

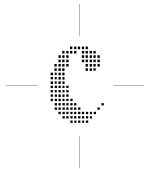
**The European Union and Internal Challenges for  
Effectively Supporting Security Sector Reform**

An overview of the EU's set-up for SSR support *anno* spring 2009

**Maria Derks and Sylvie More**

Conflict Research Unit  
Clingendael Security and Conflict Programme  
Netherlands Institute for International Relations - Clingendael

June 2009



Desktop publishing: *Fadime Koç*

Netherlands Institute of  
International Relations  
'Clingendael'  
Clingendael 7  
2597 VH The Hague  
P.O. Box 93080  
2509 AB The Hague  
Phonenumber: +31 (0)70 3245384  
Telefax: +31 (0)70 3282002  
Email: [cru-info@clingendael.nl](mailto:cru-info@clingendael.nl)  
Website: <http://www.clingendael.nl/cru>

© Netherlands Institute of International Relations *Clingendael*. All rights reserved. No part of this book may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of the copyright holders. *Clingendael* Institute, P.O. Box 93080, 2509 AB The Hague, The Netherlands.

# Contents

<b>ACKNOWLEDGEMENTS .....</b>	<b>II</b>
<b>GLOSSARY .....</b>	<b>III</b>
<b>EXECUTIVE SUMMARY .....</b>	<b>V</b>
<b>I. INTRODUCTION .....</b>	<b>1</b>
<b>II. EU SSR POLICY .....</b>	<b>3</b>
SSR POLICY FRAMEWORK .....	3
PROBLEMS WITH THE CURRENT POLICY FRAMEWORK .....	5
POTENTIAL OPPORTUNITIES FOR IMPROVING THE SITUATION .....	5
<i>The Lisbon Treaty .....</i>	<i>6</i>
<i>The ECJ ECOWAS SALW Ruling .....</i>	<i>6</i>
HOLISTIC SSR POLICY ON PAPER; NARROW IN PRACTICE .....	7
<b>III. FUNDING MECHANISMS AND ACTORS .....</b>	<b>8</b>
FINANCIAL INSTRUMENTS .....	8
<i>European Development Fund .....</i>	<i>9</i>
<i>Development Cooperation Instrument .....</i>	<i>9</i>
<i>European Neighbourhood and Partnership Instrument .....</i>	<i>9</i>
<i>Instrument for Pre-Accession .....</i>	<i>10</i>
<i>Instrument for Stability (Crisis Response and Preparedness Component) .....</i>	<i>10</i>
<i>CFSP Budget .....</i>	<i>10</i>
ACTORS IN THE FIRST PILLAR: THE EUROPEAN COMMUNITY .....	11
<i>DG RELEX - Crisis Management Policy and Financial Management .....</i>	<i>11</i>
<i>DG DEV - Management of the EDF .....</i>	<i>12</i>
<i>EuropeAid Cooperation Office - Aid Delivery .....</i>	<i>12</i>
<i>DG Enlargement - Management of Enlargement Policy and the IPA .....</i>	<i>13</i>
FIGURE 1. FIRST PILLAR PROGRAMME DESIGN AND IMPLEMENTATION: WHO DOES WHAT? .....	13
SECOND PILLAR: THE CFSP/ESDP .....	14
<i>Decision making and Planning of ESDP missions: EU Crisis Management Procedures .....</i>	<i>14</i>
<i>Administrative Actors involved in CFSP/ESDP: Brussels-based .....</i>	<i>17</i>
<i>Administrative Actors for CFSP/ESDP Activities: Field-based .....</i>	<i>19</i>
<b>IV. DESIGN AND PLANNING OF SSR-SUPPORT ACTIVITIES .....</b>	<b>20</b>
CAPACITY AND SSR EXPERTISE WITHIN THE COUNCIL SECRETARIAT .....	20
CAPACITY AND SSR EXPERTISE WITHIN THE COMMISSION .....	21
SEPARATE DESIGN AND PLANNING PROCESSES .....	22
FUNDING AND SEQUENCING .....	22
<b>V. IMPLEMENTATION OF SSR-SUPPORT ACTIVITIES .....</b>	<b>24</b>
COORDINATION AT FIELD LEVEL .....	24
MANAGEMENT OF ESDP MISSIONS: DIFFICULT COLLABORATION .....	25
LIMITATIONS ON SUPPORT PROVIDED BY ESDP MISSIONS DUE TO FUNDING .....	26
PROFILE OF HEAD OF MISSION .....	27
STAFFING OF ESDP MISSIONS .....	28
DEVELOPMENT OF A POOL OF DEPLOYABLE EUROPEAN SSR EXPERT TEAMS .....	29
TRAINING OF STAFF .....	30
<i>Member States .....</i>	<i>30</i>
<i>EU-level .....</i>	<i>31</i>
<i>Outlook for Pre-deployment Training .....</i>	<i>32</i>
<b>VI. CONCLUSION .....</b>	<b>34</b>
<b>ANNEX 1: PARTS OF THE SECURITY SECTOR ADDRESSED BY CIVILIAN ESDP MISSIONS AS PER THEIR MISSION STATEMENT .....</b>	<b>38</b>
<b>ANNEX 2: FLOW CHART OF KEY DECISION-MAKING STEPS OF THE CRISIS MANAGEMENT PROCEDURES .....</b>	<b>40</b>

