provision of state and human security within a framework of democratic governance. In the context of post-conflict peace building, SSR is closely linked to related activities such as disarmament, demobilisation and reintegration, small arms control and transitional justice.⁷

The OECD defines the security sector as those state institutions which have a formal mandate to ensure the safety of the state and its citizens against acts

of violence and coercion.⁸ However, Nepalese actors have not understood SSR in such a holistic way, and the key stakeholders refused to accept this until 2006. It still remains difficult for key decision-makers to acknowledge the need to modify the roles, responsibilities and actions of the security actors in a changing context to make them consistent with the democratic norms, values and principles of good governance as the basic elements of SSR.⁹ As a result of the president's decision to continue the mandate of the chief of the army staff (COAS), who had been sacked by the government, in early May 2009 the change of the Maoist-led government created a deadlock in the peace process. The government, led by the CPN (M), issued a letter of dismissal to the COAS, in which refusing to follow orders issued by the government and creating problems for the government were cited as the reasons for the termination. After the government sacked the COAS, all 18 political parties wrote to the president asking him to review his decision and reinstate the COAS. The political parties believed that the government's decision was not based on good intentions, but rather was a strategy to capture state power by weakening the state army. The president then issued a letter to the COAS stating his intention to let him continue in his position until a further decision was taken. According to the interim constitution, the president, in his capacity as supreme commander of the NA, is responsible for the recruitment of the COAS. The CPN (M) took this as a constitutional coup and consequently resigned from the government. Now polarisation is increasing between the NA, supported by the conservative élite, and the Maoists, supported by their ex-combatants; there are also tensions between the new government's intention to change the chairperson of the Special Committee on Army Integration and the CPN (M) position to continue with the earlier chair. The main political forces, including the NA and CPN (M) ex-combatants, remain reluctant to recognise the need to engage actively in a civilian-driven democratic reform process. Major political parties are aligned with the NA in isolating the CPN (M). The NA, APF, civilian police, DNI, Ministry of Defence (MoD) and Ministry of Homes (MoH) are considered to be the main security sector institutions in Nepal.

Although the CPA, the interim constitution and other peace-related documents do not discuss the holistic approach to SSR, it is crucially important to look at restructuring the MoD (as it is too weak and not actively engaged in the defence and military-related core issues); transforming the army (which is the focus of many peace agreements and ongoing debate in Nepal), civilian police (though not an explicit agenda of peace agreements, some work is going on to reform the police) and APF (which was specially created as a paramilitary force to counter the insurgency during wartime, but

has not been the subject of much debate on the need of reform); restructuring state intelligence agencies; redefining and strengthening oversight bodies (parliamentary, judicial and human rights bodies); and integrating qualified CPN (M) ex-combatants in security structures such as the police and army. However, in this chapter the discussion is mainly focused on the NA and CPN (M) ex-combatants because they are at the core of the debate on Nepal's peace process.

The Major Issues: Experiences, Activities and Processes in Practice

Democratic accountability and civilian oversight of the NA, management, integration and rehabilitation of the CPN (M) ex-combatants, modernisation of the police service, maintaining the neutrality of security organisations and their impartiality to any political pressure, developing a common understanding of a holistic SSR among the key political actors and the proliferation of illegal small arms¹⁰ are some of the major SSR-related issues in Nepal. Once the Constituent Assembly (CA) had begun the process of drafting the constitution, the debate on a broader security sector reform started, including defining a national security policy, reviewing the roles of the National Security Council (NSC) and determining the types, sizes and strengths of security providers (e.g. civilian police, APF, NA and intelligence services). Within the CA a discussion even began on the issues of border management, private security arrangements, etc.

The National Interests Preservation Committee (NIPC) of the CA opened up the debate, responding to a public request. Experts working on issues related to security and conflict transformation have brought security sector governance (parliamentary oversight, civilian control, ombudsperson provisions, human rights issues, etc.), penal and judicial concerns on to the agenda. This recently resulted in a public debate involving political parties, media and civil society organisations.

The CPA, the AMMAA and the interim constitution have provided an avenue to initiate an SSR process, if there is sufficient political will.

Clause 4.7 of section 4 of the CPA addresses the democratisation of the Nepalese Army. It states that:

The Council of Ministers shall control, mobilise and manage the Nepalese Army in accordance with the new Military Act. The Interim Council of Ministers shall prepare and implement the detailed action plan for the democratisation of the Nepali Army on the basis of political consensus and

the suggestions of the committee concerned of the Interim Legislature. This includes, among other things, right-sizing, democratic restructuring reflecting the national and inclusive character and imparting training to the Nepali Army on the values of democracy and human rights.

Article 4.4 of the CPA states:

The interim cabinet shall form a special committee to carry out the monitoring, integration and rehabilitation of the Maoist combatants.

These provisions are elaborated in detail in the AMMAA.

Article 144(3–4) of the interim constitution makes similar provisions which put the emphasis on formulating an extensive work plan for the democratisation of the NA (determining appropriate numbers, its democratic structures and inclusive character) and implementing it. Hence, the new political context has clearly envisioned the need for restructuring the existing army structures. However, neither the CPA nor the interim constitution has visualised the need for a comprehensive restructuring of the security sector which includes developing a new national security policy (based on a long-term vision, combining international relations, defence policy and economic policy and establishing a powerful NSC), reforming the intelligence services, restructuring the army, police and other security providers and institutions and achieving strong parliamentary and civil society oversight and democratic control of the security sector. So far a very narrow, legal interpretation of these provisions has dominated the nascent SSR debate in Nepal. The history of the NA is directly linked with the centralised, exclusionary monarchical regime with isolated (i.e. lacking any connection with the people) institutions that were very actively engaged in suppressing the people's movement of 2006 April and institutionally inclined towards Hinduism (evidenced by their use of symbols and names that reflect the Hindu religion); furthermore, the composition of the population is not reflected in the high echelons of the army (domination of a few castes and ethnic groups). The result of this is that there is a huge demand for restructuring from communities that are poorly represented in the NA structure, no control of the MoD as the legitimate democratic institution and a need for the integration of the CPN (M) ex-combatants and fair representation of minorities and women. These are some of the main reasons why this chapter focuses on the NA.

The integration and rehabilitation of the CPN (M) ex-combatants is another important but most controversial issue in the SSR debate. The government created the Army Integration Special Committee (AISC) under

the chairmanship of the prime minister, representing the four main political parties. The AISC tasked the Army Integration Technical Committee (AITC) to work out the technical modalities for the integration and rehabilitation of the CPN (M) ex-combatants. The government would be able to take over and launch a new initiative if the integration process within the AISC failed. Given the actual composition, any failure of the AISC would be seen as a failure of the government in addressing the provisions of Article 4.4 of the CPA. However, the final composition of the AITC became politicised,¹¹ making it extremely difficult to discuss the various options available concerning integration and rehabilitation away from any political pressures. The AITC, however, agreed to work on a series of joint proposals to be submitted to the AISC for final approval. The AMMAA highlighted the four phases involved in planning to reintegrate and rehabilitate the CPN (M) ex-combatants and to manage the NA: reporting and verification; redeployment and concentration of forces; Maoist army cantonments, NA barracking and arms control; and full compliance with the agreement.

The United Nations (UN) was assigned the task of registering all CPN (M) ex-combatants and discharging those who were minors. The registration of minors was contested, and at the time that the process was concluded it appeared that most of the minors had reached the age of 18. In the meantime, the living conditions in the cantonments greatly improved and they were transformed into CPN (M) 'communes' rather than military camps. As a result, the enthusiasm of the inhabitants, including former child soldiers, to return home has lessened. An alternative solution could be to demilitarise the cantonments or part of them into regular settlements.

The Joint Monitoring Coordination Committee (JMCC), chaired by the UN with membership of the CPN (M) ex-combatants and the NA, was set up in the immediate aftermath of the AMMAA to monitor, report on and coordinate the implementation of the agreement. The JMCC continues this monitoring today in the barracks and cantonments and was actively engaged in resolving problems and complications arising during the CPN (M) ex-combatant verification process, which was concluded in December 2007.

SSR and the Nepalese Army

The NA, which was mobilised during the internal conflict and used the opportunity to double its strength from around 45,000 to 91,444 men,¹² is engaged in safeguarding territorial integrity; constructing roads; protecting parks and reserves; responding to disaster-related crises (rescue and recovery); UN peacekeeping operations; the security of V/VIPs; and the

protection of crucial areas such as airports, banks and telephone towers. However, a debate is needed on whether to redefine, reorient, combine, modify or reduce the existing tasks¹³ (e.g. deciding whether to engage the army in nature conservation or in development work). Further, provisions on redefining the size of and attributing exclusive characteristics to the NA are mentioned in the interim constitution.

Until 2006 the NA was largely a close élite structure operating beyond accountability and scrutiny. The palace used this institution for strengthening its power and privileges. The NSC failed to perform its role to support democratic security governance effectively, as envisioned in the constitution. Political parties and the respective governments either suspected or blamed the NA for the non-cooperation. On the other side, the palace had made every effort to control the army, and succeeded. The NA met with some controversy once it was mobilised to fight the armed conflict waged by the CPN (M). It was also largely seen by the citizens and political parties as the army of the palace rather than of the people. This perception is evident from the keynote speech that the COAS gave on 14 May 2004:

The Crown is the symbol of our identity and the kingship is the progenitor and guardian of the Royal Nepal Army along with the unalterable symbol of Nepali nationalism and national unity. The faith, devotion and the trust of the people towards the Crown have remained the essence of Nepali nationalism since time immemorial. All Nepalese should therefore be united to work towards preserving the symbol of our identity along with the fundamentals of our national interests.¹⁴

The International Crisis Group has extensively reported about the involvement of the army in the armed conflict and related human rights violations in Nepal.¹⁵ An assessment made by researchers and scholars about the NA indicates the intentions of the army. They wrote:

The army believes the popular forces as being intrusive to the political landscape of the country causing instabilities and discords, hence threat to the *status quo* that has preserved the peace, independence and sovereign integrity of the state...Monarchy as integral to the integrity of the state has thus become the 'acquired value,' which should be the primacy of national security and political stability. Therefore, the army has always been cautious about identifying itself with the democratic government rather than the monarchy.¹⁶

From the royal takeover of 1 February 2005 (when the king sacked the prime minister, imposed a state of emergency, suspended all civil rights and ruled the country directly), the army was the cause of great controversy and seriously lost its credibility both domestically and internationally.¹⁷

After the CPA and the promulgation of the interim constitution, the NA formally began a debate on SSR in an effort to regain credibility.¹⁸ After the republic was declared, the situation changed and the relations between the army and the palace formally came to an end. Although many analysts and opinion-makers remained critical, the NA largely showed its commitment to the changes in the political scene resulting from the 2006 peace agreement. Contrary to the assumption of some analysts that the Nepalese Army would openly stand for the king, it instead cooperated with the government, expressed its commitment to peace and started to respond positively to public expectations that the army should fully support the new democratic developments. As mentioned above, after the CPA and the promulgation of the interim constitution, the NA formally started a debate on security sector restructuring.¹⁹ Before 2006 the MoD was largely under the shadow of army headquarters, backed by the palace, and for this reason was almost dysfunctional. After the political change of 2006 the MoD gradually revived. However, the crisis of confidence and mistrust between the MoD and the army widened after the CPN (M) appointed a former commander of CPN (M) army combatants as defence minister. This was the start of a rapidly deepening conflict between the CPN (M) and the NA, which ultimately resulted in the resignation of the government on 4 May 2009.

Once the process of drafting the constitution was under way, the debate on SSR began. The major issues concerning SSR are related to the transformation of the Nepalese Army by recognising the Nepalese people as the ultimate source of power, following the principles of accountability, transparency, representation, rule of law and human rights, social justice and good governance, and international provisions and standards. This agenda was presented to the full CA by its National Interests Preservation Committee in a concept paper. The primary assessment of the security sector was made in the peace agreement and later by the parliament. In addition to this debate, the question of the extent to which the Nepalese Army can serve as a nation-building tool, e.g. by the introduction of a conscript system, has arisen. However, neither the political parties nor the security institutions have demonstrated their full commitment to transform Nepal's security sector in line with this debate.

The CPA and the interim constitution have envisioned the need to redefine the existing size of the NA, and therefore its rightsizing is becoming

an issue of debate. Critics argue that Nepal cannot sustain a large and expensive institution, its conventional engagement with the palace would have to be terminated and, regardless of its numbers, it cannot militarily confront or compete with its giant neighbours, India and China. The issue of the downsizing of the army has been vehemently raised by the CPN (M), which is constantly arguing for the creation of a new army by combining its ex-combatants and the NA.

All major actors want to drive the SSR debate in their favour: the NA wants to maintain its current strengths and privileges; and the CPN (M) wants to form a new army combining its ex-combatants and the NA. Political parties are in favour of the NA position with some cosmetic changes. All of them have their own justifications. Maoists see the NA as a resistant force standing in the way of them achieving their political aim (as the Maoist government fell while in confrontation with the COAS), the NA sees the Maoists as intending to dismantle the NA and the political parties see the Maoist movement as controlling the state by weakening the NA. But nobody dared to say that there was no need for security sector restructuring once it featured on the agenda of the CA.

SSR and the PLA

According to the provisions of the CPA and AMMAA (signed on 28 November 2006), the CPN (M) ex-combatants were kept in seven cantonments (cantonments are defined as a temporarily designated and clearly defined geographical areas for encampment and provision of services for the Maoist combatant units, including weapons, ammunition and equipment) and 21 satellite centres, with their weapons. The weapons storage depots had storage containers which were painted white and furnished with shelves for safe weapons storage and easy control, with a complete inventory (weapons type, calibre and serial number) and locked with a single key provided by the UN. Each storage container was linked to a 24-hour surveillance camera which was used by the UN office to monitor the cantonment site. The cameras were fitted with an alarm system that was connected to sirens in both the UN office and the camp commander's office. UN monitors were only allowed to inspect the arms storage area and containers in the presence of a Maoist army representative. The secure arms storage areas are either military barracks with regular armouries used for the storage of weapons, munitions and explosives, or storage containers established in special perimeters at cantonment sites controlled and guarded by the responsible unit. The Council of Ministers was assigned by the CPA

to take responsibility for the management, integration and rehabilitation of the PLA. But after the CPA and AMMAA, little progress was made until August 2009, apart from the completion of verification by UNMIN²⁰ and the formation of the Army Integration Special Committee and Army Integration Technical Committee in early 2009.

However, even the discussion on the CPN (M) ex-combatants' integration process is not moving smoothly ahead because of the level of lack of trust between the main political parties and the CPN (M) and the level of tension between the NA and the CPN (M) leadership on the one hand and the Maoist ex-combatants on the other. In early May 2009 this resulted in the resignation of the Maoist-led government. One of the main problems for smooth implementation was the lack of detailed provisions in the CPA; this gave space for selective interpretation that ultimately led to mistrust among the key political actors. This resulted in entrenched positions on both sides and a reluctance to compromise any further – a situation that is still in evidence today. Since the resignation of the Maoist-led government, both the AITC and the AISC have ceased their activities.

Potential Disabling Factors

The mainstream SSR debate in Nepal is very much focused on narrow, partial, selective and politically motivated issues. Therefore the SSR process is facing major challenges and obstacles. Some important operational challenges in Nepal's SSR are as follows.

- The issue of civilian control gave rise to many conflicts between the main political parties, the NA and the CPN (M). Incidents include the recruitment of new soldiers, which began in 2009 and which UNMIN claimed was a breach of the CPA, the refusal of the minister of defence to prolong the contracts of eight generals, who were finally allowed to stay following a decision by the Supreme Court, and the firing of the chief of army staff by the prime minister and the decision of the president (who was previously a central member of the Congress Party) to reinstate the COAS based on the recommendation of 18 out of 25 political parties in the CA. This resulted in the resignation of the prime minister and subsequently severe tensions.
- Building a national consensus is extremely difficult, if not impossible, while both sides continue to oppose each other and have convincing political and military leverage.

- Building trust and confidence among the key stakeholders is extremely challenging given the high level of polarisation on both sides, with increased risk of a renewed violent conflict.
- According to the AMMAA, a number of NA soldiers with weapons equal to the number of ex-combatants of the CPN (M) have to stay in barracks.²¹ In early 2009 the NA recruited some 2,800 individuals, arguing that it was entitled to maintain the size that it had at the time when the CPA was signed. According to the CPN (M), this was not permitted. This position was also supported by the former head of UNMIN, SRSG Ian Martin, who said: ‘any new recruitment by the Nepal Army or the Maoist army would be a breach of the Ceasefire Code of Conduct, the Comprehensive Peace Agreement and the Agreement on Monitoring the Management of Arms and Armies’.²² The AMMAA stated: ‘continuity will be given to functions of the Nepal Army including border security, security of the conservation areas, protected areas, banks, airports, power houses, telephone towers, central secretariat and security of VIPs’.²³ The agreement permits routine military activities, but prohibits carrying arms or displaying them, as well as using intimidation or any type of violence. The issue became a source of tension when other political parties criticised the CPN (M) for taking arms out of the cantonments, an issue that was not proved by UNMIN monitors. According to the peace agreements, the PLA does indeed have the right to remove a limited number of weapons from the cantonments for self-protection. The main problem, however, is whether the provisions of the CPA are still able to enforce a balance between the military power of the army and the Maoist ex-combatants after the NA engaged new recruits.
- The barracking of the NA with its arms has to be monitored by UN inspectors (who only deal with matters relating to the disposal of forces and weapons). The CPA includes provisions for the Council of Ministers to prepare and implement a detailed action plan for the democratisation of the NA based on proposals from the competent committee of the interim parliament/legislature. These proposals include carrying out activities such as the assessing and training of the army in democratic and human rights values while developing a democratic structure, and also respecting the national and inclusive character of the army. Without democratic control over the army it does, however, remain unclear quite how the democratisation of the army envisioned in the CPA and the interim constitution can be achieved.

- The AMMAA prohibits activities such as harming or intimidating any person, any seizure of their equipment and property, murder or violent operations, kidnapping and unlawful detention or imprisonment. Similarly, it prohibits recruiting additional armed forces or conducting military activities against each other, including transporting weapons, ammunitions and explosives (unless mutually agreed by the parties and notified in advance according to the terms of this agreement). The CPA has provisions relating to serious human rights violations. It is, however, obvious that neither side respects these provisions, and circumvents them by ‘subcontracting’ either youth movements or paramilitary groups to engage in activities that are no longer formally allowed for the NA and the Maoist ex-combatants.
- Most of the senior military and key political leaders other than the CPN (M) are in favour of purely cosmetic changes in the security sector, arguing that the fundamental restructuring of the NA according to the interests of the CPN (M) would seriously weaken the army and destabilise the political situation. They have also expressed concern that the CPN (M) is deliberately attempting to damage the reputation of, and eventually dismantle, the NA. Inconsistent, contradictory and biased views are often expressed by senior political leaders regarding the need for a more democratically controlled army. The participation of the army in UN peacekeeping operations is often referred to as the main reason for the need for further reform, as the UN has never criticised the performance of the NA nor any lack of human rights standards. According to the national human rights commissioner, democratisation is an important step to end cases of serious human rights abuses.²⁴ Similarly, Prachanda (the head of the CPN (M)) made a controversial video speech to ex-combatants in late 2007 which was later leaked to the public. This video ignited severe suspicion towards the intentions of the CPM (M) and its commitment to the peace process, and heightened mistrust among the NA, political parties and international actors. These opposing arguments and positioning have created severe mistrust and ultimately obstructed the SSR process.

The international community is very active in supporting the peace process in general and SSR more specifically. As some members of the international community, such as the USA and the UK, had directly aligned themselves with the previous government and consequently distanced themselves from the CPN (M), their credibility remains low among the CPN (M) leaders and therefore limits their acceptability in engaging on core issues with the CPN

(M). However, these countries are the most influential within state security institutions and have the resources to lead or dominate the SSR debate.

The CPN (M) rejected the use of the disarmament, demobilisation and reintegration (DDR) concept in Nepal when it was debated by some non-governmental organisations (NGOs).²⁵ This is a further obstacle. It argued that a DDR concept is only applicable to rebels defeated by a national army, but the CPN (M) was not defeated by the NA, as the conflict ended in a stalemate and therefore there could be no question of DDR. Instead, the CPN (M) expected the SSR process to form a new national army by integrating the NA and the CPN (M) ex-combatants on an equal footing, comparable to the South African approach. This proposal was immediately rejected by the other political parties and the NA. There is also some suspicion that political parties want to delay the integration until the promulgation of the new constitution and the next elections, in the hope that the CPN (M) will be reduced to being a small party following the elections, and the need for integration would be gone. The CPN (M), after being ousted from power, claims that the integration of its ex-combatants before promulgation of the constitution is not acceptable, as it is part of a political scheme to separate its ex-combatants, push them into a corner and shape the constitution against them.²⁶ In contrast, all other political parties are now vehemently demanding that rehabilitation and reintegration be undertaken and completed first, so that constitution-making can progress. Hence, integration and rehabilitation of CPN (M) ex-combatants is in effect a bargaining tool for both sides and not a real priority.

Throughout Nepal's history, the security system has been full of politicisation. Right from its inception, the NA was used by the palace as its tool to consolidate and control power. The police force was often used by the home minister and his parent party as a tool to win the elections through intimidation and/or to accumulate wealth or recruit party cadres. Nepal's security forces never worked independently without political interference. Similarly, all major political parties have either formally or informally created militant youth groups to fight for their parties. When the CPN (M) came to competitive politics after the CPA, it revived²⁷ the Young Communist League (YCL) by organising its approximately 100,000²⁸ militias, and used them to win the election through intimidation, creating fear among the voters or even restricting voters' access to the polls.²⁹ Other parties concluded that one of the main reasons why the CPN (M) became the largest party following the elections was the fear created and force used by the YCL, although this was vehemently denied by the CPN (M). The other parties followed the same approach, creating militant youth wings such as

the Youth Force (YF) or Madesh Rakshya Bahini, which resulted in the militarisation of the society. These militant youths take the law into their own hands by arresting people and punishing them themselves, or sometimes handing them over to them police. Such practices have seriously undermined the legitimate state security forces and created a parallel non-state security system that poses a serious challenge to the state. It is a classic example of a weak democracy increasingly threatened by armed clans and local warlords supported by unemployed youngsters, and proof that the SSR process in Nepal should first of all foster political changes to eliminate the root causes of further instability.

After the political change of 2006, the *dalits*, *janajatis* and *madeshis*³⁰ have been demanding proportional representation in the NA and police structures, which would imply fundamental changes in the existing composition, including either big cuts in the existing security personnel numbers or increase the total number. Neither option is an easy one, and both will cause additional complications in the SSR process. There is a request from these groups that security forces have proportional representation in the NA (which means laying off large numbers of existing NA soldiers). Neither the NA nor other major political parties, especially the Nepali Congress and to some extent the CPN-United Marxist Leninist, accepts this option. UNMIN is also not eager to engage further in the integration and rehabilitation issue from the broader perspective.³¹

In the cantonments, the normal Maoist army chain of command, control, communication and information is used as per the provisions of the AMMAA to control the CPN (M) ex-combatants. It was also agreed that the normal CPN (M) army structure would be used in the administration of the sites. But that arrangement rapidly became a source of tension between the major political parties and the CPN (M). The political parties blame the CPN (M) for using the cantonments to protect criminals after some cadres from other political parties were assassinated – allegedly by CPN (M) cadres – and the police and Home Ministry stated that it was impossible to enter the cantonments according to the AMMAA. The police could only request that the PLA commanders hand over potential suspects to the police.

The JMCC was established, chaired by UNMIN, vice-chaired by the NA and the CPN (M) ex-combatants and representing the NA, CPN (M) ex-combatants and UN, to assist the parties in implementing the AMMAA, to resolve all disputes and military or operational difficulties, complaints, questions or problems regarding implementation of the AMMAA and to assist in confidence-building. This proved to be an effective solution. Today,

the JMCC is one of the very few bodies where representatives from the NA and CPN (M) ex-combatants still regularly meet to discuss issues.