## Acknowledgements

We would like to thank the officials of the Commission – DG RELEX, DG AIDCO and DG Enlargement –, the Council Secretariat – DG E VIII, DG E IX, CPCC, and ESDC – and the Dutch and Swedish Permanent Representations who found time in their busy schedules to answer our, sometimes never-ending, questions on the workings of the EU and its SSR-support activities. In addition, we would like to express our gratitude to the representatives of NGOs that we contacted with questions on training and other issues, and who shared their experiences of working with the EU with us. A special thanks to Louise van Schaik, our colleague in the Clingendael European Studies Programme, for patiently explaining the structures of the EU's external relations and development assistance to us. Similarly, we would like to acknowledge the valuable input received from officials of the Dutch and Belgian Ministries of Foreign Affairs.

## Glossary

ACP	African, Caribbean, Pacific
APF	African Peace Facility
CFSP	Common Foreign and Security Policy
CIVCOM	Committee for Civilian Aspects of Crisis Management
CMPD	Crisis Management Planning Directorate (Council Secretariat)
CMC	Crisis Management Concept
CONOPS	Concept of Operations
COREPER	Committee of Permanent Representatives
CPCC	Civilian Planning and Conduct Capability Directorate (Council Secretariat)
CRCT	Crisis Response Coordinating Team
CRT	Civilian Response Team
CSO	Civilian Strategic Options
CSP	Country Strategy Paper
DCI	Development Cooperation Instrument
DDR	Disarmament, Demobilisation and Reintegration
DG	Directorate-General
DG AIDCO	Directorate-General EuropeAid/ EuropeAid Cooperation Office (Commission)
DG DEV	Directorate-General Development (Commission)
DG E	Directorate-General E: External and Political-Military Affairs (Council Secretariat)
DG E IX	Directorate Civilian Crisis Management (Council Secretariat)
DG E VIII	Directorate 8: Defence Aspects (Council Secretariat)
DG RELEX	Directorate-General for External Relations (Commission)
DRC	Democratic Republic of Congo
EC	European Community
ECJ	European Court of Justice
ECOWAS	Economic Community of West African States
EDF	European Development Fund
EGT	European Group on Training
EIDHR	European Instrument for Democratization and Human Rights
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
ESDC	European Security and Defence College
ESDP	European Security and Defence Policy
EU	European Union
EU BAM Rafah	European Union Border Assistance Mission at Rafah Crossing Point in the Palestinian Territories
EU NAVFOR Somalia	European Union Military Operation to contribute to the deterrence, prevention and repression of

	acts of piracy and armed robbery off the Somali coast
EU SSR Guinea-Bissau	European Union mission in support of Security Sector Reform in Guinea-Bissau
EUFOR-Althea	European Union Military Operation in Bosnia and Herzegovina
Eujust Lex	European Union Integrated Rule of Law Mission for Iraq
EULEX Kosovo	European Union Rule of Law Mission in Kosovo
EUMC	European Union Military Committee
EUMM Georgia	European Union Monitoring Mission in Georgia
EUMS	European Union Military Staff
EUPM Bosnia-Herzegovina	European Union Police Mission in Bosnia-Herzegovina
EUPOL Afghanistan	European Union Police Mission in Afghanistan
EUPOL RD Congo	European Union Police Mission in the Democratic Republic of Congo
EUPOL COPPS	European Union Police Mission in the Palestinian Territories
EUSEC RD Congo	European Union Security Sector Reform Mission in the Democratic Republic of Congo
EUSR	European Union Special Representative
FFM	Fact-Finding Mission
FYR of Macedonia	Former Yugoslav Republic of Macedonia
GAERC	General Affairs and External Relations Council
HoM	Head of Mission (Civilian ESDP Missions)
HR/VP	High Representative/Vice President of the Commission
IFS	Instrument for Stability
IPA	Instrument for Pre-Accession
MSO	Military Strategic Options
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NSCI	Nuclear Safety Cooperation Instrument
ODA	Official Development Assistance
OECD-DAC	Organisation for Economic Cooperation and Development - Development Assistance Committee
OHQ	Operational Headquarters
OPLAN	Operational Plan
PMG	Political Military Group
PSC	Political and Security Committee
PSO	Police Strategic Options
RELEX Counsellors	Working Party of Foreign Relations Counsellors
RSP	Regional Strategy Paper
SALW	Small Arms and Light Weapons
SG/HR	Secretary-General of the Council of the European Union / High Representative for the CFSP
SSR	Security Sector Reform

## Executive Summary

This report presents an overview of the European Union (EU)'s set-up as regards the provision of support to Security Sector Reform processes (SSR) in partner countries: policy, funding mechanisms, actors and decision-making processes. It subsequently identifies tensions and weaknesses that exist at both the design/planning stage and at the implementation stage as a result of the current set-up, and highlights, where possible, potential solutions or avenues for invoking change and improvements.

The main forms of EU support to SSR processes are (i) the provision of advice, mentoring, monitoring and training through short- to mid-term European Security and Defence Policy (ESDP) missions under the Second Pillar, and (ii) more substantial longer-term programmes within the framework of European Community (EC) assistance to the partner country under the First Pillar. These forms of support could be highly complementary with the former providing guidance to national authorities on the development of their SSR strategy and the required legal environment to undertake the reform, and the latter accompanying the implementation of the reform with funding and concrete projects.

Although the EU SSR policy framework recognises this complementarity, it does not provide a clear division of labour between the two Pillars and does not specify *how* coordination and coherence can be achieved in a systematic way. As a result, there is competition between the two Pillars as regards the fields of police and justice reform for example. Furthermore both the Commission and Council Secretariat are involved in the management and oversight of ESDP missions. This report finds that an overlap of competencies, competition, a sometimes contentious division of labour and a lack of formalised cooperation mechanisms between the two Pillars, hamper effective provision of SSR support in the complementary manner described above.

This report also finds that the effectiveness of EU SSR support is reduced by the absence of an integrated approach by the two Pillars to design and planning. EU SSR support is not designed and planned in a joint manner in conformity with an overall EU SSR-support strategy for a partner country. Instead this is done separately, either under the Second Pillar by the relevant Council bodies with a primarily consultative role for the Commission, or under the First Pillar by the Commission with Member State oversight. Despite the difference in budgeting cycles between the two Pillars and the limitations on funding of Second Pillar activities, there is no strategic plan for SSR-support in a partner country which sets out and sequences Second and First Pillar activities.

The effectiveness of EU SSR report is also restricted at the design/planning stage due to the limited level of SSR expertise and SSR programme design and planning skills within the Council Secretariat and the Commission. SSR is a recent concept for the EU and there is very little SSR training provided at the EU level for the staff involved in designing and planning SSR-support activities. As a result, despite an EU SSR policy which defines the security sector in a broad manner and which endorses a holistic approach to SSR, in practice EU SSR support to a partner country tends to concentrate only on one or two

individual parts of the security sector – mainly either defence, police, justice or border management. Other parts of SSR such as democratic oversight or transparent financial management, as well as the linkages between the different parts of the security sector are mostly neglected.

Finally, at the stage of implementation, this report finds that the impact of ESDP missions is limited by several factors. First and foremost the difficulties encountered in staffing the missions and ensuring that the personnel deployed has received adequate training or possesses the relevant expertise; secondly the tendency for the Head of an ESDP mission to concentrate on technical aspects of the reform process to the detriment of political dimensions such as dialogue and negotiation with national authorities; thirdly the lack of project funds available for ESDP missions which can result in problems for implementing the mandate and problems of legitimacy and leverage vis-à-vis the national authorities. Furthermore this report finds that in the absence of specific mechanisms for coordination at the field level, the extent to which the ESDP mission and Commission Delegation collaborate depends on the specific context and the personalities of staff involved.

This report shows that several of these issues are recognised by EU officials and in some instances options for alleviating the situation are envisaged. Where this is not the case, or where these options do not seem adequate, this report seeks to highlight opportunities for improvement.

§ As regards the **policy**, modifying or developing the framework is not a solution currently considered by the EU. There are expectations that the ratification of the Lisbon Treaty will result in increased coherence of external relations in general, and of SSR in particular. In the meantime, the findings of this report indicate that it would be beneficial if the EU:

- a) decided upon a clear division of roles and mandates for the First and Second Pillars in SSR support; and
- b) developed guidelines on implementing a truly integrated, holistic approach to SSR-support activities.

§ As regards the **design and planning** process, the reorganisation of various Council Secretariat directorates into a single Crisis Management and Planning Directorate is expected to improve the design and strategic planning of Second Pillar action by creating a critical mass of planners. In addition, several Member States have recently taken the initiative to organise SSR training at the EU level and there are plans to strengthen capacities of the European Security and Defence College. Nonetheless, the findings of this report show that there is a need to:

- a) develop specific courses on SSR programme design and planning; and
- b) ensure that the staff responsible for design and planning within both the Council Secretariat and Commission are systematically and jointly trained on the holistic approach to SSR as per EU SSR policy and on SSR programme design and planning.

§ Further, at the **design and planning** stage, although Commission involvement in fact-finding missions and strategic planning of Second Pillar action is becoming more common, the quality of EU SSR support would benefit largely from the institutionalisation of:

- a) early low-level technical meetings between the two Pillars in the strategic planning phase; and



- b) the development of strategic plans for EU SSR support in a partner country setting out and sequencing Second and First Pillar activities.

§ As concerns training at the **implementation** stage of EU SSR support, there is no consensus on removing the primary responsibility for training of deployed staff from the domain of Member States despite the current shortcomings of this set-up. There are nonetheless several initiatives underway which aim to improve the supply and quality of the personnel staffing ESDP missions, notably the development of a database to maximise the use of existing Member State training provisions and the creation of a pool of deployable SSR expert teams. The findings of this report indicate the importance of:

- a) the systematic organisation of substantial in-mission SSR training for ESDP mission staff in order to ensure that those deployed have been trained and that they have been trained to certain minimum standards; and
- b) the quality of the candidates put forward rather than a quota of experts per Member State, and the inclusion of a broad number of profiles, for the pool of deployable SSR expert teams.