Potential Enabling or Contributing Factors (Major Opportunities)

The Nepali people were fed up with the situation, having experienced a decade of armed conflict and violence in the country. In April 2006 this exasperation resulted in a popular uprising (widely referred to as Janaandolon II, or the people's movement) against King Gyanendra, led by a coalition of seven parties and with the support of the CPN (M). This movement has demonstrated the aspirations that the people of Nepal have for change, i.e. to achieve a stable democracy with a transformed bureaucracy, judiciary and security. The suppression of the people's movement by the security forces has resulted in mounting public pressure demanding that decision-makers opt to restrict the security sector. Hence, strong public support is a great opportunity for SSR.

Later, the CPA and the interim constitution articulated the need for an SSR process that would provide space for political actors to initiate the restructuring of the security sector in Nepal.

As observed in events such as the declaration of the republic, the NA respected the decision of the CA by not aligning with the king and remaining neutral. This indicates that the Nepalese Army has understood the aspirations of the Nepalese people for change, and it would therefore be difficult blatantly to deny the need for SSR.

Political parties have reiterated their commitment to broader socio-political change and state restructuring in all of the agreements and documents relating to peace processes. Hence this is an opportunity and enabling factor for SSR. So far it is unclear to what extent they are really committed to engaging in such a process, but there is tremendous public pressure to opt for SSR.

One of the positive dynamics is that the Constituent Assembly is active in making a new constitution that institutionalises the achievements made so far and the transformation of the Nepalese state. It has a special committee that is tasked with working on national security issues. The NIPC of the CA has developed a very comprehensive background document for discussion in a full meeting of the CA and highlighted the need for a national security policy, restructuring of the security sector, strengthening the oversight role of parliament and refining the NDC provisions for a state of emergency.³² Input from national experts as well as international experts working in Nepal was made available to the NIPC as suggestions. However,

after the ousting of the CPN (M) from government, the constitution-making process in the CA has been affected: even after the fifth revision of the schedule of the CA, several thematic committees were three months behind in producing draft concept papers to be presented to a full session of the CA.

So far, the international community has largely been supportive and willing to assist the SSR process in Nepal, where its willingness to provide financial and technical support is highly visible. However, there is still some reluctance within Nepali institutions because of a general fear of 'foreign influences'. International actors have made numerous offers to discuss experiences, lessons and best practices to avoid any possible weaknesses in Nepal's SSR process. Primarily, Nepali stakeholders will have to engage in developing solutions. However, international support in terms of knowledge and financial backing is crucially important to implement the SSR process smoothly in Nepal. The international actors listed in Table 6.1 are important collaborators for Nepal's SSR process. Past experience shows that at times the international community fails to realise the special circumstances and local context and comes forward with options that are not the choice of the Nepali people. For example, the international community pushed for negotiations with the king during the April 2006 people's movement. These negotiations were rejected by the Nepali people.

Earlier on in 2007, the parliament amended the Army Act to expand the avenue for the reform of the NA and practise various SSR principles. The amended Act severed the link between the NA and the palace, and redefined the members of the NDC as well as procedures for control and mobilisation of the NA, the reporting system and employment conditions. This amendment essentially emerged as a result of the success of the people's movement in April 2006.

The main responsibility for the implementation of the amended Act lies with the NA and MoD specifically, and with the government of Nepal in general terms. Their full translation into action (implementation) is important to prepare the NA for wider reforms.

Intended and Unintended Coping Strategies

In the past few months it has been observed that the leadership of the NA has sought political protection to minimise the radical transformation and influence of the CPN (M). The CPN (M) government objected to new recruitment by the NA, issuing letters written by army headquarters to retired generals asking them to join up and work regularly without

Table 6.1 Major International Actors in the SSR Debate

International actors (countries and institutions)	Areas of engagement
United Kingdom (UK)	Penal reform, police reform, MoD improvement, technical and financial assistance related to SSR
United States (US)	Technical and financial assistance related to SSR, legal-judicial reform, integration of CPN (M) ex-combatants
Norway	Financial assistance related to SSR
Switzerland	Financial assistance related to SSR
Denmark	Financial assistance related to SSR
India	Financial and technical assistance to police and army
UN	Technical assistance to SSR, chairing JMCC, police and army
UNDP	SSR coordination role
DCAF	Parliamentary oversight, SSR debate, legal review of security legislation, providing expertise to the integration of CPN (M) ex-combatants, support to the government on SSR
The Asian Foundation	SSR debate, capacity-building of NA, integration of CPN (M) ex-combatants
International Alert	Community security
Safer World	Policing, SSR debate
US Institute of Peace (USIP)	Policing, SSR debate
Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ)	Integration and rehabilitation of CPN (M) ex-combatants, discharge of minors from cantonments
International Institute for Democracy and Electoral Assistance (IDEA)	Support to drafting of security-related constitutional provisions

Source: Compiled by the authors from a variety of documents detailing the activities of international actors in Nepal.

consulting the MoD or respecting the order of the Supreme Court. The National Sport Council had organised a national game in which an NA team participated. Just after the opening of the game, the CPN (M) government decided to include a team from the CPN (M) cantonments. The NA team then pulled out from the game. This became one of the prime sources of

tension between the CPN (M) and the NA. The COAS strategically used these objections expressed by the CPN (M) to convince other political parties that the CPN (M) was deliberately working to dismantle the institution of the NA. Consequently, the president and all major political parties and influential leaders took a stand in favour of the army.

The NA has also strengthened ties with the Indian and US armies and used them indirectly to exert pressure on political actors, helping to bring the latter to work with them against the desire of the CPN (M) to create a new army by bringing the NA and its ex-combatants together. Both the US and Indian armies were and still are allies of the NA, and therefore want to see non-interference in the NA from any ideologically different (communist) party. They still do not fully trust the commitment made by the CPN (M) concerning a multi-party, liberal democracy.

There are also attempts to divert the SSR debate, arguing that Nepal is in an interim arrangement and therefore strategically important issues like the military should not be touched for the time being. These sensitive and nationally important issues can only be dealt with after the promulgation of the new constitution and the election of a government according to the provisions laid out in the new constitution. This argument has also created confusion at the political level.

Important Lessons Learned/to Be Learned from the SSR Debate in Nepal

If not handled properly and with extreme care, the SSR debate can head in the wrong direction, even if peace agreements are in place and provisions for support are set out in the constitution. Once the political environment becomes confusing, there is mistrust among political parties and their relations become tense, the leaders of security agencies quickly shift and start protecting their positions. If facilitated properly, local NGOs could be useful in broadening the debate, as can journalists who are critical but can express constructive opinion. The voices of a middle class looking for changes are also equally important to create a climate favourable for the SSR debate and linking it with economic development and business. Political parties slowly engage. In Nepal the debate is gradually developing, with several complications. The SSR debate started early, at a time when both sides were not prepared to compromise. The CPA is lacking detailed provision for integration and rehabilitation of CPN (M) ex-combatants, democratic oversight of the NA and the future restructuring of the security sector. New emerging problems in the post-conflict period, such as

transitional security challenges and radical demands of the minority communities, are also adding complications and challenges.

The few years of experience of the SSR debate, which is still far from being implemented in Nepal, have shown that constant engagement and regular informal dialogue with concerned actors (i.e. security structures) are a key precondition to moving further. A formal process does not work if a conducive environment is not created from informal engagement and dialogues (for example, creating a joint committee to work together for confidence-building: the JMCC set up for monitoring the management of arms and armies functioned well in Nepal).

Increasing tensions and conflict between the CPN (M) and the NA backed by other political parties in the past, and later the resignation of the government led by the CPN (M) (once the president intervened against the decision of the government on COAS termination), clearly show that SSR is not easy and neither political change nor peace agreements can easily facilitate the SSR debate. The SSR debate in post-conflict countries like Nepal is very sensitive and power-centred, which means that it can easily be used by anti-SSR groups in their favour. Another lesson is that it would have been useful to negotiate, at the time of the peace agreement, assigning the position of army chief to a new person as well as deciding not to choose the former commanders of the CPN (M) ex-combatants as ministers in the security-related ministries. The main challenge for the ongoing peace process is to find a balance between efficiently dealing with soft issues, continuing with the SSR debate and bringing all of the key actors together to support core issues of SSR.

Winning public support is absolutely essential. Hence, SSR debates need to develop a parallel public support system by including society in the debates and encouraging them to express their opinions. Members of parliament could play a key role in facilitating local debate in their constituencies that promote local ownership and exert positive pressure to implement SSR smoothly. Additionally, local NGOs engaging in consultations and surveys provide extremely valuable information to support the further SSR process and raise awareness.

Conclusions

Nepal is in a critical transition process. The success of the peace process depends on the successful implementation of SSR. Global lessons have amply demonstrated that security, development and human rights are very

closely interwoven. The population's aspirations, which are reflected in the popular movement of April 2006, ongoing debate in the CA, the work of NIPC of the CA and the poor performance of security forces in terms of respecting human rights, clearly demonstrate that SSR is of fundamental importance in making peace processes successful. As Nepal is in the midst of state restructuring (becoming a federal republic, restructuring its bureaucracy, judiciary, economic structures, etc.), now is a great opportunity for it to implement SSR. That said, SSR will have to interconnect the above-mentioned issues and major political actors must set SSR as a precondition for a successful peace process in Nepal. The CPA has highlighted some of the elements, including, in particular, linking these issues with broader issues of socio-economic change.

The successful transformation of the security sector depends on the internalisation of a holistic approach to security sector reform at both political and military levels. It is essential to develop a new national security policy (combining defence and international relations), based on a long-term (socio-economic) vision for Nepal, redefining the NSC, restructuring the MoD, transforming the NA, civilian police and APF, redefining both security and civilian state intelligence structures, redefining and strengthening oversight bodies (parliamentary, judicial and human rights bodies) and integrating qualified CPN (M) ex-combatants in national security structures, as well as successfully implementing a process of reconciliation and reintegration of the security forces from both sides (state and CPN (M)). All of these components are interrelated and complementary, and therefore reforming one and leaving others untouched cannot be effective if one wants to meet the requirements for the modernisation, professionalisation and democratic governance of the security sector.

Notes

- ¹ This chapter is mainly the outcome of research conducted in Nepal by Bishnu Raj Upreti under the National Centre of Competence in Research (NCCR) North-South research framework and complemented by the work of Peter Vanhoutte in Nepal. However, the views expressed in the chapter are entirely those of the authors and do not necessarily represent the views of the NCCR North-South.
- ² In January 2009 the CPN (M) and Unity Centre (another communist party) united together and the name of the CPN (M) was changed to the Unified Communist Party of Nepal (UCPN) (Maoist). However, CPN (M) is used in the chapter to avoid any confusion.
- ³ PLA is often used in public discourse. However the Agreement on Monitoring of the Management of Arms and Army defines them as 'Maoist army combatants', which

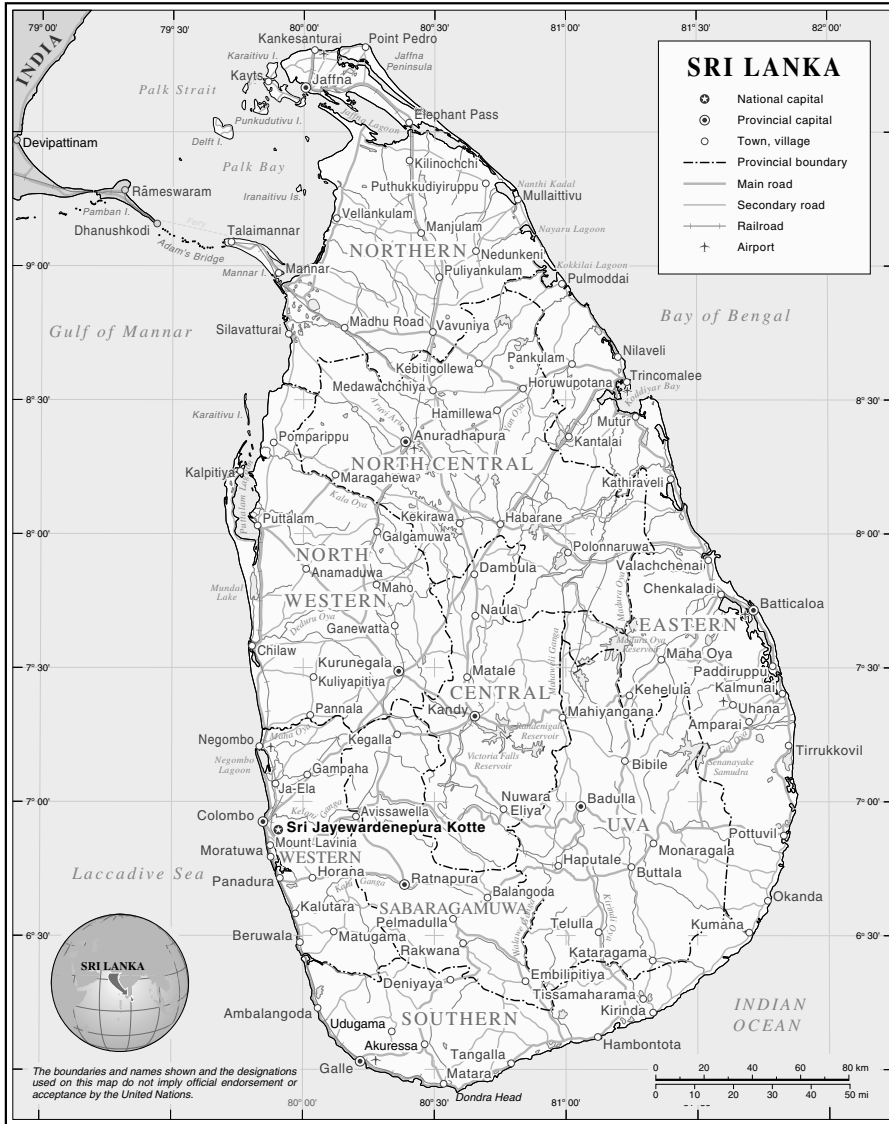
includes regular active-duty members of the Maoist army who joined service before 25 May 2006, who are not minors and who are able to demonstrate their service, such as by holding a CPN (M) identity card and other means agreed by the parties.

- ⁴ The popular people's resistance movement of April 2006 had ended the direct rule of the then king and brought an alliance of seven political parties and the CPN (M) to sign the CPA.
- ⁵ Some examples are Bishnu Raj Upreti, 'Security Sector Reform: A Neglected Agenda', *Kathmandu Post*, 9 May 2003; Dhruba Kumar and Hari Sharma, 'Security Sector Reform in Nepal: Challenges and Opportunities', Friends for Peace, FFP Publications, Series 008 (2005).
- ⁶ In May 2006 the government of Nepal and the CPN (M) wrote separate but identical letters to the UN Secretary-General requesting support for Nepal's peace process and assistance in the monitoring of arms and armies. It was based on this request that the UN Security Council approved the establishment of a political mission in Nepal.
- ⁷ Heiner Hänggi, 'Security Sector Reform', in *Post-Conflict Peacebuilding – A Lexicon*, ed. Vincent Chetail (Oxford: Oxford University Press, 2009): 337–349.
- ⁸ OECD, 'Security System Reform and Governance: Policy and Good Practice', 2004, available at <http://www.oecd.org/dac/conflict>.
- ⁹ Albrecht Schnabel and Hans-Georg Ehrhart, eds, *Security Sector Reform and Post-Conflict Peacebuilding* (Tokyo: United Nations University Press, 2005).
- ¹⁰ Bishnu Raj Upreti and Rohit Kumar Nepali, eds, *Nepal at Barrel of Gun: Proliferation of Small Arms and Light Weapons and Their Impacts* (Kathmandu: South Asia Small Arms Network-Nepal, 2006).
- ¹¹ The technical committee is composed of a military expert, a politician and former PLA commander, retired generals of the NA, diplomats including the former permanent representative of Nepal to the UN, a researcher in security studies, a former police officer and a former bureaucrat. However, the members were all nominated by political parties in their quota: two members each for each of the three ruling parties, i.e. the CPN (M), CPN-United Marxist Leninist and Madeshi parties, and two members from the main opposition party, the Nepali Congress. The mandate of the technical committee was limited to proposing options for the integration of the PLA in the NA, without considering the broader security sector reform context. Further, being nominated by political parties, the members have to fulfil the expectations of their nominators.
- ¹² Figures obtained from the Army Command and Staff College on 19 January 2007.
- ¹³ Bishnu Raj Upreti, *Nepal from War to Peace* (New Delhi: Adroit Publishers, 2009); Bishnu Raj Upreti, 'Security Sector Transformation in the Changing Political Context: Special Reference to Nepalese Army', discussion paper presented at seminar on 'Democratic Transition and Nepalese Army Reforms' organised by the Nepalese Army Command and Staff College, Army Headquarters, Kathmandu, 23–24 August 2007.
- ¹⁴ Kumar and Sharma, note 5 above: 46.
- ¹⁵ International Crisis Group, 'Nepal: Responding to the Royal Coup', *Asia Briefing*, no. 36, February 2005, available at <http://www.crisisgroup.org/home/index.cfm?l=1&id=3291>.
- ¹⁶ Kumar and Sharma, note 5 above: 46.
- ¹⁷ Reports of local media and human rights organisations from February 2005 to April 2006 widely documented the controversy during the direct rule of the king. They argue that the king would not have been able to conduct a coup if the army was not involved. International missions visiting Nepal (for example, US senators, the EU Troika mission,

the ICJ mission, the Amnesty International mission and many others) and organisations closely watching Nepal's political crisis after the royal takeover expressed their deep concerns about the deteriorated situation because of the coup and autocratic rule.

- ¹⁸ For the first time in its history, the NA organised a national seminar entitled 'Democratic Transition and Nepalese Army Reforms', held at Army Headquarters on 23–24 August 2007. Senior political leaders, diplomats, representatives of civil society, researchers and academics attended the meeting.
- ¹⁹ See note 18 for more details.
- ²⁰ United Nations Security Council, 'Report of the Secretary-General on the Request of Nepal for United Nations Assistance in Support of its Peace Process', UN Doc S/2009/221, 24 April 2009.
- ²¹ Barracking is the deployment of the Nepalese Army units to barracks, including weapons, ammunition and equipment.
- ²² UNMIN, UN Doc. Press statement, 23 December 2008.
- ²³ See Agreement on Monitoring of Management of Arms and Army (AMMAA) signed by the government of Nepal, the CPN (M), in the presence of the special representative of the UN Secretary-General on 28 November 2006 for detail. This agreement was envisioned in the CPA.
- ²⁴ Interview by DCAF with the national human rights commissioner, July 2008.
- ²⁵ 'We will not disband our army. How could we agree to disband our army or destroy our arms? It has been formally agreed that both the armies should be integrated and a new national army should be established and organised. And we have never agreed to go with DDR, you know, this DDR formula [disarmament, demobilisation, reintegration]. What we said is that, here in Nepal it is quite necessary that both armies should be *integrated* to form a new army. It is the essence of our agreement. Now, when they see that the Maoists have won the election, they want to change the previous agreement. Therefore at the moment we do not want to focus our discussion with the parliamentary parties on the questions of integration and so on. We want to focus our discussions on the questions of implementation of the republic and the republican system.' Interview with CPN (M) leader Prachanda conducted by Mary Des Chene and Stephen Mikesell, *LINKS*, international journal of socialist renewal, 27 May 2008.
- ²⁶ See the *Kathmandu Post*, *Himalayan Times* and *Republica* dailies of 14 and 15 July 2009 for media reports on the claim by senior Maoist leaders.
- ²⁷ They had the Young Communist League (YCL) while starting the insurgency in February 1996, but they kept it dormant during the entire period of armed conflict by organising it into the PLA.
- ²⁸ The YCL president estimates the total number of YCL members at around 700,000.
- ²⁹ See the Observation: Constituent Assembly Election Comprehensive Report of NEOC (National Election Observation Committee), 2008, for more details.
- ³⁰ The terms *dalits*, *janajaties* and *madeshis* are mostly used in political and social discourse in Nepal. The term *dalits* is used to refer those people who were classified as 'untouchable' by the traditional Hindu caste system. The term *janajaties* is used to denote all ethnic groups of Nepal. Similarly, the term *madeshis* is used to denote those people who are historically residents of the Madesh (the plains of southern Nepal bordering India and also called Terai).

- ³¹ Based on meetings one of the authors held with UNMIN representatives in early 2009, during which it was stated that 'UNMIN would like to complete its mandate, including integration of the PLA and dismissal of the minors and disqualified PLA members and not more than that'.
- ³² For further details see the concept paper submitted by the NIPC to the Constituent Assembly on June 2009.



Chapter 8

Post-Conflict Reconstruction and Security Sector Reform in Sri Lanka

Eleanor Pavey and Chris Smith

Introduction

Since the outbreak of civil war in 1983, the Sri Lankan security sector has been primarily defined by the consistent need to respond to violent conflict. In May 2009, however, the government of Sri Lanka (GoSL) finally declared military victory over the Liberation Tigers of Tamil Eelam (LTTE) after presiding over the comprehensive defeat of the LTTE in the northern theatre.¹ The war, it seems, has finished, but the conflict goes on and the security landscape in Sri Lanka remains extremely uncertain.

Against a backdrop of a faltering economy and the pressing need to build peace and communal confidence, the benefits of security sector reform (SSR) would appear to be extremely evident. However, there has been little mention of the need to rightsize the security forces now that the war is over. On the contrary, the government is developing ambitious security plans to deal with LTTE remnants and prevent a resurgence of one of the most successful insurgency campaigns since the Second World War. There have also been some significant personnel changes within the higher echelons of the security forces.

In 2002, following the signing of a cease-fire agreement between the government of Sri Lanka and the LTTE, there were conscious efforts to address a number of issues that fall under the rubric of SSR, but these initiatives, despite being 'home-grown', fell victim to dysfunctional political dynamics in Colombo, over which too few actors had any significant influence. Now tarnished, SSR has a bleak outlook in Sri Lanka, despite military victory over the LTTE insurgents.

This chapter offers an analysis of the background and context within which SSR has evolved in Sri Lanka. It is divided into three sections. The first section offers an overview of the civil conflict in Sri Lanka and the context within which it took place. In the second section, Sri Lanka's

security sector is analysed in greater detail and the overall consequences of the conflict for the country's security apparatus are analysed. Special attention is given to the Defence Review Committee. The third section addresses issues pertaining to security sector governance in Sri Lanka, highlighting challenges and identifying entry points for SSR.

The Civil War in Sri Lanka, 1983–2009, and the Onset of Victory

Throughout the conflict years, security sector reform was not an issue for the GoSL. In the case of Sri Lanka, a consistently bloated defence budget, poorly structured procurement and lack of management foresight have been the traditional hallmarks of the security sector, primarily because rapid and unstructured responses to conflict dynamics tended to take preference. However, following the 2002 cease-fire agreement steps were taken by the prime minister in the form of a Defence Review Committee to address both the macro- and micro-types of issues that are generally associated with SSR, but the initiative did not last, not least because it excluded the president and commander-in-chief of the armed forces. Thereafter, unable to take advantage of a brief peace process and plagued once again by violent ethnic conflict as Sri Lanka returned in 2006 to the war that had ravaged the north and east for over two decades and at times jeopardised the very existence of the sovereign state and most certainly the monopoly of force, the GoSL seems to have had far more pressing preoccupations and few opportunities to reform and overhaul its security sector. Unfortunately the GoSL, as with many other governments in similar situations, failed to appreciate that making the security sector more representative, efficient and accountable can be important preventive steps in addressing the root causes of conflict.

There is a growing consensus, especially within the international community, that the recent conclusion of the Eelam IV war does not necessarily imply the end of Sri Lanka's ethnic conflict, which has defined the island's security landscape over the past quarter of a century. However, this will not necessarily imply the removal or reduction of key obstacles to SSR. Indeed, this new configuration and the military victory over the LTTE are likely to create new obstacles, not least in relation to a sudden tilt in civil-military relations that have seen the chief of army staff on a bureaucratic mission to secure a 50 per cent increase in the size of the armed forces, curiously justified by the need to prevent the return of LTTE remnants currently overseas. While taking a closer look at the country's security sector as well as past attempts to reform this sector, this chapter

highlights the governance problems that face Sri Lanka's security sector and the need to address them before there is any realistic chance of an SSR-directed national security debate in a political environment where, moreover, foreign views and interventions are increasingly unwelcome.