§ Further, at the **implementation** stage, in order to bridge the gap between short-term Second Pillar and longer-term First Pillar activities, two intermediate solutions have been developed. The Instrument for Stability is being used increasingly in SSR support as a more flexible funding instrument and agreement was recently reached on endowing ESDP missions with funds from the CFSP Budget to fund projects necessary for the implementation of the mission mandate. In order to increase the effectiveness of these intermediate measures, the EU should:

- a) develop mechanisms to ensure regular coordination meetings in the field between ESDP mission(s) and the Commission Delegation at both management and working levels; and
- b) ensure that ESDP missions have additional staff with sufficient project and financial management experience in order to handle the extra work load resulting from the project funding.

This report is primarily based upon interviews of EU officials, Member State officials and independent observers. It has been written as part of a larger research project conducted under a subsidy agreement between the Dutch Ministry of Foreign Affairs and the Clingendael Conflict Research Unit.



# I. Introduction

Recent years have seen considerable efforts on the part the European Union (EU) to strengthen its role and capabilities in promoting peace, security and development within and beyond its borders. An important component of these efforts have been the attempts made to enhance EU capacity in the field of Security Sector Reform (SSR). The Council adopted an 'EU SSR Policy Framework' in June 2006 outlining how the EU should support SSR in partner countries. This policy specifies that SSR is broad and holistic in nature – the security sector being a system comprised of statutory and non-statutory security actors, the justice sector and management and oversight bodies<sup>1</sup> – and therefore involves a diverse range of actors.

The policy also places SSR within the security and development nexus. Within the EU development has traditionally been seen as the task of the European Community (EC – the First Pillar), while security has been dealt with by the Common Foreign and Security Policy/European Security and Defence Policy (CFSP/ESDP – the Second Pillar).<sup>2</sup> Although both of these Pillars have for a long time addressed individual areas of the security sector, supporting the transformation of the security sector as a whole – SSR – is a new area of engagement. Furthermore support to SSR requires that the two Pillars work in coordination and agree upon their respective areas of competence.

Given the holistic nature of SSR and the institutional set-up of the EU, the task for the EU of defining its support to SSR is a complex undertaking. The EU is still in the process of finding practical ways of planning and implementing effective support to SSR in partner countries in the framework of a three-Pillar structure with different *modus operandi*, funding mechanisms and programming cycles.

On the basis of interviews of Brussels-based EU or EU-affiliated officials, independent observers<sup>3</sup> and a review of relevant literature, this report offers a succinct overview of the EU's set-up as regards the provision of support to SSR processes in partner countries. The report identifies a number of challenges the EU faces in this area as well as opportunities for improvement. It begins by presenting the policy, funding mechanisms and actors involved in EU SSR support before looking at the tensions and problems which exist at the design/planning and implementation stages.

This research project was undertaken as part of a subsidy agreement between the Dutch Ministry of Foreign Affairs and the Clingendael Conflict Research Unit. The report, written primarily for EU and EU Member State policy-

---

<sup>1</sup> OECD, Paris, 6 June 2005. *Security System Reform and Governance*. Available online: [http://www.oecd.org/document/33/0,3343,en\\_2649\\_34567\\_33800289\\_1\\_1\\_1\\_37413,00.html](http://www.oecd.org/document/33/0,3343,en_2649_34567_33800289_1_1_1_37413,00.html).

<sup>2</sup> The EU is organised around three Pillars. The Third Pillar, known as 'Justice and Home Affairs', is devoted to police and judicial cooperation in criminal matters. Although this Pillar has an increasingly important external dimension, it deals predominantly with intra-EU issues. As the main focus of this report is fragile states and post-conflict contexts, the Third Pillar is not addressed in this report.

<sup>3</sup> As the interviews were conducted under Chatham House Rules, interviewees are not cited by name.

makers, assumes a basic understanding of SSR and its relevance. It concentrates on SSR in fragile states and post-conflict countries rather than in candidate and potential candidate countries for EU membership.

## II. EU SSR Policy

### SSR Policy Framework

The EU's SSR policy consists of three core documents:<sup>4</sup>

- § *EU Concept for ESDP Support to Security Sector Reform*. Council of the European Union, Brussels, 13/10/2005, 12566/4/05 REV 4;
- § *A Concept for European Community Support for Security Sector Reform*. Communication from the Commission to the Council and the European Parliament, Brussels, 24/05/2006, COM(2006) 153 final;
- § *Council Conclusions on a Policy Framework for Security Sector Reform*. 2736<sup>th</sup> General Affairs Council Meeting, Luxembourg, 12 June 2006 (referred to hereafter as *Policy Framework*).

The *EU Concept for ESDP Support to Security Sector Reform* outlines the concepts, roles and activities of SSR for the Second Pillar – the intergovernmental Common Foreign and Security Policy/European Security and Defence Policy (CFSP/ESDP). The Communication from the Commission does the same for the First Pillar – the supranational European Community (EC) which is responsible, amongst other things, for the external relations of the EC including trade, enlargement and neighbourhood policies, and development cooperation. The *Council Conclusions on a Policy Framework for Security Sector Reform* is an overarching political document. The Council, in its General Affairs and External Relations (GAERC) configuration, states in this document that the two EU institutions' respective concepts should be seen as

---

<sup>4</sup> SSR is also mentioned in: Council of the European Union, Brussels, 12 December 2003. *A Secure Europe in A Better World. European Security Strategy*. Available online: <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>; General Affairs and External Relations Council, Council of the European Union, Brussels, 20 November 2007. *Conclusions of the Council and the Representatives of the Governments of the Member States on Security and Development*. 2831<sup>st</sup> External Relations Council Meeting, Brussels, 19-20 November 2007, doc. No. 15097/07. Available online: <http://register.consilium.europa.eu/pdf/en/07/st15/st15097.en07.pdf>; Political and Security Committee, Council of the European Union, Brussels, 25 November 2003. *EU Concept for Crisis Management Missions in the Field of Civilian Administration*. Doc. No. 15311/03. Available online: <http://register.consilium.europa.eu/pdf/en/03/st15/st15311.en03.pdf>; European Parliament, Council of the European Union, Commission of the European Communities, Brussels, 20 December 2005. *The European Consensus on Development*. Published in Official Journal of the European Union, 24 February 2006, Reference No. 2006/C 46/01. Available online: [http://ec.europa.eu/development/icenter/repository/european\\_consensus\\_2005\\_en.pdf](http://ec.europa.eu/development/icenter/repository/european_consensus_2005_en.pdf); Commission of the European Communities, Brussels, 20 October 2003. *Communication from the Commission to the Council, the European Parliament, and the European Economic and Social Committee. Governance and Development*. Doc No: COM(2003) 615 final. Available online: [http://ec.europa.eu/development/icenter/repository/com2003\\_0615en01\\_en.pdf](http://ec.europa.eu/development/icenter/repository/com2003_0615en01_en.pdf); The European Union also has policy documents on issues that are related to SSR, namely on DDR and SALW: Council of the European Commission, 11 December 2006 & Commission of the European Communities, 14 December 2006. *EU Concept for Support to Disarmament, Demobilisation and Reintegration (DDR)*. Available online: [http://www.eplo.org/documents/EU\\_Joint\\_concept\\_DDR.pdf](http://www.eplo.org/documents/EU_Joint_concept_DDR.pdf); Council of the European Union, Brussels, 16 December 2005. *EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition*. Published: 13 January 2006, doc no. 5319/06. Available online: <http://register.consilium.europa.eu/pdf/en/06/st05/st05319.en06.pdf>.

forming a single policy framework for SSR.<sup>5</sup> The EU policy's constituent documents use the Organisation for Economic Cooperation and Development - Development Assistance Committee (OECD-DAC) Guidelines on Security System Reform and Governance<sup>6</sup> to define SSR. This means that the EU's policy approves a holistic approach to SSR which involves considering the security system as a whole. It also means that EU SSR policy sets SSR in a human security context defining the objective of the reform in terms of the establishment of an accountable security sector that provides security to both the state and its people.

The individual Council and Community concepts outline the roles, capabilities and activities that the individual Pillars can offer as regards SSR support. The Council document on ESDP support to SSR emphasises that the Second Pillar's main role is to provide advice, mentoring and monitoring assistance to the authorities of partner countries undertaking SSR. It indicates that the ESDP is particularly suited for this role since it can draw on the expertise of the civil and military services of Member States.

The Commission's Communication on Community support for SSR highlights the Commission's long experience in providing support to the security sector through its development cooperation activities. It underlines its EC Treaty mandate to promote human rights, democracy and the rule of law.<sup>7</sup> It emphasises its long-term engagement with partner countries and consequently the leverage it has with partner governments. In addition, it emphasises the access it has to funding mechanisms – both geographical and thematic instruments<sup>8</sup> – that can provide financial resources to support SSR processes as well as its permanent presence on the ground through the Commission's worldwide network of Delegations.

The *Policy Framework* recognises that both Pillars can make valuable contributions to SSR support. They stress that the two approaches can and should be complementary, but specify that the decision as to which Pillar – ESDP, Community or a combination of both – is most appropriate for the proposed SSR-support activities in a specific partner country needs to be made on a case-by-case basis. Unfortunately, because of a number of reasons described below, case-by-case analysis is often not undertaken in a joint, integrated way. This makes the reality of the division of labour somewhat less clear-cut than the theory in the *Policy Framework* suggests.

<sup>5</sup> For a good overview and summary of the content of these documents, see: Law, D. & Myshlovskaya, O. (2008). 'The Evolution of the Concepts of Security Sector Reform and Security Sector Governance: the EU Perspective'. In: Spence, D. & Fluri, P. (eds.) (2008). *The European Union and Security Sector Reform*, p. 2-26; in particular p. 3-8, and the table on p. 6-7.

<sup>6</sup> OECD, Paris, 6 June 2005. *Security System Reform and Governance*.

<sup>7</sup> European Union, 24 December 2002. *Consolidated Version of the Treaty Establishing the European Community*, art. 177 & 181a. Available online: [http://eur-lex.europa.eu/en/treaties/dat/12002E/pdf/12002E\\_EN.pdf](http://eur-lex.europa.eu/en/treaties/dat/12002E/pdf/12002E_EN.pdf).