Sri Lanka's Civil War: An Overview

Although the taproots of communal conflict in Sri Lanka are complex, deep and predate independence from the British in 1948, the main conflict is primarily between the minority Tamils (representing 14 per cent of the population), who are mainly concentrated in the northern and eastern regions of the island, though many have migrated to Colombo and overseas since the outbreak of conflict, and the majority Sinhalese (sum 74 per cent of the population), who are mainly concentrated in the central and southern regions. The onset of civil war between the LTTE and the GoSL is generally ascribed to the events of 'Black July' in 1983.² However, in various shapes and forms Tamils and Sinhalese have been locked in conflict, usually violent, for centuries. The colonial periods, which saw the Portuguese, the Dutch and finally Great Britain extend control and rule over Ceylon, enforced a respite, but this was in due course replaced by independence and a raft of legislation that discriminated against Sri Lankan Tamils, especially in the areas of language and education.

The history of the civil war falls into four main categories, Eelam I–IV, punctuated by both long and short cease-fire agreements. During this time, from 1983 to 2009, the LTTE/Tamil Tigers grew in size and competence. At the local level, the LTTE's Tamil rivals and pretenders to the mantle of the Tamil nationalist cause were either ruthlessly eliminated or crossed over to support the government. Despite the intervention of an Indian peacekeeping force in the late 1980s, with a mission to disarm the LTTE and create the conditions for conflict transformation, the LTTE continued unabated, gaining control over significant tracts of territory in the north and east of the island in pursuit of a separate homeland.

Externally, the LTTE was provided with the finance and networks to join battle by a widespread, committed and resourceful diaspora. In 1995 it was estimated that 400,000 of the 950,000 Tamil inhabitants of the north and east had left the country since the outbreak of civil war.³ While the more fortunate of them have settled in Australia, Canada and Western Europe, others have moved to refugee camps in Tamil Nadu in India. With the exception of the refugees in Tamil Nadu, the diaspora has been broadly supportive of the LTTE, providing it with the finance to fund its insurgency

and also offering the framework for an LTTE international procurement network, ranging from explosives from Ukraine and small arms and light weapons from Cambodia and Vietnam down to uniforms sewn in garment factories in Tamil Nadu.

By the late 1990s the LTTE had transformed itself into a disciplined and highly effective conventional fighting force, of well over 10,000 cadres at its height, capable of operating along a continuum that encompassed, at one extreme, suicide-bomb attacks in the capital, Colombo, and conventional warfare in the north and east at the other, and even an air and naval arm. It was a formidable fighting force. Though massively outnumbered and outgunned by the Sri Lankan armed forces, estimated today at over 200,000 personnel, it made up for these shortfalls in many ways, through effective use of resources, bravery/martyrdom and tactical mobility, for example, enough to deprive the Sri Lankan state of a monopoly of force and even to lay plans to create a *de facto* state within Sri Lanka.

In February 2002, after several years of ‘hurting stalemate’, the government of Sri Lanka and the LTTE signed a cease-fire agreement (CFA), which also followed many months of patient negotiations and shuttle diplomacy on the part of the Norwegian mission in Colombo. Over the course of the third main phase of the conflict, Eelam III, the LTTE managed to transform itself into a formidable conventional fighting force that succeeded in compromising the GoSL’s monopoly of force but lacked the overall success to declare a separatist state. The CFA was a welcome respite on both sides and laid the foundations for a peace process that initially held much promise, but began to falter by mid-2003 and finally collapsed in 2005 when sporadic fighting in the north and east seemed to foreshadow, with a sense of inevitability, a return to violent conflict.

November 2005 saw the election of Mahinda Rajapakse as the country’s new president, who after his election became increasingly hostile towards the LTTE. After over two years of frequent cease-fire violations, primarily by the LTTE, and an incessant chain of accusations and counter-accusations, the GoSL abrogated the CFA in January 2008. A full-fledged military offensive to defeat the LTTE has since been launched, and on 19 May 2009 President Rajapakse made a declaration of victory.

The failure of the peace process was, to a certain extent, underpinned by a failure of governance and direction in Colombo, although the LTTE is at least equally to blame. The ruling coalition of the United National People’s Front (UNFP), led by Prime Minister Ranil Wickremesinghe, leader of the United National Party (UNP), won the general election in 2001 after eight MPs defected from the Sri Lankan Freedom Party (SLFP).

Thereafter, Sri Lanka entered into a difficult cohabitation period between President Chandrika Kumaratunga, leader of the SLFP, and Prime Minister Wickramasinghe. The political gridlock and dysfunction in Colombo that resulted from the painful cohabitation would have serious consequences for the peace process.

The behaviour of the LTTE was hardly any better. During the 2005 presidential election the LTTE prevented a large number of Tamils in the north from casting their votes. Had they been allowed to do so, Wickramasinghe – the architect of the peace process – would have become president. In the event, however, on the narrowest of majorities – 51 per cent – the incumbent prime minister, Mahinda Rajapakse, became the new president.

Rajapakse had campaigned forcefully on the need to renegotiate the terms and conditions of the peace process and, on this mandate, he immediately adopted a less accommodating stance towards the LTTE, while carefully preserving the vernacular of the peace process. Following Rajapakse's election a return to war became inevitable, as a result of burgeoning belligerence on both sides.

In March 2004 the LTTE suffered a severe setback when Colonel Karuna, the military leader in the east, defected, citing the northern Tamil supercilious attitude to the eastern cadres as a primary motive. As Eelam IV unfolded in mid-2006, the loss to the LTTE of the cadres that defected from the east became quickly obvious. By 2007 government control over the east had been re-established, which deprived the LTTE of the two-front option that had hitherto served it so well in previous campaigns. Throughout 2008 it became clear that the LTTE was on the back foot and, with the launch of the fourth main phase of the conflict – Eelam IV – the current government embarked upon a definitive and apparently successful 'war for peace' with the unequivocal aim of permanently defeating and eliminating the Tamil Tiger rebels.

By January 2009 the LTTE had lost significant tracts of the territory it once controlled, including its headquarters at Kilinochchi. Throughout the early months of 2009 the LTTE was slowly forced on to the back foot and gradually retreated towards a narrow tract of coastline to the north of Mullaitivu. After weeks of heavy shelling and thousands of casualties on both sides, the president of Sri Lanka declared military victory on 19 May 2009 after the GoSL stated that Prabhakaran, the LTTE leader, had been killed in the war zone, along with the bulk of his close advisers, some of whom are believed to have been shot while trying to surrender.⁴

As the LTTE retreated, it either took with it or forced the occupants of the Vanni to move in tandem; the unequivocal truth behind this episode has yet to be unveiled. However, as thousands of hapless Tamil civilians became trapped in the Vanni they were used as a human shield for the LTTE.⁵ As the LTTE moved its heavy weapons into the designated safe area/no-fire zone and reports of LTTE brutality against fleeing civilians began to reach the outside world, it became increasingly evident that the LTTE had deliberately used its own people as a protective shield. Moreover, the Sri Lankan security forces paid scant attention to the plight of these civilian victims, and the result was suffering and carnage on a massive stage – an estimated 20,000+ civilians died during the final days of Eelam IV and thousands more were injured. The tight control over the movements of the media and the NGO (non-governmental organisation) community in and around the theatre of conflict has made it impossible to verify the divergent claims and counter-claims from both sides. However, it does seem clear that the LTTE did turn its guns on its own people and that the security forces wilfully disregarded the safety and security of their own citizens – a plague, it seems, on both their houses.

The Sri Lankan Security Sector

Although Sri Lanka's security sector is composed of executive and legislative bodies as well as justice institutions and statutory and non-statutory armed forces, this section primarily focuses on the country's statutory armed forces, including the Sri Lankan army, navy, air force and police. While the armed forces have played a vital role in ending the country's bloody civil conflict, they have also been the subject of much controversy, especially on human rights grounds. In this section, the authors analyse the evolution of these armed forces, from the colonial era to the state of post-war civil-military relations.

As a result of a primarily ceremonial role bestowed on the Sri Lankan armed forces during the British colonial period, the indigenous colonial army – the Ceylon Rifle Regiment – remained solidly under British command until it was disbanded in 1874 after the British decided there was no need for an indigenous military force. In 1881 the British formed the Ceylon Light Infantry Volunteers, primarily to assist in campaigns in other parts of the world, such as the Boer War. Renamed the Ceylon Defence Force (CDF) in 1910, further expansion included artillery, medical and mounted infantry units, but only to occupy non-combat positions to allow

British soldiers to move forward to the front lines. During the Second World War, despite the strategic and operational importance of Ceylon and an increase in numbers to 15,000 strong, the CDF remained behind the front line and also made no contribution to the air or sea defence of the island. Following the end of the war most of the CDF were demobilised, but some were recalled in 1947 to assist in countering action by the trade union movement.⁶

The new post-independence government of 1948 was faced with building a security apparatus from a social and political architecture that had little or no military tradition or extant infrastructure – in stark contrast to, for example, India and Pakistan. The security force that developed after independence has often been described, perhaps too dismissively, as a ceremonial or static guard. Significantly, there was no accurate ethnic representation and few thought this important. In addition to the civil service, Tamils from the north and east (but not the central province) saw the armed forces as a supplementary means of ensuring economic security and social mobility.⁷ By 1956 Tamils comprised 40 per cent of the armed forces. In 1962, however, an abortive coup led by Tamil and Christian (some non-Tamil) officers convinced the Sinhalese élite that the Tamils were politically unreliable. By 1970 Tamil representation within the armed forces had fallen to a mere 1 per cent.⁸

Up until the onset of the civil war, the armed forces were called upon infrequently, for example to repel Indian migrants in Mannar, break trade union strikes in 1953 and 1962 and, as a sign of the times, to quell the riots that followed the Sinhala Only Bill in 1957. In the 1960s and 1970s the armed forces were ill-equipped and ill-trained to defend the country. The onset of the Janatha Vimukthi Peramuna (JVP) uprising in 1971 and the emergence of the LTTE later that decade led to a change in the defined role of the armed forces towards an exclusive focus upon counterinsurgency. The armed forces became increasingly operational as anti-terrorist legislation took effect and Tamil insurgency increased. However, the security forces were ill-equipped to counter the growing power of the LTTE and, in 1987, the Sri Lankan government was pressurised by the Indian government to accept the deployment of an Indian peacekeeping force, which, three years later, would return to India, leaving behind an unvanquished LTTE.

Traditionally, and even during the civil war, the Sri Lankan armed forces have been afforded a low profile, with a commensurate impact upon resource allocations. However, soon after Rajapakse's election the Sri Lankan security forces received a massive and unprecedented increase in profile and resources. The social standing of the armed forces has risen

commensurately across the south of the country, where the Sinhalese Buddhist majority responded eagerly to recruitment drives and many impoverished families have benefited significantly by sending one or more family members to join an arm of the security forces, especially the police and the army.

Throughout the 1990s, as internal security threats increased from both the LTTE in the north and east and the Marxist, nationalist JVP uprising in the south, the security forces increased rapidly in both size and capability, almost doubling in size between 1990 and 1996 to reach an expanded level of 95,000 for the last few years of the decade.⁹ Today, the Sri Lanka armed forces stand at over 200,000 military personnel, with a defence budget of an estimated US\$1.8 billion for 2008.¹⁰

The 2003 Defence Review Committee

By the time the CFA was signed in February 2002, the Sri Lankan security forces had experienced a decade of unstructured growth. The mounting threat of insurgency from the north, east and south had provided little political, organisational or administrative space for a defence review and a rationalisation of policy, posture and resource allocations.

Taking advantage of the lull in violence and operational commitments following the signing of the CFA, the new prime minister, Ranil Wickremesinghe, decided to undertake a root-and-branch review of the armed forces. The prime minister appointed a widely respected retired chief of army staff, General Denis Perera, to chair the Defence Review Committee (DRC), though it was unclear who appointed the other committee members. The chair then hired two technical advisers from King's College, London.

The timing of the DRC was largely responsible for the widespread assumption that the work of the committee would be geared to laying the foundation for post-conflict demobilisation as a result of the peace process. However, this was not the case – the peace process provided an opportunity and, it was hoped, the political space to conduct a defence review that was well overdue, but the CFA was not a defining reason. In addition, the government failed to set up a national security policy that would guide and provide an overall framework for the work of the DRC. These factors added to internal political rivalries and a lack of enthusiasm for any formal process of security sector reform, which would later lead to the demise of the DRC.

During its brief existence, the work of the DRC was divided into three distinct areas. First, the committee was mandated to address the high-level defence organisation, which had not been analysed, debated or changed

since the expansion of the security forces in the 1990s. Second, the committee was requested to overhaul the legislation that governed the armed forces, which had not been assessed or reviewed since independence in 1948 or, probably, for several decades before then.

The third area was perhaps the most interesting, from a wider political and security perspective. As the DRC entered its deliberations, the peace process was robust and the CFA seemed to be holding up well. Peace talks were under way and the widespread expectation was that neither side had any interest in returning to war after years of 'hurting stalemate'. This was the most optimistic period since the outbreak of civil war, and a good time to review defence policy and posture options; the dynamism appeared to come entirely and exclusively from within. Future roles and missions were exactly the remit for phase three. The peace process provided the political space to explore future roles and missions that would rise up the agenda in the event of a successful conclusion, such as securing the recently enlarged exclusive economic zone. There was, however, no intention of significant policy and posture shifts until it was convincingly clear that the LTTE had unequivocally turned its back upon the acquisition of an independent state of Eelam by military means. However, once this became clear, the GoSL would rightly have to question the need for over 100,000 serving military personnel, and the DRC's third stage was designed to lay the policy foundations for this debate.

The deliberations of the DRC started with a discussion paper on higher defence organisation, written by the DRC chair. The circulation of the paper was limited, but was probably wider than the chairman was aware and would have preferred. The paper on higher defence organisation caused a major political altercation between the president and prime minister. For reasons that remain unclear, though conspiracy theories abound, the paper, *inter alia*, gave the role of commander-in-chief to the prime minister, rather than the president. The paper was quickly brought to the attention of the president and leaked to the national newspapers.

Although the draft was hastily rewritten in line with the constitution, which placed the president in overall charge of the armed forces, further damage to the fragile relationship between the president and prime minister was inevitable and, moreover, this particular spat was played out in the full glare of the national press.

In addition, the credibility of the DRC was dealt a further blow early on by the decision on the part of a Colombo-based international NGO, the Berghof Foundation, to host a seminar on SSR at around the same time. The Berghof office in Colombo existed at the invitation of the Ministry of

Foreign Affairs, though only since the onset of the peace movement. The SSR seminar may have been at the edge of its mandate, but its mandate was not overstepped. Nevertheless, the national media interpreted the seminar as an attempt by Berghof – and the broader international community – to interfere in national security policy-making. Berghof, which was forced by the government to close its office in 2008, never really recovered from this rather contrived blow to its credibility. SSR has since become an extremely sensitive issue within Sri Lanka and, almost, a byword for foreign interference, an issue that is currently a major political discussion point in Colombo.

Despite the involvement and backing of Lakshman Kadirgamar, the influential foreign minister and close confidant of the president until his assassination in August 2005, the DRC never regained its full mandate or its legitimacy. Pragmatically, it retreated into the non-contentious areas that fell under the rubric of phase two and, arguably, SSR in Sri Lanka, which would have been given a holistic meaning had phases one and three survived, failed as a result of internal political rivalries and the politicisation of certain elements within the media.

The retreat of the DRC into the narrowest of comfort zones precluded any development into other meaningful areas, such as police, justice and post-conflict issues like DDR. Possibly this would have emerged in due course, had the initial major setback not occurred. The ILO (International Labour Organization) and IOM (International Organization for Migration), for example, were keen to move forward on DDR and related issues.

Reorganisation for Eelam IV

However, the armed forces were in due course given a long-overdue but primarily operational overhaul under the command of chief of army staff General Sarath Fonseka, which was probably the key to victory on the battlefield in 2009. When the history of Eelam IV is written, it may well prove to be the case that the LTTE leadership seriously misread the resolve of the Rajapakse leadership and, as well, the determination of the chief of army staff finally to prevail over the LTTE and reclaim lost territory in the east and the north – a mission that could only have intensified following Fonseka's direct encounter with a Black Tiger suicide bomber in May 2006, which very nearly cost him his life. After his recovery and return to work, over the course of Eelam IV Fonseka made some astute and decisive tactical changes in, for example, breaking up some battalions and deploying long-range penetration patrol units, adept at guerrilla warfare and trained to be

capable of penetrating territory that other more static formations would have found impossible. With considerable patience, Fonseka used his units to advance forward inch by inch, gather intelligence and, importantly, kill LTTE cadres to destroy LTTE strongholds.

In reforming the military's fighting ability, Fonseka has had the full support of the president's brother, Gotabhaya Rajapakse, who is also the secretary of defence. Gotabhaya has been successful in extracting resources for his department. Salaries for the military have dramatically increased, indeed doubled for the rank and file, and the resources for equipment have also been forthcoming. Some 40,000 new recruits were drafted into the army, creating five new divisions.¹¹ The positive impact upon rural economies in the south has been significant, but the overall cost to the country may well be in the other direction. So long as the resources were made available to fight the war, victory under such conditions was virtually assured. Nor is the GoSL likely to deny Fonseka, or his successors, the resources required to ensure that the LTTE remains defeated. As such, there is unlikely to be a peace dividend and the economic cost of securing the north and east is certain to remain extremely high into the foreseeable future. To what extent the donor community will be prepared to support or subsidise remains to be seen, and will in no small way depend upon the way in which the security forces approach human rights, access to justice and post-conflict confidence-building.

Post-War Civil-Military Relations

The military victory over the LTTE has made national heroes of the key actors – the president, his brother, Defence Secretary Gotabhaya Rajapakse, and the chief of army staff, Sarath Fonseka. President Rajapakse enjoyed a massive increase in popularity after the war and the social and professional standing of the military in Sri Lankan society soared to unprecedented heights. Forthcoming presidential and national elections are likely to reflect not only the popularity of Rajapakse but also the dismal state of the UNP opposition.

However, it was also the case that the end of the war allowed extant tensions to rise to the surface. In July 2009 the Sri Lankan parliament pushed through a Chief of Defence Staff Act to create just such a post and allow the president to appoint General Fonseka to a post designed to oversee the future direction of the entire Sri Lankan security sector – coastguard, police and intelligence, for example, now fall under the bailiwick of the Ministry of Defence.

At first glance, the appointment of Fonseka would seem to have been a reward for his wartime conduct. However, it may also have been due to Fonseka's immense popularity across the country and within the security forces, and growing suspicions over his political ambitions. The new post has, effectively, 'kicked the COAS upstairs' and detached him from the troops, and may weaken the adoration of soldiers and civilians alike by taking him out of the limelight. Thus while Fonseka's control over policy, procurement, expansion and operational deployments will be greatly enhanced across the board, his outspoken views may carry less weight and attract less attention than hitherto.¹²

The Governance of Security in Sri Lanka

As the initial attempt to restructure the security forces during the CFA fell victim to the 'cohabitation' problems that plagued national political decision-making over the course of the initial stages of the CFA, this situation was also a clear indication of the problems afflicting the pursuit of adequate standards of governance in Sri Lanka, which continue unchecked in various shapes and forms to date. Although the basic architecture does exist, there is a pressing need for the political will to make these structures more operational and accessible to the entire population. This section takes a closer look at this basic architecture, as well as the various legal and institutional provisions that guarantee the democratic oversight of Sri Lanka's security and justice institutions.

First, SSR depends upon a competent judiciary to frame the required legislation that provides any SSR programme with a mantle of legitimacy and permanence. In this regard, Chapter XV of the Sri Lankan constitution includes a section on the independence of the judiciary.¹³ It clearly identifies the institutions for the administration of justice, which protect, vindicate and enforce the rights of the people, as the Supreme Court, the Court of Appeal and High Court of Sri Lanka.¹⁴ Reflecting the country's colonial history and ethnic diversity, the Sri Lanka judiciary is a mixture of British and Roman-Dutch law as well as more traditional Kandyan, Muslim and *Thesavalamai* (Jaffna Tamil) law.¹⁵ Furthermore, as a state party to the International Covenant on Civil and Political Rights, Sri Lanka is under the obligation of providing – and ensuring – an independent judiciary to its people. However, the Sri Lankan judiciary is generally regarded as weak and susceptible to political influence and pressure. The judiciary has largely failed to bring its influence and power to bear on improving human rights, for example, and

especially addressing alleged abuses by members of the security forces. As a result of Sri Lanka's unsatisfactory human rights record, in May 2008 the country failed to win re-election to the UN Human Rights Committee, losing out to Japan, South Korea, Bahrain and Pakistan. This gives some indication of the relative and contemporary respect for human rights in Sri Lanka. If the Sri Lankan judiciary is to play a meaningful role in SSR in the future, it faces many structural and political challenges, such as a lack of financial and human resources, corruption and politicisation, before it can reach the required, acceptable standards, not least the empowerment and commitment of parliament.

The role of the judiciary is further compromised by an overall sense of insecurity that has been heightened through the imposition of exceptional and draconian legal provisions, such as the state of emergency, the Prevention of Terrorism Act (PTA), the Emergency Regulations and the Indemnity Act, which has led to a situation where the role of the judiciary has, to varying degrees, been taken over by the armed forces, with the latter carrying out unjustified detentions and influencing decisions of courts. Initially aimed at containing the JVP uprising in 1970, the Emergency Regulations, for example, have been regularly implemented since the beginning of the civil conflict in 1983. However, in recent years the implementation of both the Emergency Regulations and the PTA has often coincided with sporadic outbursts of violence in the conflict¹⁶ or with politically decisive moments.¹⁷ The extended periods of enforcement of these instruments,¹⁸ combined with the sweeping powers that such regulations confer upon the security forces, have plunged the country into a permanent human rights and civil liberties crisis, creating gaps and shortcomings in accountability and oversight of the country's security sector. The Emergency Regulations, for example, authorise the executive to enforce laws without parliamentary approval, and provide the options to ban assemblies and curb press freedom.¹⁹ The regulations also give the security forces sweeping powers, especially with regard to arrest and detention. Under Regulation 16, for example, the security forces have wide powers to search, detain and arrest without a warrant any person suspected of committing certain offences under the criminal code. While authorising indefinite detention without trial, the regulations oblige anyone who is detained to answer questions (usually presented in Sinhala, even to Tamil speakers) posed by the security forces. Moreover, any confessions and statements extracted under such conditions are admissible in legal proceedings, and there have been cases where suspects have signed confessions in languages they cannot read or write.²⁰

The special instruments that have been put into place also provide immunity to those who act under them.²² For example, according to section 26 of the Prevention of Terrorism Act, every act carried out in ‘good faith’ or under the orders of the PTA carries with it immunity to prosecution.²³ Similarly, anyone exercising powers under the Emergency Regulations is protected against all legal action, except by the attorney-general.²⁴ Against this backdrop, public appreciation of the police, especially in the south where they are more operational than the armed forces, who are largely confined to the war zone, has declined significantly. Specialised units and divisions of the Sri Lanka police such as the Special Task Force, the Terrorist Investigation Department and the Criminal Investigation Department have been accused of human rights violations and abuses of power under the Emergency Regulations and PTA. Although abuses are equally common in and around the theatre of conflict, where war crimes may have been committed over the course of the conflict, though not just on the government side, the standing of the security forces is currently very high, not least on account of a consistent and clever advertising campaign that has accompanied successes on the battlefield.

Second, although the country’s constitution vests ultimate authority in the executive, power vested in the legislature should provide a balance. Parliament does, in principle, have a role to play in the formulation of decisions pertaining to the security and justice sectors, for example in the creation of secondary/subsidiary courts, in the removal of judges, in defining the activities of the High Court and in determining the annual budget for the country’s security and justice sectors. Moreover, while the president possesses the right to impose a state of emergency in the country, which has been exercised on several occasions, this has to be approved by parliament within ten days of its imposition. Similarly, while those carrying out their duties under the state of emergency are accorded immunity, the attorney-general has the unique right, should s/he deem it necessary, to bring such persons before the courts.