<sup>8</sup> The geographical instruments are: the European Development Fund (EDF); the European Neighbourhood and partnership Instrument (ENPI); and the Development Cooperation Instrument (DCI). The thematic instruments are: the European Instrument for Democracy and Human Rights (EIDHR); the Instrument for Stability (IfS); the Nuclear Safety Cooperation Instrument (NSCI). For more information see: [http://ec.europa.eu/europeaid/what/delivering-aid/funding-instruments/index\\_en.htm](http://ec.europa.eu/europeaid/what/delivering-aid/funding-instruments/index_en.htm). In addition, the EC has two other tools at its disposal that can be used for crisis management and SSR: the Instrument for Pre-Accession (IPA) and the African Peace Facility (APF).

## Problems with the Current Policy Framework

Both the Commission and Council documents call for complementarity and coherence between Community and CFSP assistance. In theory the possibility of the two Pillars complementing each other indeed exists: the CFSP/ESDP providing short-term and quickly-initiated assistance in the form of experts mentoring, monitoring and giving advice; and the EC providing funds – both short-term as well as longer-term financial assistance – and follow-up projects to ESDP missions. However the *Policy Framework* does not make the convergence of the two types of EU SSR support explicit, detailed or practical.

Each document merely outlines what each Pillar has experience in and is best placed to do, but neither document takes into account the competences, capabilities and experience of the other Pillar. This results in overlap between what the two Pillars consider their roles and there is no clear division of labour. As such, although the Council Conclusions speak of one Policy Framework, *de facto* the framework consists of two unlinked papers without a clear view of *how* the two Pillars complement each other, and *how* coordination and coherence can be ensured in a systematic way. For example, there is a lack of clarity and tensions regarding competencies. Although there is relatively little disagreement about defence reform – it is seen as a field of competency for the Second Pillar given its security mandate<sup>9</sup> – this lack of a division of labour is striking in the fields of justice and police reform, where the First and Second Pillars both maintain they can engage. The impact of this lack of clarity is most notable in the planning and design phases of ESDP missions that cover SSR-support activities, for example regarding whether the justice sector should be addressed by an ESDP mission or left to the European Community.

Thus, although the SSR *Policy Framework*, as well as the *European Consensus on Development*, stipulate that there should be coordination, cooperation and coherence between the activities of the different Pillars of the EU as well as between the activities of the Commission and the Member States, there is no systematized method for achieving this within the *Policy Framework*. This leaves the field open for continued lack of coherence and turf wars between the Commission and the Council.

## Potential Opportunities for Improving the Situation

These inherent problems of cooperation, coordination and coherence are recognised by Commission and General Secretariat of the Council (hereafter referred to as Council Secretariat) staff alike. However, since the *Policy Framework* is recent, the consensus is that time is required to see how EU SSR support works in practice before changing the framework.<sup>10</sup> Although some feel it would be best to strive towards a unified single document on SSR, there is a

<sup>9</sup> This does not mean that the Commission never engages with the defence sector in partner countries. For example, the Commission is involved in supporting activities such as DDR, SALW, mine clearance and border control etc. in which military forces are often involved. The Commission also manages the African Peace Facility (APF) ([http://europa.eu/legislation\\_summaries/development/african\\_caribbean\\_pacific\\_states/r12529\\_en.htm](http://europa.eu/legislation_summaries/development/african_caribbean_pacific_states/r12529_en.htm)). The APF supports the African Union's peacekeeping missions by providing financial assistance to cover the cost of carrying troops, soldiers' living expenses, development of capabilities etc., but never for military and arms expenditure. Even though the development of capabilities of African Union troop contributing countries could be seen as linked to SSR, these Commission support activities do not focus on reform of the defence sector as a part of a partner country's SSR programme.

<sup>10</sup> Interviews with Commission and Council Secretariat officials, Brussels, 4-5 February 2009.

general recognition that this is unrealistic<sup>11</sup> and officials from both institutions agree that it would be unwise to adapt or change the policy framework at the current time.<sup>12</sup> This is also the position of the Troika,<sup>13</sup> who decided in January 2009 that for the moment they would not pursue a single policy document<sup>14</sup> on SSR to be adopted by both the Commission and the Council.<sup>15</sup>

### *The Lisbon Treaty*

Besides giving the *Policy Framework* some time to demonstrate how it works in practice, another reason that both Commission and Council officials give for not adapting or modifying the *Policy Framework*, at the present time, are the expectations that the Lisbon Treaty will decrease coordination problems and increase coherence of the EU's activities in external relations in general, and in SSR in particular. Once ratified, the Lisbon Treaty will unify the EU's external relations institutions in a 'European External Action Service' by bringing together officials from the relevant departments of the Council Secretariat and the Commission under a single head – the High Representative of the Union for Foreign Affairs and Security Policy (HR/VP – High Representative/Vice President of the Commission).<sup>16</sup>

### *The ECJ ECOWAS SALW Ruling*

Additionally, the turf war phenomenon between the Commission and the Council has somewhat improved since the 20 May 2008 European Court of Justice (ECJ) ruling in the so-called 'ECOWAS-case'<sup>17</sup> in which the Court clarified the division of competencies between the First and Second Pillars when it comes to external activities.<sup>18</sup> In this ruling, the Court established that "the Union cannot have recourse to a legal basis falling within the CFSP in order to adopt provisions which also fall within a competence conferred by the EC Treaty on the Community".<sup>19</sup> For the Commission, this means that the Court has established that the First Pillar is the default Pillar for any activity that could be interpreted as having both a development as well as a foreign

<sup>11</sup> Interview with Commission official, Brussels, 4 February 2009.

<sup>12</sup> Interviews with Council Secretariat and Commission officials, Brussels, 4-5 February 2009.

<sup>13</sup> The EU Troika for the Common Foreign and Security Policy consists of a senior representative of the country currently holding the Presidency of the EU, a senior representative of the incoming Presidency of the EU, the High Representative for the CFSP (Javier Solana) and a Commission representative.

<sup>14</sup> In contrast to DDR for which a single policy document approved by both the Council and Commission exists thereby making it a cross-pillar document: *EU Concept for Support to Disarmament, Demobilisation and Reintegration (DDR)*.

<sup>15</sup> Interview with Commission official, Brussels, 4 February 2009.

<sup>16</sup> Egenhofer, C., Kurpas, S., Van Schaik, L. (2009). *The Ever Changing Union. An introduction to the History, Institutions and Decision-making Processes of the European Union*. CEPS Special Report, January 2009, p. 22-23. Available online: [http://shop.ceps.eu/BookDetail.php?item\\_id=1791](http://shop.ceps.eu/BookDetail.php?item_id=1791). For a more detailed analysis of the impact of the Lisbon Treaty for EU Foreign Policy, see: Kurpas, S., Crum, B., De Southeete, P., Keller, J., Dehousse, F. & Andoura, S. (2007). *The Treaty of Lisbon Implementing the Institutional Innovations*. Joint Study by the European Policy Centre, Egmont and the Centre for European Policy Studies, p. 121-143. Available online: [http://shop.ceps.eu/BookDetail.php?item\\_id=1554](http://shop.ceps.eu/BookDetail.php?item_id=1554).

<sup>17</sup> In this ruling, the ECJ annulled a Council Decision to implement a Joint Action on an EU contribution to ECOWAS in the framework of the Moratorium on Small Arms and Light Weapons, claiming that in this case the Second Pillar encroached on the area of competence of the European Community (ECJ Case C-91/05 ECOWAS).

<sup>18</sup> For a detailed analysis of the ECOWAS case, see: Hillion, C. & Wessel, R.A. (2009). 'Competence Distribution in EU External Relations after ECOWAS: Clarification or Continued Fuzziness'. In: *Common Market Law Review*, Vol. 46, p. 551-586.

<sup>19</sup> ECJ ruling (ECJ Case C-91/05 ECOWAS), 20 May 2008, paragraph 77.



policy or security objective.<sup>20</sup> In other words, unless the Council can demonstrate that the primary aim of the activity is security and/or foreign policy rather than development, an SSR activity needs to be undertaken within the framework of the First Pillar. It is not clear whether the Council shares this interpretation, but Council officials recognize that the ruling has important implications for the delineation of competencies between the Council and the Commission as regards SSR.<sup>21</sup>

### **Holistic SSR Policy on Paper; Narrow in Practice**

There is a substantial gap between the definition of SSR in the policy documents and the approach taken in practice. As mentioned above, the policy is based on OECD-DAC guidelines which define SSR as a requirement not only for the security of the state but also of its people, and at the same time define the security sector as a system which includes core security actors, management and oversight bodies, justice and law enforcement bodies and non-statutory security actors. As such, on paper, the EU policy endorses a holistic SSR approach. However, in practice, most EU SSR-support projects – be they within the framework of the First or Second Pillar – do not reflect the holistic and integrated character of SSR but instead concentrate on one or two individual parts of the security sector. Not only are the democratic oversight or transparent public management aspects of SSR neglected almost completely, in addition, by focusing on individual parts of the security sector the interlinkages between the different parts are more easily ignored.<sup>22</sup>

---

<sup>20</sup> Interview with Commission officials, Brussels, 4 February 2009.

<sup>21</sup> Interview with Council Secretariat officials, Brussels, 5 February 2009.

<sup>22</sup> For a table representing the parts of the security sector addressed by civilian ESDP missions see Annex 1.

### III. Funding Mechanisms and Actors

Both the First and Second Pillars are actively involved in SSR support. The First Pillar's SSR-support activities fall under the EC's general development assistance work and the Second Pillar mostly intervenes in support of SSR through ESDP missions. Actors of each Pillar are involved to a certain extent in the work of the other Pillar: for example Member States play a role in the decision-making process on EC development assistance programming through the 'comitology'<sup>23</sup> process whilst the Commission is represented in crisis management fact-finding missions for the preparation of ESDP action and is responsible for the financial administration of ESDP mission budgets. This section will discuss each of the actors within the two Pillars in turn, mentioning the linkages where appropriate. Since much of the work of the First Pillar concerns the management of funding instruments, the section will begin with a brief presentation of the different financial instruments that the EU bodies use for SSR-support activities.