However, in reality the executive has proved capable of undermining the legislature. The incumbent president, Mahinda Rajapakse, failed to reconstitute the Constitutional Council that was established as a result of the Seventeenth Amendment to the constitution and was framed to improve governance and depoliticise key institutions.²⁵ Additionally, the president made unilateral appointments to the civil service and police commissions and to the human rights and judicial services, the Supreme Court and other judicial bodies in April and May 2006. This has clearly threatened the independence of these commissions and created an upper tier of appointees

who owe their positions to the president, which undermines the role of the legislature. The legislature also does little to assert itself in the framing of defence and security policy. Annual debates on the defence budget reflect an alarming lack of knowledge and insight on security and defence issues. Few parliamentarians have expertise in this area and there are, as yet, no ‘change champions’ who might seek to address SSR and the potential benefits that could be gained from reforming the governance of security.

Third, Sri Lanka is one of the rare countries in Asia that has a considerable number of women serving in its security and justice institutions. In the traditionally male-dominated field of security, for example, a relatively significant number of women serve in the Sri Lankan security forces.²⁶ Given that many women and children have been victims of the ongoing conflict, a large number of female security and judicial personnel will, in principle, not only render these institutions more accessible to female and child victims, but will also build the potential to enhance confidence in such institutions.²⁷

Fourth, in spite of various measures that have curbed press freedom and the freedom of expression in Sri Lanka, the country’s civil society has been – and continues to be – very active. Various local and civil society organisations have been acting as watchdogs; although they have been unable to change the course of government decisions completely, they have been able to exert pressure on the government and raise public awareness on the government’s activities and overall civil rights.

However, pressure from local and international NGOs has been considerably muted by the government, and this policy has continued since the end of the war. International NGOs now have extremely limited access and individual international staff members cannot stay in the country for any longer than three years. Local NGOs claim to have been relentlessly intimidated and harassed if they criticise the government, though who is responsible for these actions is unclear.

In addition, the present government is threatening to curb the activities of NGOs through the creation of a committee – appointed by the president – to oversee the activities of local and international NGOs and their finances. NGOs must now pay a small annual tax on revenue, which is a major problem for donors. Also, funds can be appropriated by the committee if they are not disbursed within a reasonable length of time, or confiscated if activities are deemed inappropriate. How many of these regulations will actually be enforced and how often remains to be seen. However, these decisions have deterred or prevented many international NGOs from operating in Sri Lanka, and some have already left the country.

Fifth, Sri Lanka has on many occasions successfully integrated radical parties into mainstream politics; indeed, it was a key aim of the CFA and the subsequent peace process to persuade the LTTE to shift from a military to a political footing. The JVP, once a Marxist-nationalist insurgency group that was suppressed by the armed forces through the use of extreme violence, today sits alongside government members in the parliament and has been a part of one of the many ruling coalitions. Although it is not now a part of the SLFP coalition, it has pledged its support, which affords both a degree of power and a lack of accountability. Moreover, Colonel Karuna Amman, aka Vinayagamoorthy Muralitharan, the former LTTE commander in the east who defected from the LTTE in 2004, formed his own political party, the Tamil Makkal Viduthalai Pulikal (TMVP). Although the party split and isolated Karuna, the TMVP remains in control of the Eastern Provincial Council and the president recently appointed Karuna as the country's national integration minister. With the end of the war, the role played by Karuna will become increasingly important, not least because of his ministerial portfolio,²⁸ but also because of the already commenced reintegration of his cadres into the national security apparatus.

Finally, civil-military relations in Sri Lanka have generally been robust – the 1962 coup attempt being the exception that proves the rule. Although some army commanders have been more forceful and proactive than others, the incumbent chief of army staff, General Sarath Fonseka, in particular is an excellent example of strong and confident leadership. Overall, however, the security forces accept oversight by the legislature, however inadequate that might be, primarily due to disinterest and the role of the president as commander-in-chief. With the burgeoning size, role and importance of the security forces, which will endure long after the end of the war, this is unlikely to change significantly and the current tension at the higher echelon of the civil-military nexus is likely to be temporary and fleeting.

Adding to these complications is the fact that the vast majority of the Sri Lankan security forces do not speak Tamil. What is more, although Major General Anton Muttukumaru, the first Ceylonese commander,²⁹ was a Tamil, very few Tamils have been recruited into the Sri Lankan defence forces since the eruption of the bloody ethnic conflict in 1983.³⁰ Moreover, despite the fact that their most crucial activities (both military and civilian) are concentrated in predominantly Tamil-speaking provinces of the country's northern and eastern regions, the inability of security personnel to converse in Tamil has significantly restricted communication with local populations. This lack – and at times absence – of communication with the

populations affected by violent civil strife has further eroded trust between the local populations and the government forces that are expected to protect them. While heightening their sense of insecurity, this situation has offered the possibility for rival military groups, i.e. the LTTE, to win over sections of these communities by offering alternative security solutions and running propaganda campaigns against the government forces. The various human rights violations, notably abductions, rape, extra-judicial killings, intimidation and ill-treatment in detention, committed by the armed forces in particular in the war-affected north and east have further distanced the security forces from civilian populations in those areas.

Other armed groups have also been active in the north and the east. Prominent among them are the Karuna faction of the LTTE dissident Karuna Amman, a cluster of Muslim groups called the Jihad and other paramilitaries such as the Mohan group and the Rasik group.³⁰ The multiplicity of groups, added to the sheer impossibility of identifying their members, has had grave consequences for the overall sense of security in these already unstable regions. Throughout the war and its aftermath, there has been little popular support for the armed groups in the north and east. However, populations in these regions have often been caught up in the fighting between rival groups. Not directly involved in the war, it is likely that these groups will continue to operate, and even thrive, in the new post-conflict context. The disarmament, demobilisation and reintegration of these armed groups are pressing needs.

A gradual restructuring and strengthening of the existing security and judicial systems should build on existing structures and take account of these aspects. Such a restructuring will not only win the confidence of the often change-resistant and conservative security and judicial sectors, but most importantly, by actively advocating for a holistic approach, it will ensure the continuity of such reform and a return to democratic oversight and rule of law. With the end of Eelam IV, it would therefore be useful and appropriate for the government of Sri Lanka to identify key entry points for security sector reform within the broader context of post-conflict peacebuilding in the country. Possible entry points include joint initiatives between the armed forces and the local population to reconstruct war-torn regions and public utilities such as hospitals, markets and roads, the inclusion of minority groups in the armed forces, language lessons for the armed forces and the reduction of the number of armed forces in the north and east. A consultative process with minority political parties, the populations in the north and the east and with the general public in the south could also be an important measure of confidence-building and reconciliation in the post-war context.

Conclusion: Sri Lanka – The Post-Conflict Governance of Security

The victory of the security forces over the LTTE could open up the space and a range of opportunities for the GoSL to address the corrosion and malfunction of security sector governance. To a great extent, the operational reforms introduced by Fonseka and success on the battlefield have masked the crisis of accountability – from the troops on the ground and the policemen on the beat to the highest echelons of decision-makers and all other members of the security sector, including the armed non-state actors.

The end of Eelam IV and victory over the LTTE will provide some breathing space for the security forces, but perhaps not as much as anticipated. It is clearly the case that LTTE cadres are still in the east, and some may have escaped the dragnet that closed in around them in the north as the war came to an end. Renewed activity in Colombo can be expected – as many as 100 Black Tiger suicide bombers were thought to be in the capital, but their current whereabouts are unknown. The international network that sustained the LTTE and provided both money and weapons looked likely to resurface, but its main administrator and newly appointed leader was arrested in August 2009 in Malaysia and extradited to Sri Lanka, under circumstances that can best be described as opaque. Winning the hearts and minds of the Tamil population – not merely within but also outside the country – is therefore crucial. The effective and ‘gracious’ reintegration of LTTE cadres – both combatants and non-combatants – into existing security and political structures and the implementation of a system of power-sharing through a process of decentralisation could help in this regard.

Nevertheless, the defeat of the LTTE will – or should – profoundly change the roles and missions of the security forces. There is a clear requirement for internal peace support operations in the north and east – the development and application of ‘smart power’ to assist, bolster and protect the delicate processes of reconstruction and political peacebuilding. As such, to deal with the complex and diverse period of conflict transformation the GoSL will require a national security policy (NSP) that can provide a framework for a diverse array of security concerns – from aid to civil, i.e. help from the military to undertake tasks that are essentially on behalf of the civilian population, in the north and east, to Black Tigers in the south and to illegal fishing operations in the expanded exclusive economic zone. The evolving security landscape in which Sri Lanka exists and the way in which its security forces are configured for counterinsurgency war fighting will be

incompatible when the war ends, and drastic overhaul and reorientation will be required.

The key aims of an NSP should extend beyond keeping the peace and deterring future insurgency and terrorism. The government will also have to address the root causes of insurgency, such as minority discrimination and human rights violations, if the NSP is to be implemented successfully. Ideally, a holistic NSP could be instrumental in unlocking Sri Lanka's undisputed economic and development potential, which could in turn do much to address the root causes of conflict. However, in order to travel this road, SSR would seem to be a prerequisite.

While the judicial and legislative architecture exists within Sri Lanka, it is in poor shape. The comparative health of civil-military relations indicates that the professionalism of the military leadership should enable them to accept the logic and need for a root-and-branch defence review. However, the current and likely enduring popularity enjoyed by the security forces, with the exception of the police, and the lack of acumen on security and defence issues across the board, from the legislature to the leader writers, suggest that this is unlikely to happen. At this juncture, neither the legislature nor the executive is willing to champion the governance change that is required to foster a meaningful SSR programme. Civil society and international actors will not have the access, space or opportunity to initiate and/or engage in discussions on SSR. It is clear that the decision to engage in SSR can come only from the government of Sri Lanka, and that external pressure will be of little or no use in persuading it to do so. Within this context, there are several possible scenarios for the future of SSR in Sri Lanka.

- The first scenario presupposes a government hostile to any sort of technical or substantive reform or review of its security sector, given the latter's remarkable success in ending the long-drawn war. Although this scenario seemed probable in the immediate euphoria that followed the end of the war, the government of Sri Lanka is likely to face difficulties in justifying high defence expenditure in the wake of high rates of inflation, public debt and the global financial crisis, not least with the International Monetary Fund, which has just agreed a major loan to Sri Lanka to bail out the war-ravaged economy.
- The second scenario sees a government dependent on international aid both for the reconstruction of the war-torn regions and for the stabilisation of an economy that suffered considerably during the war. A reform/review of the country's security sector could therefore be

‘suggested’ as a means of securing further international aid. However, past experience with the 2002 cease-fire agreement that collapsed as a result – among several factors – of excessive international pressure, added to the present government’s open hostility towards a ‘dictating’ West, makes this scenario unlikely.

- The third and most probable scenario presupposes that the government will not remain impassive to calls from national and international actors to review the country’s security apparatus. As such, it is highly probable that the government concedes to some sort of minimal, albeit symbolic, reforms of the security sector. In doing so, the government will not only succeed in appeasing its critics but also maintain its authority in the future of its security sector. If local and international actors are to make use of this situation to encourage additional, more substantive reforms, lessons learned from the past should be borne in mind, local ownership given precedence and patience govern all interactions with the government and its security institutions.

However, the future for SSR in Sri Lanka, at this juncture, looks bleak. The worst-case analysis is that it continues to be a politically charged concept with no support whatsoever from within the country and conspicuously off the agenda within the donor community. In order for this situation to change, change champions will have to come to the fore with real power and influence. In the years to come, this is unlikely to happen through the electoral process and alternative routes to change are extremely unlikely.

Notes

- ¹ Victory in the east was declared in June 2007.
- ² For more information see Eleanor Pavey, ‘The Massacres in Sri Lanka During the Black July Riots of 1983’, *Online Encyclopaedia of Mass Violence*, available at http://www.massviolence.org/The-Black-July-riots-1983?id_mot=55.
- ³ Oivind Fuglerud, *Life on the Outside: The Tamil Diaspora and Long Distance Nationalism* (London: Pluto Press, 1999): 1.
- ⁴ Muralidhar Reddy, ‘Final Hours: An Eyewitness Account of the Last 70 Hours of Eelam War IV’, *Frontline* 26, no. 12 (2009): 15.
- ⁵ The most compelling visual evidence yet to surface of the use of civilians as a human shield can be found in the video footage of Catherine Philip, ‘The Hidden Massacre: Sri Lanka’s Final Offensive Against Tamil Tigers’, *TimesOnline*, 29 May 2009, available at <http://www.timesonline.co.uk/tol/news/world/asia/article6383449.ece>.
- ⁶ Brian Blodgett, *Sri Lanka’s Military: The Search for a Mission* (San Diego, CA: Aventine Press, 2004): 22–24.

- ⁷ Tamils in the hill country/central province were brought in by the British from India to work the tea plantations. They have thus far played no real role in the social, cultural and political life of the island, nor indeed have they been allowed to.
- ⁸ Cynthia Enloe, *Ethnic Soldiers: State Security in a Divided Society* (London: Penguin, 1980): 195.
- ⁹ The JVP was and to an extent remains a Marxist, nationalist movement whose violent uprising was brutally suppressed by the Sri Lankan government. It has long since rejected violence and is now a small but potent force in Sri Lankan mainstream politics.
- ¹⁰ BBC, 'Sri Lankan Defence Budget to Soar', BBC, available at http://news.bbc.co.uk/2/hi/south_asia/7038354.stm.
- ¹¹ Raj Chengappa, 'Getting Prabhakaran', *India Today*, 8 February 2008, available at http://www.indiatoday.intoday.in/index.php?option=com_content&task=view&id=4354&Itemid=1&issuclid=31§ionid=61&limit=1&limitstart=0.
- ¹² For a full analysis of the new post and its political underpinnings see Colonel R. Hariharan, 'President Rajapakse's Military Manoeuvres', *Sri Lanka Guardian*, 19 July 2009, available at <http://www.srilankaguardian.org/2009/07/president-rajapaksas-military.html>.
- ¹³ Constitution of the Democratic Socialist Republic of Sri Lanka, Chapter XV, available at http://www.priu.gov.lk/Cons/1978Constitution/Chapter_15_Amd.html.
- ¹⁴ *Ibid.*, Art. 105(1).
- ¹⁵ While criminal law is fundamentally British, basic civil law is Roman-Dutch but laws pertaining to marriage, divorce and inheritance are communal, known as Kandyan, Muslim and *Thesavalamai* law. See http://en.wikipedia.org/wiki/Politics_of_Sri_Lanka#Judicial_branch.
- ¹⁶ For example, following the August 2005 assassination of then Foreign Minister Lakshman Kadirgamar and the April 2008 suicide attack that killed Transport Minister Jeyaraj Fernandopulle.
- ¹⁷ Such as the 1996 presidential elections and the imposition of a state of emergency in 2003 during a difficult cohabitation with the opposition UNP.
- ¹⁸ Most recently, the January 2005 state of emergency which was declared following the tsunami has been renewed on a monthly basis until now.
- ¹⁹ *New York Times*, 'Sri Lanka Extends State of Emergency', *New York Times*, 9 April 1996, available at <http://www.nytimes.com/1996/04/09/world/world-news-briefs-sri-lanka-extends-state-of-emergency.html>.
- ²⁰ K. Ratnayake, 'Sri-Lankan President Imposes Anti-democratic Emergency Laws', *World Socialist*, 31 January 2005, available at <http://www.wsws.org/articles/2005/jan2005/sril-j31.shtml>.
- ²¹ Sri Lanka accessed the Convention against Torture in January 1994 but has not signed the optional protocol. There has been no prosecution for torture crimes under this convention. Additionally, the government of Sri Lanka has chosen to ignore concerns raised by the UN's Committee on Human Rights when the latter has questioned the Sri Lankan Supreme Court's decisions following appeals made by the country's citizens.
- ²² Amnesty International, 'Sri Lanka: Implementation of the Recommendations of the UN Working Group on Enforced or Involuntary Disappearances Following Their Visits to Sri Lanka in 1991 and 1992', Amnesty International report, London (February 1998): 1.
- ²³ Ratnayake, note 20 above.
- ²⁴ The Constitutional Council comprised ten members (including the prime minister, speaker of the parliament and leader of the opposition) appointed for a three-year term

and was chaired by the speaker. It was intended to oversee and investigate allegations pertaining to issues that fell under its mandate, including those related to elections, public service, police, human rights and bribery and corruption.

²⁵ Sangh Mitra and Bachchan Kumar, *Encyclopaedia of Women in South Asia: Sri Lanka* (Delhi: Kalpaz, 2004): 128.

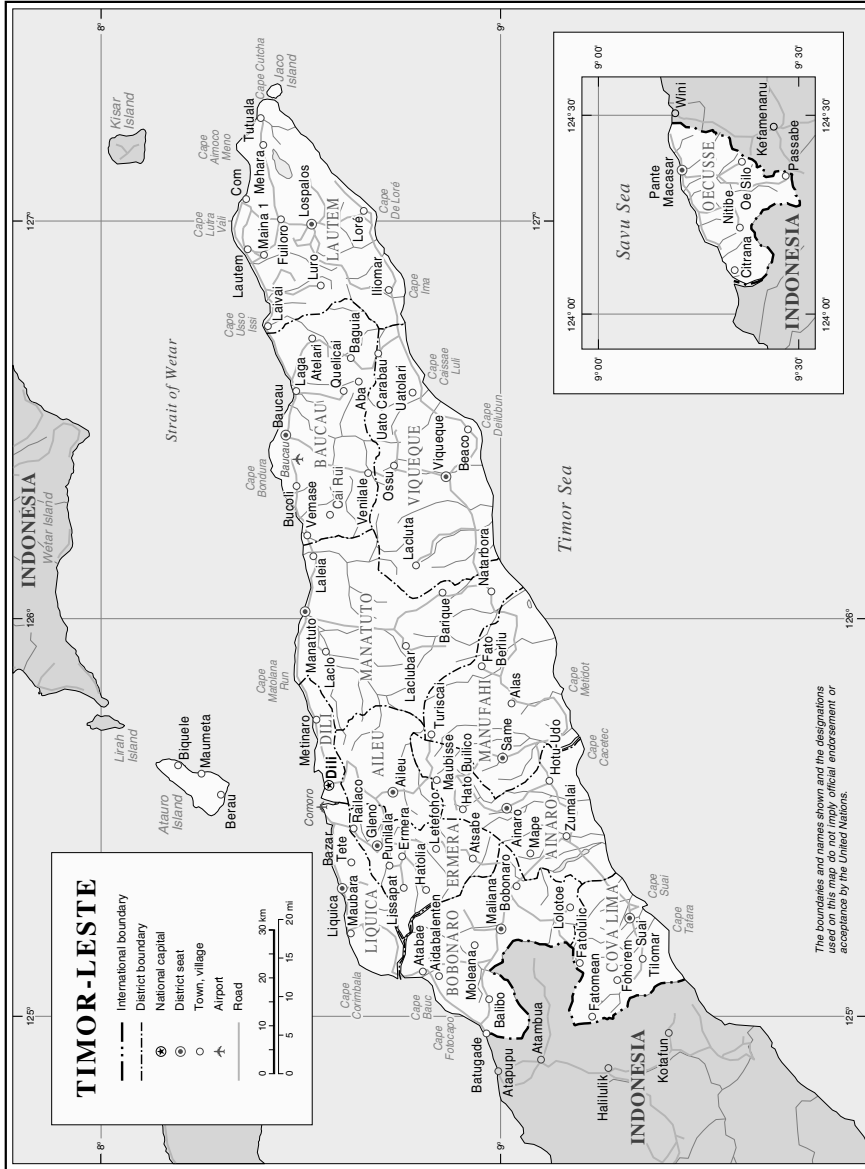
²⁶ Many women and children are reluctant to seek legal assistance against crime perpetrators for many reasons: the sensitivity of the issue (rape, torture, abduction), cultural taboos attached to such issues, the woman's role in society and the fact that some of the perpetrators of these acts are themselves members of the security institutions.

²⁷ According to reports received in July 2009, Karuna is planning an international tour to win over the hearts and minds of the members of the Tamil diaspora.

²⁸ Of the then Ceylon Defence Force.

²⁹ It should be noted that the Sri Lanka defence forces do include some Muslims, a community distinct from the Tamils but who often speak both Sinhalese and Tamil.

³⁰ Interview with Kethesh Loganathan, deputy secretary-general of the Secretariat for the Coordination of the Peace Process (SCOPP), 18 May 2006.



Map No. 4111 Rev. 10 UNITED NATIONS
 April 2008 (Colour)
 Department of Field Support
 Cartographic Section

Chapter 9

A Lot of Talk But Not a Lot of Action: The Difficulty of Implementing SSR in Timor-Leste

Gordon Peake¹

Introduction

In mid-2006 large parts of Timorese security institutions collapsed and the fledgling nation lurched towards civil war. The country's police (Policia Nacional de Timor-Leste – PNTL) and the military (Falintil-Forças de Defesa de Timor-Leste – F-FDTL) were, at best, incapable of controlling and, at worst, complicit in fomenting crime and lawlessness, requiring the government to request an Australian-led peacekeeping force and international policing presence to come in to restore immediate public order.

The tragic events of April to June 2006 – 37 died in the violence and over 100,000 were driven from their homes – laid bare frailties and dysfunctions within the security sector. The 'crisis' – as the events of 2006 are known – revealed that there was little substance in many of these institutions beyond uniforms and equipment. Timor-Leste, it was suggested, needed comprehensive, far-reaching security sector reform.

In response to these bloody three months of riots, shootings and the partial disintegration of state security institutions, the United Nations Security Council authorised a new multidimensional and integrated mission with a wide-ranging mandate, including executive policing and support to a government-led 'security sector review'.² Bilateral donors began new programmes or substantially augmented existing ones. Under Operation Astute, the Australian-led International Stabilisation Force provided military peacekeeping.³

This chapter examines the fitful progress at turning this agreed policy concept of security sector reform (SSR) into programmatic reality. The chapter shows that, although the term 'security sector reform' is frequently

used in statements and papers, the concept remains poorly understood and seemingly unsusceptible to programmatic implementation.

The difficulty of turning stated policy intent into everyday practice is for three principal reasons, which will be introduced here and developed further in the second part of the chapter. Firstly, the concept remains esoteric, ethereal and hard to explain clearly, even more so given the multiple languages used in Timor-Leste. In effect, this has meant that SSR is much more a rhetorical trope than a specific programme of action. This may explain why the only actual programmatic activity to occur under the banner of SSR – a ‘security sector review’ – has not yet meaningfully begun.

Secondly – and not unusual for a relatively new concept – SSR has struggled to find a bureaucratic place within existing institutional structures. It is the simple nature of organisations that a concept has to ‘sit’ somewhere. There is no institutional home for the ‘security sector’. The Timorese government runs separate ministries and institutions in charge of the military, police and justice sectors. Major bilateral partners mirror this approach with separate programmes that focus on specific institutions carried out by staff and personnel experienced in a particular area or sector. This tendency for different parts of an ‘integrated’ or ‘whole of government’ approach to fix practically upon a specific part of the sector is most marked in the UN peacekeeping mission in Timor-Leste, the only actor actually to use the phrase ‘security sector reform’ in its programming.

Thirdly, and perhaps most grievously, SSR as it is described and espoused is going against one of the fundamental tenets of the very concept – that of essentiality politics. Despite the pre-eminence of politics in policy statements and handbooks, SSR is still approached and explained as a dry, mechanical exercise. In large part, this is because many of those tasked with working on the ‘security sector’ have slim understandings of the politics, history and languages of the half-island they work in.

Structure

The chapter is organised into four sections. Before going on to lay out the structure of the chapter, it is important to note its scope. The author has not delved into specific sectoral reform programmes even though – confusingly – these are sometimes referred to as ‘security sector reform’. These have been the subject of extensive research and thought published already.⁴ Rather, the chapter’s focus is on tracing efforts to realise the concept of SSR and the evident practical difficulties that come with doing so.

The chapter begins with brief historical background, which traces the development of the security institutions since 1999, noting the relatively limited usage of the term ‘security sector reform’ in Timor-Leste. The term was only marginally used and, when it was, more often by research institutes and advocacy-based organisations than actual security practitioners. The phrase only gained currency in the aftermath of the 2006 crisis in which significant sections of the Timorese police and military fractured. Assessments of the ‘crisis’ focused upon dysfunction in the ‘security sector’, critiquing an overly technical approach, but many of the programming approaches post-2006 were little different in their core model, namely bringing to Timor-Leste individuals with little prior experience in the country and critiquing an overly technical approach.

The second section, which examines programming since 2006, shows how difficult this has been to achieve in practice. The section discusses the limited traction of the only activity actually termed ‘SSR’, the UN-mandated security sector review. Progress on the review has been extremely sluggish, attributable to a combination of the three central difficulties identified at the beginning of the chapter: meaningfully conceptualising SSR, finding bureaucratic space and finding individuals with skill-sets appropriate for the task. Problems of implementation and integrating concepts began even during the formulation of the UN mandate for an integrated mission, and have continued since. On the part of bilaterals, new or enhanced programmes have emerged, but have come out of existing bureaucratic structures geared to focus on elements of the sector individually and not in a comprehensive way. The sense emerges that ‘SSR’ is an aspiration, an ‘over the rainbow’ activity, to be undertaken at some point in the future. The section discusses the limited practical usage of the term, and continued emphasis on specific institutions and technical programming on the part of bilateral donors.

The third section surveys the Timorese security sector three years after the crisis, as the UN mission begins to hand over primary responsibility for policing back to the PNTL. A lot has been done on paper, and now it will be a matter of instantiating and socialising new laws and policies still further. What’s on paper is on paper, and often not inculcated into the minds and habits of individuals. Major structural issues remain.

The concluding section – entitled ‘Between Gospel and Reality’ – discusses a contradiction in the SSR. Despite the relatively large group of researchers and policy officers working on refining, questioning and discussing SSR issues, very few working on SSR programmes are aware of the SSR gospel. Beyond sloganeering about coordination, few agencies or countries coordinate deeply or indeed use SSR concepts as a strategic

framework around which to coordinate their work. The OECD DAC Handbook remains more a coffee-table book than a blueprint.⁵ This leads on to some conclusions about the need for a pragmatic, open reappraisal of how to implement the concept.

Methodology

The chapter's methodology is worth describing. The author wrote this chapter while working for an Australian Federal Police-funded development programme, working as an adviser in the Office of the Secretary of State for Security, from 2008 to the present. Between August and October 2007 he worked as a consultant to the Security Sector Support Unit, the UNMIT (United Nations Integrated Mission in Timor-Leste) unit charged with implementing the 'security sector' portion of the mandate. The author wrote the first concept note for the Security Sector Support Unit and led a series of 'in-house' seminars on SSR for the mission and the unit.⁶ During this period he interacted with people – mostly international staff – who talked about 'security sector reform' on an almost daily basis and frequently were disgruntled and frustrated at what they felt was the apparently minimal traction of their endeavours.

This chapter has grown organically out of these two years. The author kept notes, but had not intended to write about SSR in Timor-Leste until discussions with the editors. The methods he used included participant observation, interviews, open-ended interaction with key sources and a long-term presence on the ground. Therefore, he feels that he managed to get as close as was possible to the smallest of micro-details of actual events and was also able to supplement his research with documentary sources and interactions that it would not have been possible for other researchers to access.⁷

In writing the chapter, the author tried to strike a balance between writing about the issue from an institutional perspective and accepting that, in Timor-Leste, the issue is couched in personal terms. There is a relatively small national and international policy community working on SSR issues, and 'problems' or 'issues' rapidly take on personal characteristics of '(s)he did this and that'.

Most of the analyses of SSR processes in Timor written between 2006 and the date of final submission of this chapter tend to tack firmly to the 'institutional' or 'process' path, making no mention of the individual personalities and their skills or otherwise. The author believes that

acknowledging people, personalities and personal issues is important – a policy is only as good as the disposition and skills of the individuals charged with implementing it, and the success of a policy can be subverted or torpedoed by individuals – but is often ignored or dodged when authors write about processes, instead framing the issues in purely institutional terms. However, he has tried wherever possible in the chapter not to identify individuals.

The author also accepts that – by sheer virtue of being so closely involved in these processes that he is describing – it is inevitable that he suffers from research and analytical biases. He has made a huge effort to become proficient in Tetun, which no doubt goes some way to explaining his bewilderment that other long-term advisers do not make an effort to learn how to communicate with their colleagues, and have to don ‘simultaneous translation’ headphones during formal meetings. Likewise, he pored over many of the books and articles written on Timorese history, seeking to understand the human, ideational and ideological context in which the security sector was founded, which may account for his tilt towards prioritising the importance of context.

Another problem presents itself, which could be called the ‘moving target’ problem of writing about contemporaneous events. When the author began work in January 2008, relations between the PNTL and F-FDTL remained poor. In February of that year attacks on the president and prime minister, which resulted in serious injury to the former, had one positive side-effect in that the events compelled the two forces to work together in a ‘joint command’ to track down remaining rebels. Other significant context-altering events have included the appointment of a new PNTL commissioner in 2009 and, in May 2009, the conclusion of a draft protocol governing the incremental transfer of police powers from UNPOL (UN Police) to the PNTL. As a result, analysis can quickly be rendered redundant by events. This chapter was first drafted in April 2009 and completed in August 2009. Even within this time, there have been changes in the author’s analysis and perceptions. There is accordingly a risk – given the time lag before publication – that what is given importance in the narrative is superseded by events.

Background

The Timorese vote for independence from Indonesia in 1999 led to the UN Security Council mandating the UN Transitional Administration in East

Timor (UNTAET) with sweeping powers, empowered to prepare the half-island for the independence that came in 2002. Although UNTAET was responsible for a relatively small territory compared to other UN peacekeeping missions, its mandate was colossal: in effect, to build a state from scratch. The would-be nation had few formal accoutrements of sovereignty on which to build a state: no ministries, no institutions, no police and just a handful of courts. For reasons of occupation and dislocation, indigenous resources to animate these institutions were limited.

A number of uniformed institutions were created quickly to fill the gap. The institutions that would later be collectively termed the ‘security sector’ were created through a series of responses to commitments and circumstances. UNPOL had inherited a mandated responsibility for training up an indigenous police service. The institution in question, the *Policia Nacional de Timor-Leste*, was established in 2000 and nurtured subsequently by a series of UN peacekeeping missions. The PNTL was an amalgam of extremely young recruits and Timorese who had previously served in the Indonesian police. The question of how to deal with discontented veterans led, via a study from King’s College, London, to a UN decision to create a Timorese defence force, for which bilateral donors would quickly assume the training burden.⁸ This force was to become known as *Falintil-Forças Defesas de Timor-Leste*, and was headed by the final field commander of the Timorese resistance movement, Taur Matan Ruak. The United Nations Development Programme (UNDP) assumed principal carriage for developing the judiciary and assisting in the development of laws. Customs became housed under the Ministry of Finance.

What marked all endeavours was that the establishment of each institution took place without much of a policy framework to unite them. Writing about the police, former adviser Ludovic Hood described ‘shortcomings in training and recruitment, the UN’s failure to focus on building the PNTL’s institutional capacity [and] inadequate planning and deficient mission design; unimaginative and weak leadership’.⁹ Arrangements around the F-FDTL were similarly ad hoc.¹⁰ Throughout this period of seemingly ad hoc trial and error, the phrase ‘SSR’ had a limited reach and confused those who did know it.¹¹

The only activity or programme that actually bore the phrase SSR was a programme of the National Democratic Institute, a US-based NGO (non-governmental organisation) focusing on democratisation issues.¹² The programme was initially conceived as civil-military in focus, aspiring to expand citizen knowledge about the role of the military in a democratic society, but, from its inception, expanded its remit to the wider ‘security

sector'. The programme was intended to expand citizen knowledge about the role of the police and other security actors, help civil society and political parties establish channels of communication in order to express preferences and affect policy, encourage research and help civil society and the media develop a watchdog capacity allowing them to monitor decisions and policies adopted by the executive and the legislature as regards the security sector.¹³

The 2006 Crisis and a Renewed Focus on SSR

In 2005 the UN's presence in Timor-Leste was winding down, with a sense of a job well done. Peacekeepers had withdrawn and a trimmed-down UNOTIL (United Nations Office in Timor-Leste) was scheduled to end in May 2006. The UN presented its efforts as having successfully laid strong foundations for state-building in the world's newest country. The *Annual Review of Global Peace Operations* – an authoritative, independent source on peacekeeping – also reflected similar confidence, observing that 'Timor-Leste is rightly seen as a UN success story.'¹⁴ Indeed, the World Bank president, Paul Wolfowitz, lauded the country's 'functioning economy and vibrant democracy' just one week before its collapse into widespread violence.¹⁵

The 'crisis' in Timor-Leste has complex origins.¹⁶ Its proximate cause was the dismissal of one-third of the Timorese defence force, the F-FDTL, itself led by (former) resistance leaders. A series of follow-on events awakened incipient tensions between soldiers from Timor's eastern and western regions. The PNTL also fractured along similar east-west lines and various factions began fighting with elements of the defence force. Some PNTL even broke from their own organisation to fight for the F-FDTL against elements of the PTNL. Among the brutal incidents that occurred were the killing of nine unarmed police officers who surrendered to UN officials by F-FDTL soldiers, and six people burnt to death in their homes.¹⁷

The breakdown in order led to related high levels of gang violence.¹⁸ Thirty-seven people were killed and many houses were destroyed. More than 150,000 Timorese – 15 per cent of the entire population – sought refuge as internally displaced persons (IDPs) in makeshift camps for nearly two years.¹⁹

Events showed the PNTL and F-FDTL were more providers of insecurity than stability. Large sections of the police in Dili unravelled altogether into separate and competing factions.

The violence that erupted in 2006 tragically demonstrated that the national and international efforts over six-and-a-half years had not succeeded in developing and nurturing effective security institutions. A submission from Rede Monitorizasaun Diretos Humanos – a coalition of ten Timorese NGOs – to the Independent Commission of Inquiry summarised the problems thus: lack of a veterans' policy, ineffective law enforcement and a culture of impunity, and insufficient clarity on roles.²⁰

Many of the institutions created by the UN and bequeathed to the new state were simply not fit for their intended purpose. As Oliver Richmond and Jason Franks observed, 'the fact that actors from within the government and security apparatus were prepared to take such violent actions to augment their own claim to power, vent their frustrations, or protect themselves illustrates the weakness of the political system and the dysfunctionality of the state'.²¹ Nor was this a case of being 'wise after the event'. Prior to the crisis many voices were raised concerning the state of the security sector. It is also remarkable how many analyses of the Timorese security sector prior to 2006 had flagged up profound weaknesses within the security institutions. Some pieces proved tragically prescient. A World Bank-led Joint Assessment Mission in 2002 raised concerns about the robustness of the PNTL,²² King's College, London's research project on peace operations, released in 2003, was equally critical.²³ Take also the first paragraph of a piece by Edward Rees, which looked at security sector reform and peacekeeping. When asked what posed the greatest threat to Timor-Leste's security in 2004, a senior officer in the high command of the country's defence force, the F-FDTL, and a 24-year veteran of the guerrilla resistance to Indonesian occupation stated simply, 'The police.'²⁴

Analyses of the crisis pointed to deep and entrenched problems within the security institutions. Their hasty organisation, presided over by an ever-changing set of international advisers who stayed for varying periods of time, had resulted in anaemic, dysfunctional and deeply politicised institutions. The security sector was plagued by a legacy of antagonism and suspicion between various sectors of society divided along regional lines, insufficient senior management and an absence of sufficient civilian professionals. The plentiful critiques of the approach were either not read or quickly shelved.

Security sector reform was a predominant feature in the Secretary-General's report on events in Timor-Leste released on 8 August 2006. The report was based on the findings of an assessment team led by Ian Martin, the SRSG (special representative of the Secretary-General) who presided over the Timorese vote for independence in 1999. That report used unusually

blunt and undiplomatic language to describe the situation, a fairly explicit repudiation of the type of assistance that had been the norm before. The words of the report are worth quoting at length:

Institutional failures in PNTL and F-FDTL are at the core of the recent crisis in Timor-Leste... The early problems of F-FDTL have been further exacerbated by the failure to develop a legal framework governing its activities, mechanisms for civilian oversight and an overarching national security policy... extremely weak institutional development in the Ministry of Defence. Legislation and internal procedures... are almost entirely lacking... inadequate civilian oversight of the force... International advisers have reportedly worked at cross-purposes. The institutional framework of PNTL remains weak. The Ministry of the Interior... regularly interfered in policing activities at all levels, including in police operations and personnel decisions... intervened arbitrarily in disciplinary, recruitment and promotion proceedings... top heavy organization that lacks critical capacities at the middle and lower management levels.²⁵

The Secretary-General's report proposed a sweeping review of the security sector, which should 'assess the threats facing Timor-Leste, both internal and external, and the options for development of the sector. It should also address the real difficulties that have confronted the sector to date, including the tensions between F-FDTL and PNTL, and ways in which the relationship between the two can be changed from a competitive to a cooperative one.' The report also noted that a request had been made by the Timorese government for specialist civilian advisers.

The germ of the idea that became the 'security sector review' came from a few members of Ian Martin's assessment team. Some had experience in Kosovo and/or in contributing to policy debates, and hatched the idea of replicating a comprehensive security sector review, modelled along that which had just been concluded in Kosovo.²⁶ The idea – discussed in a series of internal team meetings – was to have a reflective review of core functions, roles and responsibilities of the security sector, asking difficult but necessary questions about the role of the defence force in a country with limited external threat, sorting through the roles and responsibilities of the president, prime minister and parliament, and delineating roles. The aim was not to let the crisis go to waste without frank, open and searching examinations of core issues that had not been addressed in the sprint to get institutions up and running. The idea was that the review would be concluded in 12 months from its initiation.

The idea of a security sector review was discussed with the then minister of defence, José Ramos-Horta (the previous incumbent, Roque Rodrigues, had departed under pressure of allegations that he had illegally distributed weapons), though, as a participant in the meeting recalled, ‘whether those discussions amounted to consultation and ended in a meeting of minds is moot’.²⁷ In other words, few Timorese were ever really consulted on whether they wanted the review or understood what one would entail.

The idea of a security sector review was presented as a recommendation of the Secretary-General’s report of 8 August 2006, and subsequently incorporated in United Nations Security Council Resolution 1704 paragraph 4(e) as a review. The mandate combined the review with the government request for specialist advisers, to read thus:

...to assist the Government of the Democratic Republic of Timor-Leste in conducting a comprehensive review of the future role and needs of the security sector, including the Falintil-Forças Armadas de Defesa Timor-Leste, the Ministry of Defence, the PNTL and the Ministry of Interior with a view to supporting the Government, through the provision of advisers and in cooperation and coordination with other partners, in strengthening institutional capacity-building, as appropriate.²⁸

A contradiction soon presented itself. The mandate incorporated the idea of a review, but also included much more detail about one institution in the security sector: the PNTL. The mandate went into detail as to what the substantial number of UN police would do: reassume executive authority for policing while at the same screening PNTL officers and developing a plan for the reform, rebuilding and reconstruction of the PNTL. From the outset, the weight of attention in the mandate on the police did not really square with the idea of a holistic review and a subsequent security sector process. Justice issues would be dealt with in a separate review – an example of a holistic concept not being holistic enough.

Oddly, even though it was dysfunction within the F-FDTL that lit the touchpaper for the crisis, the new mission would not have any real role in defence force development except for two adviser positions. One might wonder what explained the almost exclusive emphasis on the PNTL over the F-FDTL in the UNMIT mandate. To be sure, the focus seems somewhat tilted and it is difficult to find an entirely rational explanation. Two potential explanations are rooted in the bureaucracies and ontologies of the UN peacekeeping effort rather than an objective appraisal of need. The United Nations has an on-call policing component in UNPOL, which it is able to

deploy; this explains the emphasis on the police. Conversely, the United Nations does not have ‘on-call’ experience in military reform, which explains the relative inattention given to this. At the time the UN had no mandate to do military development. The UNDP, for example, was explicitly prohibited and the DPKO (Department of Peacekeeping Operations) did not have a single person on staff to undertake military development. Moreover, at the time there were no guidelines developed to steer UN engagement in security sector reform.

Another issue in the development of the UNMIT mandate was a fundamental difference of opinion between members of the assessment team. They were divided on whether UNMIT should be a ‘boutique’ policing operation, with a relatively small number of dedicated expert staff, or a larger mission with officers drawn from the larger UN national-based recruitment pool. The police division, which advocated the second approach, won out.

The strong disconnect was apparent in the absence of integration in the 2006 assessment report to the Security Council and the mandate as to how the various concepts would fit together. The police reform process was accorded several paragraphs in the mandate, but these paragraphs were entirely separate from the notion of a security sector review. This divergence continued when the transition team was at work in September. The policing section of the report of the transition team included provision for a reform, restructuring and rebuilding (RRR) plan but made no reference to other security institutions, much less to the need for a comprehensive review encompassing the PNTL, F-FDTL and the ministries.

The concept of a ‘security sector review’ was quickly becoming a bureaucratic orphan. Clearly, the police reform process would be marshalled by UNPOL in New York, but there was no institutional home for the ‘security sector’.²⁹ Many of the advisers who participated in Ian Martin’s assessment mission returned to posts that did not directly involve Timor-Leste. One stayed in Dili to participate in the International Commission of Inquiry set up to investigate the events of 2006. The overarching concept lost some momentum, despite the International Crisis Group making supporting the ‘security sector review’ its foremost recommendation in its authoritative October 2006 report on the crisis. Interest on the part of policy advocates was not matched with interest inside a bureaucracy. The SSR review was also the foremost stated task in the 2006 UNMIT mandate implementation plan.³⁰

The concept found eventual bureaucratic shape when mission planners created the Security Sector Support Unit, but positions went unfilled until

August 2007. Initially these tasks were unspecified but bureaucratised into the special adviser position. The origins of these positions was the list drawn up by an (international) adviser to the Timorese government in June 2006 which specified a number of technical advisers it wanted the UN to provide. During the subsequent development of the mandate (assessment mission, Secretary-General's report, transition team report, mandate implementation plan) the role of the advisers morphed into something explicitly linked to the comprehensive review and SSR, though the ambiguities about the exact nature of that link are evident if the texts of the Secretary-General's report and subsequent resolution are compared.³¹

And after that, nothing very much happened for about a year. The initial batch of adviser posts were advertised in January 2007 and advisers began to arrive in August, a relatively normal speed of hire for new intake to a peacekeeping mission. Fortunately for the international adviser who drew up the list of skill-sets contained in the Timorese letter, the interview panel deemed him to have enough of the requisite skills for a post as adviser to the F-FDTL.

By this point, UNMIT had become clearly identifiable as a policing-first mission. An overwhelming number of UNMIT staff were uniformed police, a supplemental policing arrangement setting out respective authorities of the UNPOL and PNTL had been put in place, screening of PNTL officers had been started, a patchy mentoring programme had been initiated and UNPOL had delivered a series of proposals to the government for the reform, rebuilding and restructuring of the police – proposals which the government almost completely ignored. The previous first-order priority was badly lagging behind.

There are some explanations for this apparent lack of attention. An early decision was taken to focus in the first year of the mandate on ensuring successful 2007 presidential and parliamentary polls. On the one hand, this made good sense. A review required a legitimate government to take it on. On the other hand, the argument could be made that the decision meant UNMIT ignored the core political issue identified by the assessment team dispatched by the Secretary-General in the wake of events of May 2006, namely that the deeply politicised, fragmented security institutions lacking in legitimacy were at the core of the new state's problems.

There had also been significant changes to Timor-Leste's political landscape by the time that the SSR unit began to be staffed. José Ramos-Horta – installed as interim prime minister after the crisis – was elected president in May 2007, defeating the candidate of Timor-Leste's governing party, Frente Revolucionária de Timor-Leste Independente (FRETILIN), in a

second-round run-off. FRETILIN's electoral setback continued in the June parliamentary poll, as it slipped from 55 seats (of 88) to 21 in the now 65-member parliament. Although it remained the largest party in terms of seats, FRETILIN was unable to persuade enough other parties to join it in a coalition, leading to a deadlock in the formation of a government. In August 2007 the new president asked an alliance of parties led by the former president, Kay Rala 'Xanana' Gusmão, to form the new government. The new administration has put forward a platform involving, among other things, tackling poverty, strengthening security and returning the remaining 100,000 persons who were internally displaced during the 2006 violence to their homes. As well as the prime minister's portfolio, Gusmão took on the post of minister of defence and security, delegating everyday control to two young technocrats who had just previously been working as think-tank researchers, Julio Tomas Pinto and Francisco da Costa Guterres. Pinto and Guterres would become secretaries of state for defence and security, taking up residence in the old Ministry of Defence and Ministry of Interior buildings.

Crucially, neither Gusmão, Pinto nor Guterres had been involved in any of the discussions 15 months previously about the 'comprehensive review of the security sector'. Nor was any man consulted as to what they would like the 'special adviser' posts to do. Like most new governments and most new ministers, they came in with their own plans and agendas and did not appear too motivated to follow policy that had been created a year before by a different government. It is rational and normal in a democracy that succeeding governments do not follow the policies of those they replace.³²

Operationalising SSR: Security Sector Support Unit

Timor-Leste represents the first time that the UN has attempted explicitly to operationalise the concept of SSR within a named unit, by having the Security Sector Support Unit (SSSU) within the UNMIT structure to carry out the mandate task of assisting in the comprehensive review of the security sector.

Like many first attempts, it has not been easy. The creation and subsequent development of the SSSU exemplifies the three issues identified at the beginning of the chapter, namely conceptual confusion, bureaucratic space and the skill-sets of many of the individuals hired to execute the task.

There was fundamental confusion within the mission as to what is or is not SSR. Although the decision to create a separate pillar dedicated to

'security sector and rule of law' affirmed its centrality to the UNMIT mandate, confusion still reigned as to what 'security sector reform' was or was not. Was it simply a term to apply to police and military reform? Was it a framework for thinking conceptually or programmatically? What was UNMIT's role actually in this regard? To some degree this confusion is understandable – a vigorous debate continues as to what SSR is/is not within academic/policy literature – but simply saying 'UNMIT is working on the security sector' does not clarify much. Calling the pillar 'security sector support and rule of law' as if these are somewhat different concepts only added to the confusion.

Moreover, it is difficult to mount a convincing argument that one believes in the principles of 'security sector reform' when the police reform process, the most public personification of UNMIT's commitment to SSR, involved repeating many of the same processes of the past. This police rebuilding process was something of a 'do-over' opportunity for UNPOL, a chance to prove that they have addressed the deficiencies that arose in the creation of the PNTL during the transitional administration period. The 'blue berets' faced much of the same external and self-made difficulties in creating an effective and legitimate police institution as their predecessors. Moreover, the manner in which reform was approached carries uncomfortable echoes of the old style that proved so ineffective: large numbers of national contingents with officers of varying styles, approaches and interests in the job who stay for insufficient times to win trust. The UN police do not provide their officers – who are often in a country with which they are not linguistically or culturally familiar – with training about how to transfer knowledge. Despite the prominence given to the goal of capacity-building, how one actually goes about transferring learning and experience remains thinly understood. Incoming officers receive little guidance to assist, leaving them to default back to learning – good and bad – gleaned from their home countries. Added to this is the tendency for UN peacekeepers to work in English, when this is not the predominant language of the Timorese police. The multiple iterations of the RRR plan were never translated into any other language, and as result the PNTL staff were never able to read it, let alone sign up and agree to it.³³

For better or for worse, UNMIT became indelibly associated with reform in one part of the sector and not the sector as a totality. In part, this was hardly surprising. The police – at 1,650 by far the most numerous part of the mission – are made all the more visible by the police uniform. But it was also because the majority of initiatives and the prime determinant of when the mission will downsize and whether or not it will be judged as a

success are UNMIT's efforts with the police. Most of the major set pieces since UNMIT have involved the police and not the 'security sector' as a whole. These included the signing of the supplemental arrangement, the reform, restructuring and rebuilding plan presented and, in May 2009, the first incremental transfer of policing responsibility from UNPOL to the PNTL.

Secondly, there was bureaucratic confusion as to the role of the SSSU. This confusion was reflected in job descriptions for the SSSU posts advertised in January 2007, with some posts readvertised in May. The job descriptions envisaged unit members as 'advisers' to/with/on (it is not clear) police, military and the ministries of defence and interior (since renamed 'national security'). But advising on what, exactly? There were already surfeits of UN advisers on policing (every member of UNPOL, in fact) and bilateral advisers in the government ministries. Moreover, with the UN hiring process beginning during one government's tenure and ending when another was instituted, there was very cursory consultation with the new secretaries of state as to whether they needed advisers and what their roles should be or to lay the foundations for their arrival.³⁴

The late-hired unit was not structurally aided to make an expeditious start. Prior to its arrival there had been no preparation of background documentation on elements of security sector reform, coordination of extant research/analysis (e.g. political affairs, Joint Mission Analysis Center) or a strategy about sensitising key stakeholders to the 'review concept'. But, beyond three 'stand-alone' seminars on the security sector between May and August 2007, not much happened. And in only the final one of these seminars was a 'security sector review' mentioned. The new head of the SSSU was given no task specifications on arrival.

It was also difficult to find a space. Operatively, UNMIT separates the 'police' from the security sector. At one point there were 1,650 UNPOL in the country working on the 'reform, restructuring and rebuilding' of the police while another part of the mission – the UNDP – worked on justice affairs. There are fewer than 20 members of the mission's Security Sector Support Unit, which, as its name would suggest, is tasked with working on the entire sector. Despite the fact that many guidelines on SSR explore issues of security, policing and justice together, this is not rendered into managerial practice, making coherence and complementarities all the more difficult to achieve.

The absence of bureaucratic preparation was also revealed when it came to the issue of a budget for the review. There was no facility within the

peacekeeping budget to 'hold' money. As a result, the unit entered into an agreement with the UNDP to ask for a funding facility.

Finding the right people was also an issue. Staffing this unit would be relatively simple, one might think. The 'make-up' of team members required to fulfil what would clearly be one of the most politically sensitive elements of the mandate could quickly be sketched. Its head would possess demonstrated diplomatic skills and the savvy to navigate this inherently political issue as well as conceptual clarity on the term 'security sector reform'. Ideally, this would be allied with experience of managing large programmes, preferably with a significant research component. His/her team would be individuals with an acute knowledge of policy debates and skill-sets in research, negotiation and facilitating public consultations. Linguistic skills and demonstrated deep historical knowledge would obviously be vital characteristics. Nor need the unit be populated extensively with individuals with backgrounds in the uniformed services. Surely the frequently identified lesson that security sector reform is a deeply political process would be reflected in the hiring process? It would seem not. Defective thinking through of what the mandated task would require was reflected in the posting of job descriptions that did not match individuals sought with actual tasks, compounded by the paucity of planning. Only a few members of the SSSU had any prior experience in Timor-Leste. In 2009 only one member of the SSSU spoke Tetun. Somewhat absurdly, some of the 'special advisers' do not even sit in the same building as their putative national counterparts.

An Illusory Security Sector Review

Although a 'review' is often mentioned in UN documents, in reality no such comprehensive review has taken place as of the time of writing, three years after it was mandated.

The SSSU was extremely effective in securing donor assistance for the review, all the more so given that for the first six months of staffing, there was only the barest of concept notes produced outlining what the money would be used for. SSR was a vague, vogue phrase and donors wanted to be a part of it. Norway chipped in \$600,000, Australia and Ireland \$200,000 each, with additional augmentation from UNDP internal funds. An additional \$2.2 million was secured from the European Commission's Instrument for Stability for 'capacity development' (therefore reform) in December 2008.

But now that the funding was secured, a new problem presented itself. What would the money actually be spent on? National actors seemed resolutely disinterested in actually conducting the review that the money had been committed to. Rather oddly, donors had committed money to a review that national actors seemed so obviously uninterested in. It took until June 2008 for a project document to be signed and nearly three months more for the project board created under the project even to meet.³⁵ The final project document exists only in English.³⁶

Nearly a year afterwards, no functional review of any part of the security sector has taken place. Money has been allocated to fund some extremely useful seminars on reform, border management and a national security policy. Of the \$4 million committed, 85 per cent was spent or committed, a large amount to pay for salaries and related costs. Other funds have been allocated to a miscellany of activities, but little that actually appears as a review activity. Most funds are allocated – through the EC funding – to national and international ‘in-line’ advisers on SSR. One national adviser admitted to knowing very little about the concept or what their role is to be. Project board meeting minutes record very few conversations about actually conducting a review.³⁷ The review is lost ‘in the micromanagement of advisory board meetings, sub-committees, and piecemeal projects’.³⁸ The review process was bureaucratically recast to focus less on its origins:

The Security Sector Review in Timor-Leste Project has now expanded significantly from its initial inception growing from a one year one million dollar review project to a multi year four million dollar capacity building and review project.³⁹

A unit with a brief for everything but in charge of nothing, the SSSU has struggled for relevance within the UN mission since it has been staffed, and has remained relatively peripheral within the mission itself and the wider donor community. There has been little active marketing of the unit by UNMIT, meaning that it also had limited audience outside, with some senior diplomats confessing to not knowing that the unit existed. There is similar hazy knowledge among the national actors within the security sector that the unit is set up to assist. The unit and its role were never meaningfully explained. At a development partners’ meeting in May 2009, a member of the SSSU asked a Timorese minister with responsibility for part of the security sector what assistance the SSSU could provide him. ‘I don’t know,’

the individual replied, 'you should seek guidance from UNMIT and not from me.'⁴⁰

Bilateral Stovepipes

The United Nations is probably the largest numeric presence in Timor, but there are also large bilateral donors in the sector. Australia has 600 peacekeeping troops and substantial bilateral programmes that work, individually, on police, military and justice sectors. New Zealand contributes 150 troops and police, and Portugal over a hundred to UNPOL. Each country also has significant programmes.⁴¹

These programmes remain sectoral in focus and are not united by an overarching concept of security sector reform. These are the very silos that donor officials often complain about on conference daises. For example, the Australian Federal Police are responsible for Australian's bilateral police programme, the Australian Defence Force for a bilateral military programme and AusAid for the justice sector. These are programmes fixed from budgets allocated in Canberra on an institutional and not a sectoral basis. Although coordinated at the strategic level – regular information-sharing meetings are held between section heads – there is not much programmatic coordination between programme staff.

Bilateral programmes are overwhelmingly technical in their focus. The logic runs thus: the [insert particular institution] is lacking in policy and processes which means that we will be building up the capacity of individuals in order to help them run affairs for themselves.

Some issues present themselves with this approach. Firstly, its technical and stovepiped nature would seem to run counter to the painful lessons learned from the manner by which programmes were organised prior to 2006. The basic problem of communication afflicts bilateral programmes as grievously as it does the efforts of the UN. English is the primary mother-tongue of the capacity-builders, Tetun is the language of those intended to be capacity built, presenting basic challenges of actually being able to impart the vague and indeterminate goal of 'capacity'.

Third, and most difficult to resolve, is that while the problems afflicting security institutions manifest most obviously in technical deficiency, subterranean issues of politics have deep roots in the respective institutions. These are rooted in regionalism, trust and histories of who did what to whom, and tangled up in jealousies and personal relationships. This is difficult to understand and resolve, most especially if assisters have so few

contemporaneous shared reference points. Conversations through a translator are stilted. Moreover, acquiring the background knowledge necessary for understanding all institutions is difficult. It is very correct for SSR advocates to focus on politics, but much more difficult to know how this can be done given the strictures of and the (understandable) reluctance to commit to staying the years required to acquire the knowledge, develop the language skills and win the respect required to be effective.

An Australian capacity-builder who had just finished an 11-month stint was blunt: 'If Australia was serious, they wouldn't hire people like me, English-speaking civil servants for short stints who cannot interact with my counterparts. They'd hire people on long-term contracts and compel them to learn the language.'⁴² He is right, but are there sufficient numbers of the type of 'good capacity-builders' that he is talking about who either exist or want to serve?

Reforms Since 2006 and Challenges Ahead

There has been action on important administrative and legislative issues in the security sector. This has included definitions of the legal frameworks for the F-FDTL and PNTL, career, salary and promotion regimes for each institution, and developing an integrated system of national security, defining mechanisms and modalities of cooperation and coordination between the respective institutions. New criminal procedure codes have been drafted and promulgated, replacing the old Indonesian-era code that had previously been used. A national security policy that sets out the threats and challenges to the new nation has been drafted, identifying the principal challenges as coming from within the country and not from external threats.

It is an impressive list of policy legislation, drafted mostly by a series of Portuguese lawyers and Portuguese-speaking Timorese lawyers, and often drafted in relative isolation, ostensibly because of protocol issues concerning document sanctity and secrecy.⁴³ Therefore, at least on paper, some of the policy and legislative deficiencies identified in 2006 have been ameliorated or are in the process of being legislatively resolved.

This was the easy part. The difficulty will come in implementation and socialisation. Of particular concern will be issues of impunity in the security sector. Equitable application of the law is a major issue in Timor-Leste. Very few of those identified by the Commission of Inquiry are in jail. Some have been pardoned, but the vast majority are yet to be called, never mind prosecuted, by a Timorese court. Many of the members of the security

institutions implicated in the events of 2006 – including the F-FDTL accused of shooting the eight unarmed PNTL, convicted and sentenced to a collective 48 years in prison – remain in uniform. This apparent reluctance to prosecute has prompted some observers to question the degree of apparent impunity within the uniformed institutions.

If anything, the international presence will start to reduce. In May 2009 UNPOL handed over primary responsibility for policing in Lautem district in the country's east. Although the process is without a set timetable – and may take a few years to complete – the handover marks the beginning of a slow end to the UN's 'do-over' efforts to remake the PNTL in a better image second time around. It has been a difficult process, indicating it is perhaps more difficult to remake institutions that are already formed than restart from scratch. There are convincing arguments tabled on both sides as to why the process has not been smooth; frustration by Timorese at the mentoring and assistance received, and on the part of UNPOL at disinterest among the PNTL actually to receive assistance. It is still too early to determine the long-range success of this effort and the efficacy of the UNPOL model of trying to blend individuals from myriad policing agencies and cultures into a common approach.

The PNTL received significantly more attention post-crisis than the F-FDTL, which, although it also cracked in 2006, was not 'taken over' like the PNTL. The F-FDTL has probably grown in confidence since 2006, especially after its involvement in the joint command with the PNTL.

Perhaps the ultimate challenge will come when the Timorese security sector is challenged again. The sector reacted poorly to the 2006 crisis, but was probably strengthened by being tested in early 2008, when the forces worked together in a joint command to track down rebels who shot and gravely wounded the president. Many existential issues have also to be resolved, such as what the role of the army is to be in a small nation with little apparent outside threat, and an appropriate size for the PNTL. Moreover, in a country in which geography, resources and contextual realities will conspire to restrict the reach of the police, the issue of the role of non-state justice has yet to be addressed.

Perhaps the most difficult issues afflicting the Timorese security sector are the very smallness of the territory and the fact that many of the citizens – most especially the small élite – have gnarled interconnections with each other. Timorese politics is personalised. Another difficulty in instantiating the frequently advertised necessities of SSR is the smallness of the state itself, and of the political élite in particular. Moreover, in a small country with strong regional and family ties, it is difficult to create

information barriers within institutions to separate and isolate persons who make accountability and oversight decisions from persons who are the subject of those decisions. For example, the former defence minister used to share a house with the armed forces chief. The current secretary of state for defence is the nephew of the armed forces chief. The state is not anonymous.

Conclusion – Between Gospel and Reality?

It has proven extremely difficult to render the concept of security sector reform. An idea fitfully followed through and implemented perhaps too late to be useful, security sector reform has struggled for a proper place in the UNMIT mission. Other bilateral donors – despite policy statements to the effect – do not meaningfully implement the concept at all. It is, by now, almost boilerplate to observe that donor programmes are enacted in ‘silos’, but this is exactly what programmes in the security sector are in Timor-Leste, reflecting also the manner in which the Timorese government approaches the issue.

What explains this discrepancy between policy and practice? Possible explanations are threefold.

Firstly, the concept is perhaps too big to be coherently implemented, most especially in a fast-moving environment with various actors and programmes. A holistic approach also means that focus is blurry or takes place at such a high strategic or policy level that it is hard to translate down to the tactical level. It may not make practical sense. Many actors involved in or around the security sector – both national and international – still remain thoroughly confused as to what the concept is or is not. Instead of acting as a framework or organising principle, exhortations about ‘SSR’ complicate agendas that are already difficult to synchronise. In effect, this has meant that SSR is much more a rhetorical trope than a specific programme of action. This may explain why the only actual programmatic activity to occur under the banner of SSR – a ‘security sector review’ – has not yet meaningfully begun.

The second issue is institutional. Although a range of institutions have invested a massive amount of time and money in understanding the drivers, inhibitors and definitions of SSR, they are a long way behind in thinking through the kind of institutions that are needed in order to tackle the issue successfully. In the UN peacekeeping context, this means thinking through where SSR sits *vis-à-vis* the police division; in a UN family context it means thinking through which agency, fund or programme is best suited to hosting

a longer-term development endeavour; in the context of Australia or bilateral donors it may mean developing a special coordinating mechanism sitting over the range of programmes within the sector.

The third issue revolves around people. Simply put, at least a large number of those who are working on the security sector do not have the degree of inbuilt knowledge that faithfully implementing the concept would require. To be sure, learning languages and becoming familiar with complicated histories, personalities and processes take time and are not easy. Many of those who signed up to work on reform processes in the security sector probably did not anticipate the need for such learning or becoming aware of history. But one should not be coy about the need for such knowledge in order to ground programmatic effectiveness. The current norm of predominantly English-speaking advisers in a non-English-speaking country has yielded minimal results. The experience of reform processes from 1999 to 2006 is testament to that inconvenient truth. Perhaps relevant institutions need to think about ways by which one can ‘nudge’ or encourage staff to augment their ‘soft’ skills. The development of ‘stand-by’ expert rosters by agencies such as the UN DPKO (including its SSR section) and bilateral agencies to identify those with the right skill-sets for the job is welcome. Long-term contracting and incentives for performance seem obvious lures.

Clearly, the time is ripe and the need is acute for an open and candid examination of the implementability of the concept of SSR. The solution, perhaps, may be to trim the concept so that it is more easily accessible. This will require real introspection on the parts of the policy community that formulated the concept of SSR and the donor community that implements it as to how a more ‘user-friendly’ and, frankly, more pragmatic and practical definition of the concept can be reached. The result may be a more limited, modest and circumspect policy approach that may be more in tune with the post-conflict environment.

Notes

¹ The views and opinions expressed in this chapter are those of the author and do not necessarily reflect the official views of the Australian Federal Police (AFP), for whom the author has been working while researching and writing the chapter. The author would like to thank James Cockayne, Jim Della-Giacoma, Anthony Goldstone, Edward Rees, Eric Scheye, Bu Wilson, the editors and the anonymous reviewers for their constructive comments on previous iterations of the chapter.

² UNSC Res. 1704, 25 August 2006.

- ³ Australian Government Department of Defence, 'Operation Astute', available at <http://www.defence.gov.au/opEx/global/opastute/index.htm>.
- ⁴ Yoshino Funaki, *The UN and Security Sector Reform in Timor-Leste: A Widening Credibility Gap* (New York: Centre on International Cooperation, 2009); International Centre for Transitional Justice, *Security Sector Reform in Timor-Leste* (New York: ICTJ, 2009).
- ⁵ Organisation for Economic Co-operation and Development, *OECD DAC Handbook on Security System Reform (SSR). Supporting Security and Justice* (Paris: OECD, 2007).
- ⁶ The draft paper was entitled 'SSSU – Challenges, Role, Fit', and was presented by the head of the SSSU to DSRSG Eric Tan in August 2007. The internal seminar was conducted in October 2007.
- ⁷ In contrast, most researchers who have written on the security sector since 2006 have based their observations on periods of a few weeks to a month in country.
- ⁸ Centre for Defence Studies, *Independent Study on Security Force Options for East Timor* (London: King's College, 2000).
- ⁹ Ludovic Hood, 'Missed Opportunities', in *Managing Insecurity: Field Experiences of Security Sector Reform*, eds Gordon Peake, Eric Scheye and Alice Hills (London: Taylor & Francis, 2007): 150–151.
- ¹⁰ Edward Rees, *Under Pressure: FALINTIL – Forças de Defesa de Timor Leste* (Geneva: Centre for the Democratic Control of Armed Forces, 2004).
- ¹¹ One adviser at the time recalled being asked what SSR was by a colleague from the UNDP; not wishing to appear foolish, he e-mailed the UNDP desk in New York for a clarification, only to be told that he should seek guidance from the very same colleague who had asked him what SSR was. Interview, Dili, April 2009.
- ¹² See www.ndi.org/tl.html.
- ¹³ As part of the programme, in 2002–2003 the NDI hired a young Timorese master's student, Julio Tomas Pinto, to write up a survey on public perceptions of security. In 2007 Pinto would be named secretary of state for defence. In 2002 Pinto wrote 'A Peaceful Future', setting out the results of focus groups regarding security.
- ¹⁴ Centre for International Cooperation, *Annual Review of Global Peace Operations 2005* (Boulder, CO: Lynne Rienner, 2006): 66.
- ¹⁵ Paul Wolfowitz, 'Timor-Leste a Leader among Post-war Countries; Challenge Now to Keep Peace, Use Petroleum Funds Well', remarks made at government-hosted function, Dili, 9 April 2006, available at <http://www.reliefweb.int/rw/rwb.nsf/db900SID/KHII-6NQ4L7?OpenDocument>.
- ¹⁶ James Scambary, 'Anatomy of a Conflict: The 2006–2007 Communal Violence in East Timor', *Conflict, Security & Development* 9, no. 2 (2009): 265–288.
- ¹⁷ United Nations, *Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste* (Geneva: United Nations, 2 October 2006).
- ¹⁸ James Scambary, Hippolito Da Gama and Joao Barreta, 'A Survey of Gangs and Youth Groups in Dili, Timor-Leste', report commissioned by Australia's Agency for International Development, AusAID, Dili, 15 September 2006; James Scambary, 'Groups, Gangs and Armed Violence in Timor-Leste', Timor-Leste Armed Violence Assessment Issues Brief 2, available at <http://www.timor-leste-violence.org/>.
- ¹⁹ International Crisis Group, *Timor-Leste's Displacement Crisis* (Brussels/Dili: International Crisis Group, 2008).

- ²⁰ Rede Monitorizasaun Diretus Humanus Submission to the Independent Special Commission of Inquiry for Timor-Leste on the Security and Political Crisis in Timor-Leste, 15 September 2006. Copy on file with author.
- ²¹ Oliver P. Richmond and Jason Franks, 'Peacebuilding in Timor Leste: The Emperor's New Clothes?', *International Peacekeeping* 15, no. 2 (2008): 193.
- ²² World Bank Joint Assessment Mission, *Options for Reform of PNTL* (Dili: World Bank, 2002).
- ²³ King's College, London, *A Review of Peace Operations: A Case for Change* (London: King's College, 2003).
- ²⁴ Edward Rees, *Security Sector Reform (SSR) and Peace Operations: Improvisation and Confusion From the Field* (New York: UN Department of Peacekeeping Operations, 2006).
- ²⁵ United Nations, 'Report of the Secretary-General on the Situation in Timor-Leste', 7 August 2006, paras. 57–60.
- ²⁶ With the benefit of hindsight, the Kosovo Review may not have been the best case upon which to model a security sector review. Although the review was concluded in January 2006, it was plagued by problems over organisations, funding, competing agendas and organisational difficulties. There was also criticism of its lack of review of ongoing programmes. The final impact of the review was also probably less than its architects would have hoped. The final report was released quietly and little action has arisen from it. Anthony Cleland Welch, 'A Security Sector Review in Kosovo – An Holistic Approach to SSR', in *Security Sector Reform in South East Europe – From a Necessary Remedy to a Global Concept*, eds Anja Ebnoether, Ernst Felberbauer and Mladen Staničić (Vienna and Geneva: Austrian National Defence Academy/DCAF, 2007): 43–57; Eric Scheye, 'UNMIK and the Significance of Effective Programme Management', in *Security Sector Reform and UN Integrated Missions: Experience from Burundi, the Democratic Republic of Congo, Haiti, and Kosovo*, eds Heiner Hänggi and Vincenza Scherrer (Geneva: LIT/DCAF, 2008).
- ²⁷ E-mail communication with member of assessment team, May 2009.
- ²⁸ UNSC Res. 1704 4(e), 25 August 2006.
- ²⁹ A bureaucratic 'home' for security sector reform was not created until 2008 with the creation of a small security sector reform team at UN headquarters.
- ³⁰ See International Crisis Group, *Managing Timor-Leste's Crisis* (International Crisis Group, 2006). This was despite a 2006 mandate implementation plan that set out six tasks.
- 1) Maintaining close contact with the government in developing the terms of reference of and then implementing the comprehensive review of the sector.
 - 2) Monitoring and analysing developments within the F-FDTL and the PNTL, including the attitudes of the F-FDTL high command to key state actors and to other elements in the security sector, including the petitioners and their military supporters, and to the PNTL.
 - 3) Monitoring the government's political and policy responses to the ongoing crisis in the F-FDTL and consulting with the government on its intentions in these areas.
 - 4) Liaising with bilateral partners on the possible role of the UN in assisting the process of reform within the security sector; providing advisory capacity to the F-FDTL and the Ministry of the Interior (MoI).
 - 5) Coordinating the various adviser and training programmes.
 - 6) Supervising the advisers in the MoD and the MoI.

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- ³¹ No individuals involved in the process could recall any subsequent discussions as to what these advisers would specifically do. The job descriptions for the posts were eventually written by a member of the DPKO in New York who had been tasked with organising the Secretary-General's report on security sector reform.
- ³² Some members of the government are privately dismissive of the aptitude and quality of much of the SSR advice they receive; one senior figure has articulated concerns in public. In an article published in Tetun, Indonesian and English in August 2009, Secretary of State for Defence Julio Tomas Pinto was highly critical of SSR efforts. See 'Facing Challenges, Achieving Progress in Timor-Leste', available at <http://temposemanaltimor.blogspot.com/2009/08/ssr-in-timor-leste.html>.
- ³³ For more on the police reform process in Timor-Leste since 2006 see Gordon Peake, 'Police Reform in Timor-Leste: A Difficult Do-Over', in *Policing Developing Democracies*, eds Mercedes Hinton and Tim Newburn (London: Routledge, 2008); Bu Wilson, 'Smoke and Mirrors: Institutionalising Fragility in the Policia Nacional Timor-Leste', in *Democratic Governance in Timor-Leste: Reconciling the Local and National*, ed. David Mearns (Darwin: Charles Darwin University Press, 2008): 98–115; Andrew Goldsmith and Sinclair Dinnen, 'Transnational Police Building: Critical Lessons from Timor Leste and Solomon Islands', *Third World Quarterly* 28, no. 6 (2007): 1091–1109.
- ³⁴ The International Crisis Group quoted former Minister of Defence Roque Rodrigues: 'I was a bit surprised with the arrogance of UNMIT, saying this person go to ministry of defence as adviser, this person go to ministry of interior... Foreigners do not understand the cognitive style of the Timorese. We Timorese have to work out our learning style.' International Crisis Group, note 30 above.
- ³⁵ There are five members of the project board, three from Timor-Leste and two from UNMIT. The three Timorese members are Francisco da Costa Guterres, secretary of state for security, Roque Rodrigues, adviser to the president, and David Ximines, ranking member of the opposition party FRETILIN on Parliamentary Committee B.
- ³⁶ See <http://unmit.unmissions.org/Default.aspx?tabid=179>.
- ³⁷ Copy of project board minutes on file with author.
- ³⁸ Jim Della-Giacoma, 'The UN's Lame Security Sector Review for Timor-Leste', *Lowy Interpreter*, February 2009.
- ³⁹ This is the phrasing used to situate the project when vacancies are posted. See, for example, the job advert posted on Relief Web for a international project assistant, UNDP Security Sector Review Project, Timor-Leste, Ref: RW_7T62BQ-28, available at <http://www.reliefweb.int/rw/res.nsf/db900SID/OCHA-7T62L̄K>.
- ⁴⁰ Comments at development partners' meeting, Working Group 5, 14 May 2009.
- ⁴¹ New Zealand's focus is on developing 'community policing' approach within the PNTL through its UNPOL contingent. It also provides five military advisers to F-FDTL. Portugal also gives assistance to F-FDTL.
- ⁴² Discussions with capacity-building adviser, Dili, 17 March 2009.
- ⁴³ *Organic Law of the Ministry of Defence and Security* – Decree-Law 31/2008, 13 August 2008; *Organic Law of the PNTL* – Decree-Law 9/2009, 18 February 2009, with Rectification 1/2009, 8 April 2009; *Salary Regime for the PNTL* – Decree-Law 10/2009, 18 February 2009, with Rectification 2/2009, 8 April 2009; *Promotion Regime of the PNTL* – Decree-Law 16/2009, 18 March 2009; *Commission of Promotions for PNTL* – Resolution of the Government 1/2009, 18 February 2009; *Appointment of the*

Commander-General and Second Commander-General of PNTL – Resolution of the Government 3/2009, 26 March 2009; *Evaluation Commission of PNTL* – Resolution of the Government 5/2009, 1 April 2009; *Commission for the Negotiation of the New Supplemental Arrangement* – Resolution of the Government 4/2009, 1 April 2009.

Part III

Conclusion

Chapter 10

Security Sector Reform in Challenging Environments: Insights from Comparative Analysis

Hans Born

Introduction

The objective of this volume is to assess the obstacles and opportunities in implementing security sector reform (SSR) in environments that are barely conducive to ideal-type SSR. In order to assemble lessons learned from efforts to reform of the security sector, this book considers SSR efforts in countries plagued by conflict in Africa, Asia, Europe and Latin America. The case studies included in this volume are the Central African Republic (CAR), Colombia, the Democratic Republic of the Congo (DRC), Georgia, Morocco, Nepal, Sri Lanka and Timor-Leste.

The introductory chapter discussed the scope and content of ‘ideal-type’ SSR. According to the UN Secretary-General’s recent report on SSR, the security sector includes defence, law enforcement, prisons, intelligence services and institutions responsible for border security, customs and civil emergencies. In addition, components of the judicial sector are often included. Furthermore, actors that play a role in the oversight of the security sector, such as ministries, legislative bodies, ombudsman institutions and civil society groups, are included. Other non-state actors that could be considered part of the security sector include customary and informal authorities and private security services.¹ The reform of this sector refers to a process of review, implementation, monitoring and evaluation of the security sector, aiming at improving effective and accountable security for both the state and the people, with respect for human rights and the rule of law.²

This comprehensive approach to SSR, as formulated by the United Nations, is used as a benchmark for the analysis of SSR in the country case studies of this volume. Based on this approach, experts familiar with SSR in the countries listed above have addressed four themes: insights into SSR

activities and processes; challenges and obstacles to SSR; opportunities and entry points to conduct SSR; and recommendations for improving SSR. This concluding chapter presents the main findings of SSR in each of the country case study chapters along the four themes.

Insights into SSR Activities and Processes

In each of the case studies, authors were asked to contrast security sector reform activities and processes on the ground with the ‘ideal-type’ SSR as approximated by the UN. While using the UN approach to SSR as a benchmark, several conclusions can be drawn concerning the scope and nature of SSR in the context of post-conflict and transition states. The first conclusion refers to the partial nature of SSR, i.e. SSR initiatives tend to be narrowly focused upon specific components of the security sector, notably the military. The second conclusion relates to the limited focus of SSR in terms of the aims of reform efforts. In the reality of post-conflict and transition states, the focus of SSR is predominantly on making the security sector more effective but not necessarily more accountable. The third conclusion relates to the SSR processes, i.e. gaps or problems in the occurrence and sequencing of SSR activities. These conclusions will be briefly discussed below, and reflect the findings from the eight case studies of this volume as well as the practitioner survey reported on in the introductory chapter.

The Partial Nature of SSR Activities

In most of the case studies, the reform efforts of national authorities and the international community did not entirely resemble the UN comprehensive approach to security and SSR. On the contrary, in most of the case studies the contributing authors highlighted a focus on the traditional, military elements of security. In particular, SSR mainly (but not exclusively) focused on the military in the cases of Colombia, the DRC, Nepal and Sri Lanka. All these countries have been or currently are involved in a civil war in which the military was the dominant actor in the fight against rebel groups. In Colombia and Sri Lanka, the reform efforts focused on force modernisation, training and equipment improvement in order to win the civil war. In the DRC and Nepal, where peace agreements signalled the end of protracted civil wars, reforms to the military focused on the reintegration of rebels into the state army.

The military was, however, not the primary focus of SSR in all of the countries studied in this book. In Timor-Leste, for example, Gordon Peake notes that the police received the bulk of support from the international community, indicating a strong emphasis on domestic aspects of security. In the CAR, Georgia and Morocco, a more comprehensive approach was followed, covering nearly all security-providing institutions. However, as contributing authors have noted, these efforts were not entirely comprehensive or complete. Boubacar N'Diaye argues that while national stakeholders in the CAR agreed on a roadmap for the reform of the security sector, the implementation of reforms was stalled due to internal resistance by powerful élites (an obstacle to SSR which will be further discussed in the next section). In Georgia, Duncan Hiscock notes that justice reform was seriously lagging behind and that most reform activities were rather 'sketchy', carried out in a hurried manner and neither understood nor accepted by the institutions of the security sector. Morocco is an interesting case in point, because SSR, according to Hanspeter Mattes, even though without naming it as such, was implemented from a 'whole-of-government' perspective aimed at making the entire government bureaucracy – including the security sector – more efficient and responsive to the needs of the people.

SSR activities can also be called partial because they often fail to take into consideration gender issues. The UN approach to SSR specifies that it should be gender sensitive throughout its planning, design, implementation, monitoring and evaluation phases. This includes supporting the creation of non-discriminatory security sector institutions that are representative of the population and capable of effectively responding to the specific security needs of diverse groups, including preventing and addressing sexual and gender-based violence. Contrary to UN directives, SSR practices in some case studies of this volume were characterised by 'gender blindness'. Caty Clément used this term to describe the situation in the DRC, i.e. impunity for members of the security services who have committed gender crimes, the neglect of women as primary victims of the security forces and the under-representation of women in the security sector. Clément mentions that gender issues were not initially included on the SSR agenda, but that this has recently begun to change with increased international attention to the high rates of sexual violence against women in the DRC. The UN has appointed a special adviser on sexual violence in the DRC; the EUSEC DR Congo mission employed a gender specialist; and a focal point for gender violence was appointed in the DRC Ministry of Defence. However, according to Clément, the impact of these measures was rather minimal and they have not been effective in preventing gender-based violence. Similarly, in the case of

the CAR, according to N'Diaye, civil society organisations complain about continued impunity of perpetrators of human rights abuses and the continued neglect of victims of past violations. Including a focus on preventing and addressing sexual and gender-based violence is an important first step towards eliminating 'gender blindness' in SSR, but it is far from the comprehensive approach towards integrating gender issues outlined in the UN Secretary-General's report on SSR.

As a preliminary conclusion, SSR as discussed in these eight chapters can be called partial because in most cases there was a heavy or even exclusive focus on one or two components of the security sector, often the military. In addition, gender was not always effectively mainstreamed in SSR in the countries included in this volume.

It is also noteworthy that intelligence services, as one of the elements of the security sector, hardly received any attention in the case studies examined because reforms to intelligence were marginal or non-existent within the broader context of SSR in the countries studied. Probably intelligence services were not included in SSR efforts for at least two reasons. Firstly, domestically, as some of the case studies in this volume show (for example the CAR), intelligence services are often a personal tool of the president. Intelligence services are used to maintain the regime, to secure the personal security of the president and to 'punish' political opponents of the president. According to N'Diaye, intelligence officials have great difficulty in making a distinction between threats to national security and political opponents, which are in their view synonymous concepts. Since reformed intelligence services function on the basis of the rule of law and are subject to various accountability and transparency control mechanisms, reform of intelligence services would involve the risk that the president would be deprived of intelligence as his personal base of power. This might explain domestic resistance against reforming intelligence services in post-conflict and transition states.

A second reason lies with the international community. Intelligence services are a very sensitive and secretive area of government activity. Often donor states' involvement in intelligence assistance aims at building up operational capacity and is not part of donor aid or multilateral SSR efforts, but takes place on the basis of bilateral or multilateral cooperation between services. Perhaps the sensitivity of intelligence work explains why the UN report on SSR explicitly mentions that the organisation is normally not involved in the reform of intelligence services.³

Limited Nature of SSR

While the incomplete nature of the reforms discussed above refers to the institutions that provide security, in most cases examined in this volume SSR was also limited because it did not include the strengthening of democratic institutions or the development of legal frameworks for accountability and oversight of the security sector. This observation is linked to the comprehensive approach of the UN, according to which reforms should promote not only effectiveness but also accountability in the security sector. In various case studies included in this volume, authors note that the reform of the security sector was predominantly geared towards modernisation of the sector and to a lesser degree to making it more accountable.

In the case of Colombia, Wolf Grabendorff called SSR limited because the reforms focused exclusively upon the modernisation of security sector institutions at the expense of making the sector more accountable. These modernisation plans did not include any substantial consultation with civil society and parliament, nor were they aimed at making the armed forces more accountable and responsive to parliament and civil society. Concerning the DRC, Caty Clément observes that most military missions do not include a political adviser dealing with oversight matters, while the military advisers often admitted struggling with improving political issues such as civilian oversight and control. At the same time, according to Clément, civilians in peacekeeping operations are often reluctant to deal with the military because of restrictive rules regarding what funds can be accounted for as development assistance. The case study of the DRC also reveals that strengthening oversight is not only a matter of putting laws, institutions and rules of procedure in place. Indeed, according to Clément, the DRC has oversight mechanisms in place but they are not being fully used. Morocco is again an interesting case in point, because the reform efforts were carried out without public accountability or parliamentary control. According to Mattes, the central position of the king and the authoritarian system in Morocco do not allow for greater public involvement. In the case of Morocco, it needs to be stressed that the management, control, financing, operations and appointments entirely lie within the power of the king. Any initiative to reform the security sector is carried out according to the instructions of the king. In Timor-Leste, the security-providing institutions were built up from scratch after the country became independent in 1999. However, in the first phase of SSR in Timor-Leste between 1999 and 2006, hardly any attention was given to developing a legal framework for the security sector or to subjecting the sector to executive and legislative oversight. Peake points out

that this lack of institutionalisation was one of the main factors leading to the political crisis and tragic events of 2006.

SSR Processes

While the previous two points addressed whether or not approaches to SSR have been comprehensive in terms of the range of security providers involved and the inclusion of governance structures, this section covers the process dimension of SSR. The UN Secretary-General's report notes that SSR is a process that includes review, implementation, monitoring and evaluation. Because the case studies do not cover all SSR activities and processes, preliminary conclusions can only be drawn in relation to the incomplete nature or even absence of a security sector review (which, among others, evaluates the strengths and weaknesses of the security sector in a given country), and the sequencing of SSR activities.

Firstly, while the UN report on SSR mentions a security sector review as the first SSR activity,⁴ only in four case studies was reference made to the conduct of such a review: in the DRC, Sri Lanka, the CAR and Timor-Leste. While the other case study authors do not mention an SSR review, as it was not significant or not conducted at all, in the case of these four states the security sector review was either partial (only focusing on the military in the DRC and Sri Lanka), proposed but not conducted (Timor-Leste) or conducted but its recommendations were not implemented (the CAR).

In the case of the DRC, Clément mentions that the EUSEC mission undertook a review of the armed forces. On the basis of an operational audit, it identified the main weaknesses of the armed forces, such as poor working and living conditions in the barracks, corruption and a lack of centralised information. Following the audit, practical solutions were proposed to address these weaknesses. While these types of operational audits are extremely central to efforts to professionalise or modernise the armed forces, however, they cannot be qualified as a security sector review because only the military was involved and no attention was given to oversight and accountability in the security sector.

Similarly, a review was conducted in Sri Lanka, not only dealing with operational aspects but also with the institutional framework of the armed forces. Eleanor Pavey and Chris Smith analyse the functioning of the Defence Review Committee. Following the 2002 cease-fire agreement, the Sri Lankan prime minister took steps to undertake a review of the armed forces. A retired chief of army staff was appointed to head the committee, which was mandated to review the high-level defence organisation, the legal

framework applicable to the armed forces and the future roles and missions of the armed forces. However, due to domestic political struggles between the president and the prime minister (coming from two different political parties), the work of the committee was aborted before it could finish its task.

In the case of the CAR, two nationwide events (seminars and roundtables) involving all major stakeholders were organised to examine SSR and develop a roadmap for future reform. As part of these national meetings, specific committees were formed to examine various areas of the security sector. These committees were quite inclusive, as they involved all major stakeholders, including representatives of civil society. The committees conducted hearings and received testimonies of high-ranking military and civilian officials. The review resulted in a roadmap that put forward a list of actions and a timetable concerning the future reforms of the security sector. However, N'Diaye notes that many elements of the roadmap were not implemented due to opposition from the political and security leadership (see section below). Therefore, the CAR presents a situation in which a review was conducted but not followed up.

In the case of Timor-Leste, after the 2006 crisis in which large parts of the security institutions collapsed and the country was on the brink of a civil war, the UN recommended conducting a comprehensive SSR review of the future roles and needs of the security sector with the aim of institutional capacity-building. However, after the UN proposed to conduct the SSR review in agreement with the then government in 2006, presidential and parliamentary elections were held in 2007 leading to a new government. The newly elected government was not interested in conducting the SSR review, as it was perceived as a leftover from the previous government. As a consequence, the SSR review has been delayed up to this day.

The three examples of Sri Lanka, the CAR and Timor-Leste, as mentioned above, are illustrations of how political parameters have shaped or even stalled SSR efforts. Political disagreements, changes of governments or fear that SSR would erode one's power base (see section below) have shaped or even (partly) blocked SSR.

Secondly, in terms of SSR processes, some observations can be made in relation to the sequencing of activities. Several contributing authors mention that the reform of some security sector institutions sometimes lags behind the reform of others. Hiscock reports that judicial reform in Georgia has moved more slowly than defence and police reform. The consequence is that an unreformed justice sector (e.g. too little capacity, corruption) creates bottlenecks that are detrimental to the performance and progress of other

security sector actors. For example, the police require a functional judiciary if their law enforcement efforts are to be successful. A similar observation was made by Grabendorff in the case of Colombia, where criminals could continue their criminal practices in overcrowded and badly managed prisons.

More generally, one can observe that reform of security sector oversight institutions often lags behind the reform of security-providing institutions. Indeed, various case study authors report that most reform activities are aimed at modernising, training and equipping the institutions that are tasked with providing security (in the DRC, Morocco, Colombia and Sri Lanka). Perhaps this approach is understandable, because after a crisis or civil war people want the return of security and stability and, hence, the major focus on making security-providing institutions more effective. Another explanation might be that the development of legal frameworks and good governance (on all its levels) is a longer process and is inextricably linked to broader democratisation processes. Moreover, donor states often prioritise the development of operational capacity for their own reasons, as they want to see security forces in place that combat organised crime and terrorism, which in turn might affect their own national security concerns.

However, there is a risk that if, in the long run, reforms to develop operational capacities of the security sector are not embedded in a strong institutional and legal framework, the components of the security sector will set their own priorities or will be misused by the individuals or parties in power. On the other hand, an unaccountable security sector can lead to uncontrolled security actions and spending, to the detriment of other societal priorities. Neglecting or delaying the reform of the oversight institutions creates the danger that short-term security is traded off for long-term security and stability.

Challenges and Obstacles to SSR

The previous section concluded that SSR is often conducted in a partial and limited manner, focusing on modernising the armed forces, with little attention paid to strengthening the institutional and legal framework that underpins accountability and good governance in the security sector. It also suggested that in many cases security sector reviews are either incomplete or not conducted at all, and when reviews are undertaken they are rarely followed up by concrete measures to implement their recommendations. This section will explore why this is the case, and on the basis of the case studies contained in this volume, some of the principal challenges and

obstacles to conducting 'ideal-type' SSR will be examined. Based on a comparative analysis of the eight country case studies, the following obstacles to the implementation of 'ideal-type' SSR can be identified: ongoing and past conflicts negatively influence SSR; implementation of SSR is hindered by the resistance of powerful domestic élites in and outside the security sector; there is a lack of accountability to and oversight by parliament, courts and civil society; insufficient attention is paid to the gender dimension of SSR; and many programmes are characterised by a lack of donor coordination.

The Impact of Conflict on SSR

During the writing of the case studies, a conflict was still ongoing in Colombia (five decades of armed conflict!), the DRC (eastern part) and Sri Lanka (military defeat of the Tamil rebel forces in May 2009). The ongoing conflicts have put the security sector in these countries under great strain, as they are faced with the dual task of reforming and waging war at the same time, as observed by Clément in the case of the DRC. An ongoing conflict has a significant impact on SSR in many ways.

Firstly, in the case of intrastate conflicts, governments want to regain control over their entire territory and defeat the rebel forces through military force. In these contexts most reform efforts are geared towards training and equipping the armed forces, with less attention being given to other security-providing institutions or making the security sector more subject to accountability and oversight. Not surprisingly, the primary goal of the military modernisation programmes that took place within the context of an ongoing conflict was to make the armed forces more effective. Consequently, in several of the cases examined in this volume, the armed forces grew considerably in size and absorbed a disproportionate amount of public funds. For example, according to Pavey and Smith, in Sri Lanka the size of the armed forces grew from 95,000 soldiers at the end of the 1990s to over 200,000 in 2008. This reinforced the military's dominance among other security forces and buttressed its position of power *vis-à-vis* the political leadership. This greater power base of the armed forces limits the leverage of the political leaders to conduct reforms which might be painful in the eyes of military commanders, such as budget decreases, lower ceilings of manpower or a more limited mandate.

Secondly, another consequence of ongoing armed conflict is that the armed forces often receive greater powers, for example the power to declare a state of emergency in certain parts of the country and law enforcement

powers. Moreover, in the cases of the DRC and Sri Lanka a combination of ongoing conflict, a lack of civilian oversight and the use of greater powers has led to systematic human rights violations.

Regarding Nepal after the end of the civil war, Bishnu Raj Upreti and Peter Vanhoutte mention that a major complicating factor is that SSR is part of wider peace and state-building. In post-conflict societies a wide array of peacebuilding and state-building as well as democratisation processes are undertaken concurrently. Indeed, SSR does not take place in a vacuum but is part of these wider processes. SSR is only one of the many reform processes competing for attention and resources from national and international stakeholders. The fate of SSR processes is inextricably tied to the broader democratisation processes because it needs a functioning parliament, civil society and judiciary. Most case studies in this volume show that parliaments, courts and civil society were either dysfunctional or non-existent during times of conflict or authoritarian rule – as opposed to the executive and the security-providing institutions, which functioned without interruption. Therefore, in many post-conflict societies, parliament and civil society are rather weak and not capable of fulfilling their roles as foreseen in ‘ideal-type’ SSR. Building up parliamentary oversight and civil society cannot be put into place with laws and rules of procedure only; it takes a long time to foster a tradition and culture of accountability.

The Political Nature of SSR

From all the country case studies it emerges that SSR is an inherently political process which can be hindered or blocked in at least two different ways: national élites perceive and use the security sector as a power base for their position in government; and governments in post-conflict situations are often very fragile, which weakens the prospects for or even blocks SSR.

Firstly, because many national élites use the security sector to support and preserve their positions of power, they are only likely to engage in SSR if it does not deprive them of their control of the security sector. Some of the case studies (e.g. the DRC and the CAR) show that, in order not to lose their control over the security sector, government leaders are reluctant to subject the sector to public accountability and transparency mechanisms, as it would imply sharing their exclusive control of the security sector with other stakeholders. In lieu of democratic accountability and civilian control over the security sector, political leaders develop alternative control strategies. One strategy is to build up a strong presidential guard that guarantees the personal security of the president, as is the case in the DRC and the CAR.

The presidential guard reports directly to the president; it is better equipped and paid more than rank-and-file armed forces personnel. The presidential guard signifies an alternative system of checks and balances, based on the use of force. Clément reports in the case of the DRC that the stand-alone character of the Presidential Guard (and the president would like to keep it that way) has hindered legal reform of the defence organisation. Another alternative control system can be called the ‘ethnic manipulation of the security sector’, as illustrated by N’Diaye in the case of the CAR. This strategy implies that key positions are filled by individuals coming from the same ethnic group. Alternatively, key positions are given to those armed groups that have helped the president or other national leaders into power. In return for this support, these groups are rewarded with key positions in the security sector. N’Diaye mentions that these strategies lead to the personalisation of security and are therefore detrimental to the democratisation of security. Ideal-type SSR requires recruitment, selection and promotion on the basis of professional criteria as well as public accountability, which would undermine these alternative control strategies. This is one of the explanations of why it is so difficult to set up independent oversight and accountability structures.

Secondly, post-conflict states are often plagued by numerous instances of political deadlock and stalemate situations causing SSR activities to be delayed or halted, as illustrated by the case studies on the DRC, Nepal and Sri Lanka. In the case of the DRC, Clément notes that post-conflict governments have been rather unstable because they have had to share the political control over the security sector with the leaders of other (former rebel) armed factions. Each of these armed factions is struggling for power in the newly brokered peace deal, preventing a meaningful long-term discussion to reform the security sector on the basis of professional criteria, subjection to the rule of law and democratic oversight.

Like in the DRC, former warring parties formed a government after a peace agreement was reached in Nepal in 2006. In 2009, as Upreti and Vanhoutte note, the Maoist prime minister lost his confidence in the chief of the army staff (who was one of his former opponents) and fired him. The president, however, who belongs to the opposition party, reinstated the chief of the army staff, leading to a political crisis that blocked all reforms, including those in the security sector.

Also in the case of Sri Lanka, as discussed by Pavey and Smith, the work of the Defence Review Committee was aborted because of a political controversy regarding whether the prime minister or the president (belonging to different political parties) should be commander-in-chief.

Lack of Accountability

While in the UN approach accountability plays an important role in SSR, the case studies in this volume illustrate that parliament, the justice sector and civil society are often unable or unwilling to hold security sector actors to account.

The problematic and marginal functioning of parliaments, courts and civil society, three key oversight institutions, hinders SSR for at least two reasons. Firstly, ineffective oversight institutions are a barrier in achieving an accountable security sector, one of the main objectives of any SSR process. Secondly, the non- or malfunctioning of parliament, courts and civil society is problematic because no oversight mechanisms exist to monitor independently the progress (or lack thereof) in the reform of the security sector. Without independent oversight, no tool exists to validate the reports of government about the reform of the sector.

The country case studies assessed the problematic role of these three oversight institutions of the security sector, which will be briefly discussed below.

Armed conflict and a lack of democratic tradition often limited the role of parliament in exercising oversight over the security sector. A combination of a lack of powers, all-powerful executives, party politics, a culture that sees security as an executive prerogative and faulty procedures and structures within parliament leads to a situation where parliaments are no match for the executive and its security apparatus. In the case of the CAR, N'Diaye notes that the constitutions of francophone African states in general typically prescribe that parliaments have full law-making powers as well as the power to control the government, including the area of defence and security. In practice, however, due to long periods of single-party rule and the concentration of power in the hands of the president, there is a tradition of excessive deference to the executive. Also in the case of the DRC, as mentioned by Clément, parliamentary involvement and control over national security issues have always remained minimal. While Morocco has a parliament, all powers and initiatives to reform the security sector lie in the hands of the king himself. For example, the king personally appoints all key commanders in the security sector. Indeed, given the nature of the political system in Morocco, Mattes is very sceptical that parliament will play a strong role in SSR in the near future. In Sri Lanka, Pavey and Smith mention that the government has been able to undermine the position of the legislature. Emergency regulations have given the government the power to adopt and enforce laws without parliamentary approval. Additionally, the

president was able – without any role for parliament – to make unilateral appointments to the security-providing institutions, the civil service, the Supreme Court and judicial bodies, thereby strengthening the allegiance of these institutions to the president personally. But Pavey and Smith note that parliamentarians do not have the necessary knowledge and information to fulfil their constitutional duty to control the security sector. Only very few parliamentarians have sufficient expertise to oversee various aspects of the sector. In Sri Lanka, the lack of parliamentary knowledge of security issues and the erosion of the role of parliament due to the prolonged state of emergency mean that the parliament is not able to monitor, let alone initiate, SSR. In Georgia, Hiscock mentions that the role of parliament is seriously curtailed because it is dominated by the pro-government movement. For example, only one member of the Defence and Security Committee belongs to the opposition party, which clearly limits the extent to which the committee will hold the government accountable.

In the case of Colombia, Grabendorff observes that no parliamentary defence and security committee exists. Without a specialised committee dealing with national security, it is very unlikely that parliament would be able seriously to study, scrutinise and debate proposals coming from the government. The passive role of parliament in security sector issues reflects a culture of deference to the president and the security-providing institutions themselves. Parliamentarians in Colombia are rather reluctant to deal with security matters, as it is one of the most sensitive areas of the Colombian state. According to Grabendorff, it is unlikely that this culture will change until the conflict in Colombia is ended.

Civil and military justice systems can play an essential role in countries where soldiers were involved in grave human rights abuses during a past civil war. Effective justice systems can be important tools to prosecute soldiers who have committed crimes, and thus restore the trust of the people in the security sector as an important area of the government that respects the rule of law and human rights. Some country case study authors, like N'Diaye, have mentioned that justice reform is a cornerstone of SSR. However, in many of the countries discussed in this volume, justice systems are unable to play an effective role in security sector governance due to a lack of adequate infrastructure, offices and equipment; poor training; insufficient staff; and, most importantly, corruption and a lack of independence of judges and prosecutors. For these reasons, in various countries under study the justice sector was not capable of prosecuting human rights abusers. Reforms of the justice sector are either not given a high priority (as is the case in the DRC) or are lagging behind other reforms

(as was the case in Georgia). In some instances, as mentioned before, for example in Colombia, the correctional facilities are overcrowded and not effectively managed, with the result that criminal groups continue their illegal activities in prison, using the traditional way of corruption.

Civil society plays only a marginal role in security sector reform and governance in the countries studied in this volume. In Sri Lanka, for example, Pavey and Smith mention that the government has curbed the activities of international and national NGOs. International NGO staff are not allowed to stay longer than three years in the country; national NGOs are intimidated and harassed if they criticise the government. Furthermore, the government has installed a special committee that monitors all NGO activity and their finances. NGOs have to pay a special tax, and their funds can be appropriated by the committee. In Georgia, since the 'Rose Revolution', civil society has become increasingly marginalised after prominent members of civil society organisations started working for the government. Hiscock mentions that other more critical NGOs are seen to be linked to political opposition parties, and therefore the impartiality of their reports and critiques is disputed. While civil society in the CAR is robust and vocal, according to N'Diaye, civil society leaders were disappointed that their participation in the national seminars that discussed reforms of the security sector was limited to a symbolic role aimed at giving the impression of inclusiveness to external stakeholders. In reality, civil society was not able to influence the decisions taken by the government.

Lack of Donor Coordination

While donor aid most certainly can provide a window of opportunity for conducting SSR (see next section), a lack of coordination often resulted in suboptimal SSR, i.e. the absence of a common approach to SSR as well as other problems in large-scale reform projects that would have necessitated close coordination between donors. In the DRC, donor coordination is particularly essential because the problems of the DRC are simply too large and complex (and geographically widespread) to be addressed by any single donor. Clément reports that most donor countries have officially underlined the need for harmonisation of their SSR initiatives, but nevertheless, most aid has been delivered bilaterally. The problems were compounded because donor states, in particular from different regions, have diverging views and understandings about the role and reform of the security sector. In the case of the DRC, geopolitics between donor countries from Northern America, Western Europe, China and Africa made clear that lack of coordination is

not only a matter of insufficient communication but also of diverging strategic interests. Lack of donor coordination was also reported by Peake in the case of Timor-Leste, where the lack of an overarching concept of SSR resulted in a sectoral approach by donor states, not driven by a common approach to SSR and possibly led by the UN.

Opportunities and Entry Points to Conduct SSR

While many factors serve to hinder or limit SSR in post-conflict and transition states, analysing the case studies included in this volume one can also distinguish various enabling factors that have facilitated SSR. Three enabling factors were recurring themes in various country case studies: peace agreements as an entry point for SSR; engagement of external actors; and domestic drivers.

Peace Agreements

In the case of the CAR, the DRC, Nepal and Sri Lanka, the authors mentioned that peace agreements provided an entry point for SSR. While the peace agreements formed a starting point for reforms in these countries, they focused almost exclusively upon the military only, and not the wider security sector. The following case studies illustrate this point.

In the case of the CAR, while the Libreville Agreement does not mention SSR as such, it provided the basis for a politically inclusive dialogue that involved all major stakeholders, and aimed for a crisis-ending agreement including SSR-related issues. In the case of the DRC, Clément notes that the inclusive peace agreement of 2002 has an entire chapter dealing with SSR, with provisions for the formation of a national army that includes all of the country's major rebel groups; the establishment of a supreme defence council; the provision of security for the leaders during the transition period; and placing the Congolese security forces under the leadership of an interim defence and security committee. Clément notes that these provisions are predominantly focused upon the armed forces, and are not representative of a comprehensive approach to SSR.

In the case of Sri Lanka, Pavey and Smith note that the signing of the 2002 cease-fire agreement between the government and the Tamil Tigers provided the opportunity and political space for the then prime minister to order a defence review in 2002. However, the review could not be concluded

because of domestic political disagreement between the prime minister and the president (both belonging to different parties, see above).

Although the Comprehensive Peace Agreement (CPA) and interim constitution in Nepal do not address SSR in a holistic way, they nevertheless contain important SSR provisions. In particular, the CPA stipulates the ‘democratisation of the armed forces’, e.g. the enactment of a new military law; establishing civilian supremacy over the armed forces through the Council of Ministers; the preparation of an action plan to democratise the armed forces; and the provision of human rights training to members of the armed forces. On the other hand, unfortunately, neither the CPA nor the constitution addresses the need for a comprehensive SSR or the adoption of a national security policy. Significantly, reform of the civilian police was not part of the agenda of the CPA, according to Upreti and Vanhoutte. Therefore, the CPA and constitution were specific and instrumental in some but not all institutions of the security sector.

While the peace agreements in the aforementioned case studies were predominantly dealing with the military, they demonstrate that peace agreements can provide entry points and opportunities for the future reform of the security sector, which will be further elaborated in the last section on recommendations for improving SSR.

External Actors

Various case study authors have mentioned that both cooperation with international organisation and donor aid have played a positive role in the conduct of SSR in post-conflict states. These two enabling factors will be briefly discussed below.

Georgia and Morocco are two countries included in this volume that undertook reform measures as part of cooperation with international organisations. In the case of Georgia, Hiscock mentions that the government’s enthusiasm for SSR was driven by the motivation not only to reform the security sector but also the prospect of becoming a member of the EU and NATO. The reforms in Georgia were positively influenced by the fact that the EU and NATO have set up roadmaps and stipulated clear goals for reforms which were supported and sustained over an extended period of time. Morocco is another case in point. Morocco has a long-standing policy of rapprochement towards the European Union as an important political, economic and development partner. According to Mattes, SSR in Morocco was also positively influenced by the creation of an institutional and legal framework as part of the closer cooperation between Morocco and the EU.

Secondly, donor states played a positive role in SSR. In the case of the DRC, Clément mentions that SSR received additional support in 2005 from donors who came to the conclusion that further development and state-building would be endangered by a lack of progress in SSR. This was an important breakthrough, because previously donors and the development aid community stayed away from SSR due to concerns that they would be implicated in the training of ‘tomorrow’s killers’. These concerns in combination with the need for SSR coincided with the decision of the OECD to include strengthening of civilian aspects of SSR in its definition of official development aid (ODA) in 2005.⁵ The inclusion of the strengthening of good governance, democratic institutions and civilian capacity-building within the security sector can be seen as an acknowledgement by the development community that SSR is necessary, but should be embedded in an institutional and legal framework in order to ensure accountability and a commitment to the rule of law and human rights.

Colombia presents an interesting case of donor conditionality. Colombia was the recipient of an extensive US military aid programme (Plan Colombia). As part of the modernisation programme for the Colombian armed forces, the US insisted on greater transparency, oversight and respect for the rule of law. According to Grabendorff, as a consequence the accountability and transparency of financial management within the armed forces have greatly improved due to the need to demonstrate such improvements to the US as an external donor. While the US assistance programme was primarily aimed at the modernisation of the military, one can imagine that the insistence of the US for more accountability and transparency of financial management was a way to ensure that donor money was accounted for and minimise the risk of corruption and/or that funds would be diverted to other activities.

Domestic Drivers

SSR also needs to be based on domestic commitment and willingness to implement it. Analysing the country case studies in this volume, various drivers can be distinguished that created momentum, space or necessity, or guided SSR. These drivers are any financial crisis that necessitated downsizing and the creation of a more efficient security sector; domestic political commitment to change; specific security problems, such as rising crime, that necessitated the provision of more effective security; and people’s movements or civil society that pressed for reforms. These drivers will be briefly commented upon.

Firstly, economic crisis and unsustainably large budgets for the security sector were mentioned as an impetus for change in various case studies included in this volume. Because of the financial imperatives, governments are forced to downsize the security sector to ensure that spending is commensurate with a country's financial resources. Pavey and Smith argue that the government of Sri Lanka will find it very difficult to justify the very high defence expenditures to external donors in the context of inflation, public debt and the global financial crisis. Equally, Upreti and Vanhoutte mention that the fragile state of the Nepalese economy cannot sustain the high expenditures for its large armed forces. Morocco was subject to an economic crisis and the International Monetary Fund's structural adjustments, which threatened the social stability in the country. In order to reconcile the people with the financial sacrifices, according to Mattes, the king initiated reforms of the government apparatus – including the security sector – in order to make his government more efficient and more responsive to the people's needs. The reforms of the government and ultimately the security sector need to be understood as an attempt by the king to reach a new social pact between himself, the government and the people. In sum, the examples of Sri Lanka, Nepal and Morocco illustrate that economic crises can create the necessity for governments to initiate reforms.

Secondly, because sustainable SSR cannot be undertaken by external actors alone, domestic political will and commitment are crucial to sustainable SSR. As mentioned before, the political nature of SSR can be a disabling factor if domestic leaders are not interested in undertaking reforms. In various post-conflict countries included in this volume, national political leaders are not interested in SSR either because of fear that it would deprive them of a power base (the DRC and the CAR) or because they do not have the expertise to initiate change (e.g. the parliament in Sri Lanka). In that context, it is interesting to analyse the position of the king of Morocco, who personally initiated the changes and took measures to reform the security sector, including the adoption of new laws, outlining new organisational structures and appointment of reform-minded commanders and directors in the security sector. Without the king's authority and prerogative, these reforms would have been hard to achieve. In this sense, the king of Morocco illustrates that reforming security institutions is not only a matter of technical activities, but also a process that needs to be managed and guided by national leaders who are committed to change. In other words, not only structures matter, so do individuals.

Thirdly, rising crime and the need for the security sector to be more effective are another entry point for SSR. In Colombia, the growing intensity

of the conflict and the increasing importance of drug production and trafficking started to have a negative impact on the civil war. One of the government's motivations to start the reforms was the necessity to deal more effectively with the rising rate of organised crime and its spill-over effects in the ongoing conflict. Equally, in Morocco, a rise in organised crime and drug trafficking combined with illegal migration forced the government to initiate a programme of security sector reform. According to Mattes, the king was convinced that these high crime rates threatened domestic stability and therefore he ordered various reform measures to be taken to make the police, armed forces, penal system and justice sector more effective, as well as measures to protect citizens against abusive action from the security forces. An additional complicating factor was that some members of the security sector were involved in crime, which needed to be addressed as well.

Fourthly, in spite of the government's measures to curb the freedom of speech in Sri Lanka, Pavey and Smith argue that Sri Lanka's civil society has been and continues to be vocal. NGOs are active as watchdogs monitoring the security sector, although they were not able to influence the government's national security policy. In addition, NGOs have exerted pressure on the government and raised awareness about the need for the armed forces and police to respect the rule of law and human rights in Sri Lanka. In Nepal, a popular uprising (people's movement) has led to a change of government in 2006. Because of the suppressing role of the security forces in the people's movement in 2006, strong public pressure exists to reform the security sector. According to Upreti and Vanhoutte, this provides an opportunity and public backing for conducting SSR in Nepal. In the CAR, N'Diaye argues that civil society is robust, active and was involved in various activities to address the country's problems, including the need to reform the security sector. But while civil society leaders were involved in national dialogues and seminars on SSR, they were excluded from key decision-making processes (see before).

In summary, financial imperatives, political leadership, specific security concerns and civil society are domestic drivers that have the potential to create opportunities and entry points for conducting SSR.

Recommendations for Improving SSR

The country case studies offer useful insights about how to improve SSR processes in light of recent experiences, challenges and opportunities. Four clusters of recommendations emerge from the analysis of the case studies of

this volume: the need for a practical approach to SSR; SSR as an issue of managing change; gender mainstreaming in SSR; and dealing with the political nature of SSR.

The Need for a Pragmatic Approach to SSR

While in theory a comprehensive and holistic approach to SSR would include all security providers and oversight institutions, in practice not all institutions are covered by reform efforts of the security sector in the country case studies in this volume. Indeed, there is a discrepancy between ‘ideal-type’ SSR (as outlined in the UN Secretary-General’s report) and SSR in practice. The case studies show that SSR efforts often include only one or two security sector institutions (mostly the military and/or police), and most of the SSR efforts are geared towards making the security sector more effective and not more accountable.

How should this discrepancy be addressed? Reflecting similar sentiments described in the analysis of expert feedback in the opening chapter, some of the authors in this volume have indicated that the comprehensive approach to SSR (of the UN or OECD DAC) is perhaps ‘too unwieldy and too slow’ (Hiscock, in the case of Georgia), or that the concept needs to be trimmed down in order to make it more easily accessible and user-friendly (Peake, in the case of Timor-Leste).

When addressing the problem of ‘ideal type’ versus SSR in practice, it needs to be noted that no golden rule for implementing SSR exists. Indeed, the United Nations report on SSR acknowledges that SSR must be flexible and tailored to the country, region and/or specific environment.⁶ Since post-conflict and transition states often lack the capacity to conduct a whole-of-government reform, it is advisable to prioritise and sequence reforms of particular institutions of the security sector. The prioritisation of reform programmes should be based on a comprehensive review of the security sector. The objective of the review would be to identify the strengths and weaknesses of the sector as well as to assess the impact of advancing one institution *vis-à-vis* the other institutions. Any comprehensive review of the security sector should also take into account the political feasibility of implementing reforms (see next recommendation).

While a pragmatic approach might prioritise the reform of particular components of the security sector, it should not compromise on the main objectives of SSR, i.e. to strengthen the effectiveness and accountability of the sector.

Strengthening Accountability

Various case studies (e.g. Georgia and Timor-Leste) also point to the importance of embedding technical modernisation programmes into a wider governance programme. As mentioned before, there is a risk that modernisation programmes alone will lead to an unaccountable security sector that either sets its own priorities or is misused by individuals or parties in power. For example, experience shows that to assist a country to set up an effective and efficient intelligence service without the appropriate accountability procedure and necessary checks and balances will lead to the excessive use of special powers, violation of the human rights of citizens, corruption and the use of intelligence capabilities against political opponents. Therefore, strengthening the operational capabilities of the security sector needs to be on a par with strengthening the accountability of the sector. In terms of strengthening accountability, six levels or categories of actors can be distinguished: the security-providing institutions; the executive; the legislature; the judiciary; independent oversight bodies; and civil society. These six groups of actors form together the governance framework of the security sector. Within each of these groups, various oversight and accountability mechanisms and procedures can be established or strengthened, for example internal complaints mechanisms within the security-providing services; the executive's procedures and policies to recruit, appoint and retain the leadership of the security sector; parliamentary procedures to conduct hearings and inquiries; the capacity of civil society to carry out investigative reporting; and the possibility of ombudsman institutions to investigate failure and abuse.⁷

SSR as Managing Change

SSR refers to complex changes and transformations of large bureaucracies under difficult circumstances. Various case studies have given some insights about how to manage and conduct these processes of change. From the point of view of the management of change, two themes can be identified on the basis of the analysis of the cases studies: the need for political commitment, and establishing an institutional home for SSR.

Various case studies demonstrate that no SSR will take place without clear political commitment. If the highest political authorities in a country do not see the benefits of change or even resist it, then no change will occur. The case study of Moroccan SSR illustrates the importance of the highest political authority, in this case the king, managing change by launching a strategic

reform concept, making sure that top appointments are in line with the reforms, publicly endorsing the reforms and publicly highlighting the results achieved. If the opposite happens, i.e. if the highest political leadership is negative or ambivalent at best about the reform efforts, no high-ranking commander or director within the security sector would feel motivated to take initiative in reforming the security sector. The members of the security sector should feel supported by their political leaders to conduct the reforms.

Various case studies show that most of the reform processes take place within the institutions at the sub-sectoral level, for example reform within the armed forces, police or judiciary. In order better to manage and anticipate the linkages between these institutions, there is a need for an institutional home for dealing with the entire security sector. This entity or institutional home should be responsible for assisting SSR in terms of conceptualisation, coordination and evaluation. Two case study authors (Clément for the DRC and Peake for Timor-Leste) have described experiences with an SSR unit as part of international missions. Based on these case studies, it can be recommended that the SSR units should be multidisciplinary teams, e.g. they should include not only military officials but also experts on judiciary, police and law. Secondly, because SSR units of international missions cannot 'do SSR' but can only assist national governments in their SSR efforts, they need to pay sufficient attention to the political willingness of the interlocutors in the national government to undertake SSR efforts.

Gender Mainstreaming in SSR

Gender mainstreaming in SSR can be an effective tool to ensure that SSR processes are participatory and locally owned, and that security sector institutions are transformed into representative institutions that meet the diverse security and justice needs of men, women, girls and boys. It is also key to oversight and accountability, in order to curtail and punish sexual harassment, violence and other gender-based violence perpetrated by security sector personnel. Regrettably, as can be seen in some case studies in this volume, SSR process and activities are often characterised by 'gender blindness'. In order to mainstream gender in SSR in post-conflict and transition states, the following recommendations can be made.

Firstly, gender aspects should be an important element of a security sector review in order to assess the degree to which security sector institutions are non-discriminatory, representative and effectively responding to diverse security needs, including sexual and gender-based violence. Reviews should also address oversight and accountability for sexual and

gender-based violence perpetrated by security sector personnel. Secondly, the review process should be participatory, involving civil society organisations, including a role for national and local women's organisations. Reviews should include an assessment of internal threats to security, asking specific questions about gender-based violence, and accurately determining the security and justice needs of men, women, girls and boys. Thirdly, the review should evaluate security-related legislation, policies, protocols and practices in order to ensure that they are not discriminatory and take into account diverse security and justice needs. Fourthly, based upon the review process, support should be provided for the development of codes of conduct, sexual harassment policies, institutional gender policies and other internal policies that institutionalise gender issues and enforce zero tolerance of gender-based violence. Fifthly, recruitment processes should be gender-sensitive, including vetting for gender-based violence and establishing strategic targets and specific initiatives to increase the recruitment, retention and advancement of women and other under-represented groups in the security sector. In this context, Pavay and Smith mention that Sri Lanka is one of the rare countries in Asia that has a considerable number of women serving in its security and justice institutions. Given that many women and children have been victims of the ongoing conflict in Sri Lanka, a large number of female security and judicial personnel will, in principle, not only render these institutions more accessible to female and child victims, but will also build the potential to enhance confidence in such institutions. Based on the DRC case study, Clément mentions that gender mainstreaming should not only take place within the national armed forces of the DRC, but also among donors (in particular military attachés) and peacekeeping forces. Sixthly, in line with institutional gender policies, SSR should support the integration of gender throughout security sector institutions by training, establishing gender focal point and other institutional structures, such as domestic violence units, and instituting measures to support female retention and advancement including mentoring programmes, female staff associations and proper logistics and infrastructure for female staff. Seventhly, oversight of SSR processes should be strengthened to ensure that security sector oversight bodies (e.g. parliamentary defence committees) are gender-responsive and collaborate with relevant civil society organisations.

Dealing with SSR Politics

In essence, SSR is a highly political process which both influences and is influenced by the wider political situation, nationally and internationally. It

is important to acknowledge that SSR is not a purely technocratic exercise, but affects the power and interests of major stakeholders involved. Various case studies offer some insights about how the political nature of SSR can be addressed, i.e. the creation of political commitment, donor conditionality and peace agreements.

Reforms can only be possible if there is a sense of urgency and need for reform among governmental leaders and other relevant stakeholders. As indicated by some of the country case studies, reforms need to address real and perceived problems which are relevant for both the political leaders and the society at large. In the cases of Morocco and Colombia, an increase in crime and terrorism created the sense of urgency among political leaders to address these problems and formed an impetus to initiate major SSR programmes. Reforms should always be linked to specific problems which are urgent and relevant to political leaders.

As mentioned before, various case study countries are plagued by limited national resources and funds while at the same time being confronted with the burden of a costly and barely sustainable large security sector. Some of the case study authors (Upreti and Vanhoutte for Nepal; Pavay and Smith for Sri Lanka) mentioned in particular that the security sectors of those countries are rather large and costly compared with the limited governments funds available. Donor states might express their willingness to finance (partly) the security sector on the condition that the country undergoes SSR processes with a view of making the sector more effective and accountable. In this context, as mentioned before, in the case of Colombia, the US government as a large SSR donor requested that the modernisation of the armed forces was linked to greater civilian oversight and accountability for human rights. While the security sector in Colombia is still characterised by absence of parliamentary oversight and a limited space for the involvement of civil society, it can be seen as an example of donors' insistence on linking technical modernisation to greater accountability.

Peace agreements are another entry point for addressing the political nature of SSR. In some of the case studies the governance of the security sector (mostly the armed forces) was included in the peace agreement. In various country case studies (the DRC, Nepal, the CAR) it was mentioned that some institutions of the security sector report to one individual (head of state) or one particular stakeholder or former warring party. For example, the Presidential Guard and the intelligence services are instruments of the president of the CAR; and overall command, navy and land forces as well as military regions and senior military positions went to different former warring parties in the DRC. This *divide et impera* way of governing the

security sector reinforces former warring parties focusing on strengthening their own power base instead of on cooperation. Instead of giving each warring party the command over a security force, it might be worthwhile to explore whether it would be possible to include systems of checks and balances in the peace agreements, leading to power-sharing instead of power-separation arrangements. It would require that none of the security forces is reporting to one individual in the executive, but to more individuals or a collective such as the cabinet, subject to parliamentary oversight. In this context, Upreti and Vanhoutte recommend on the basis of experiences in Nepal that it would have been useful to negotiate at the time of the peace agreement assigning the post of chief of staff of the army to a new individual and not to pick the commanders of former warring parties as ministers or high-ranking officials in the power-related ministries. It might be difficult to gain consensus among the stakeholders, in particular when ‘spoilers’ are at the negotiating table. However, if flaws in the governance of the security sector are not addressed in a peace agreement following a conflict, they might become a real spoiler in the long run.

Conclusion

This concluding chapter presents the main findings of the comparative analysis of the eight country case studies in this volume. The main findings were grouped according to insights in SSR activities and processes; challenges and obstacles in conducting SSR in difficult environments; opportunities and entry points to conduct SSR; and recommendations for improving SSR. Perhaps the main lesson learned is that SSR is a complex and context-sensitive process, for which no golden rule exists. The case studies in this volume – as well as the results of the expert survey reported in the opening chapter – have shown that further research is still necessary in order to understand fully the processes, challenges and opportunities of turning SSR principles into practice. It is hoped that the insights delivered by the authors of this volume will contribute to closing the gap between ideal and real SSR contexts.

Notes

- ¹ United Nations, 'Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform', Report of the Secretary-General, UN Doc. A/62/659, S/2008/39, 23 January 2008, available at <http://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/62/659&Lang=E>, para. 14.
- ² Ibid., para. 17.
- ³ Ibid., para. 50.
- ⁴ Ibid., para. 17.
- ⁵ DAC Guidelines and Reference Series, *Security System Reform and Governance* (Paris: OECD, 2005), available at <http://www.oecd.org/dataoecd/8/39/31785288.pdf>: 12 and 24; DAC Statistical Reporting Directives: Addendum, DCD/DAC(2000)10/ADD1/REV1 (Paris: OECD, 2005), available at <http://www.oecd.org/dataoecd/36/13/31724752.pdf>.
- ⁶ United Nations, note 1 above, para. 45d.
- ⁷ For a full overview see OECD DAC, *Handbook on Security System Reform: Supporting Security and Justice* (Paris: OECD, 2007): 112–113.

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