#### Financial Instruments

The EU's SSR-support activities under the First Pillar are funded by several instruments for development assistance and cooperation including the European Development Fund (EDF), the Development Cooperation Instrument (DCI), the European Neighbourhood and Partnership Instrument (ENPI), the Instrument for Pre-Accession (IPA) and the Instrument for Stability (IfS).<sup>24</sup> Activities undertaken in the field of SSR under the Second Pillar are funded from the CFSP Budget.<sup>25</sup> Compared to the amounts available under the First Pillar instruments, the CFSP Budget is very small, even though it has grown considerably since its creation.<sup>26</sup>

---

<sup>23</sup> The Commission implements legislation at Community level. The implementation process is overseen by committees made up of Member State representatives and presided by the Commission. These committees discuss the activities undertaken by the Commission and members give input on the position of their respective Member States. This process is known as 'comitology'. It can be a slow and cumbersome process. In the case of the funding instruments that can be used for SSR-support activities – with the exception the IfS for amounts under €20 million – through 'comitology' representatives of Member States discuss whether they think the funds are allocated appropriately.

<sup>24</sup> The EC has two other development cooperation funds at its disposal: the European Instrument for Democracy and Human Rights (EIDHR), and the Nuclear Safety Cooperation Instrument (NSCI). As already mentioned, the EC also manages the APF. These are less relevant for SSR and are therefore not presented in detail in the present report.

<sup>25</sup> There are exceptions: activities having military or defence implications and those which the Council identifies not to be funded from the CFSP budget.

<sup>26</sup> The CFSP Budget for 2009 is €245million. In comparison €22.682 billion was allocated to the 10<sup>th</sup> EDF covering 2008-2013; the DCI has a budget of €16.897 billion (of which €10.057 billion is allocated to the geographic programmes) for the period 2007-2013; and the ENPI has approximately €12 billion available for the 2007-2013 period. The IPA has €11.5 billion available for the period 2007-2013. The IfS has €2.062 billion available for 2007-2011, of which €1.487 billion has been allocated to its short-term component and €484 million to its long-term component. It is important to note that the development funding instruments are multi-annual and cover a large number of countries which spreads them more thinly than the CFSP budget which only covers a year. In addition, it is very difficult to determine which percentage of the available funds in the development instruments is used for SSR-related activities, whereas it is to be expected that a considerable proportion of the CFSP Budget is spent on this. Thus, directly

### *European Development Fund*

The EDF supports development efforts in the African, Caribbean and Pacific (ACP) countries parties to the Cotonou Agreement. It operates in five-year cycles and currently covers 79 countries.<sup>27</sup> Unlike the other instruments discussed in this section, the EDF falls outside of the normal EU Budget and is financed by separate contributions from Member States. It therefore has its own financial rules and is managed by a separate committee. The EDF is approved by the Member States in the Council.<sup>28</sup> It can be used for SSR support. However, since it is a development assistance instrument, it mostly follows Official Development Assistance (ODA) rules<sup>29</sup> and therefore is hardly ever used to support defence sector reform activities.

### *Development Cooperation Instrument*

The DCI provides development assistance with specific geographic and thematic focuses.<sup>30</sup> Under its geographic focus it assists 47 countries in Latin America, the Middle East, Asia and Central-Asia that are not covered by the EDF. In practice it provides assistance to countries. The DCI covers several countries that are involved in reforming and developing their security sector, including Iraq, the Palestinian Territories and Afghanistan. When used for geographic areas, the DCI generally follows ODA rules which means it is not used for activities related to the defence sector.<sup>31</sup>

### *European Neighbourhood and Partnership Instrument*

The ENPI is the financial instrument of the European Neighbourhood Policy (ENP) which focuses on cooperation with countries directly bordering the EU by land or sea. Its purpose is to increase the security and prosperity of both the recipient and EU countries. It includes cooperation with Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Occupied Palestinian Territory, Syria, Tunisia and Ukraine.<sup>32</sup> As one means of increasing security within the EU as well as in partner countries, the ENP focuses on strengthening governance and has border management programmes for partner countries. These activities may not necessarily be labelled SSR but should nonetheless be considered SSR-support activities. Like the DCI and the EDF, the ENPI is not used for defence sector activities.

---

comparing the CFSP Budget to the development funds on their SSR spending on is not entirely possible. Nonetheless there are enormous differences between the amounts allocated to the development funds and the CFSP Budget, and thus, there is a large - at least as perceived by the actors involved - difference between the capabilities of the different funding instruments.

<sup>27</sup> The 10<sup>th</sup> EDF covers the period 2008-2013. For the Country Strategy Papers see:

[http://ec.europa.eu/development/geographical/methodologies/strategypapers10\\_en.cfm](http://ec.europa.eu/development/geographical/methodologies/strategypapers10_en.cfm).

<sup>28</sup> Gourlay, C. (2008). 'The Difficulties of a Donor: EU Financial Instruments. SSR and Effective International Assistance'. In: Spence, D. & Fluri, P. (2008). *The European Union and Security Sector Reform*. London: John Harper Publishing p. 99-100.

<sup>29</sup> This is in part due to the oversight of the European Parliament.

<sup>30</sup> In addition to its geographic focus, the DCI supports the restructuring of sugar production in 18 ACP countries. It also supports projects in five thematic areas: investing in people; environment and sustainable management of natural resources including energy; non-state actors and local authorities in development; food security; as well as migration and asylum. It does this in all developing countries, including those that are covered by the EDF and the ENPI. However, since this is not relevant to SSR, these activities are not elaborated further here.

<sup>31</sup> Doelle, P and Gouzée de Harven, A. (2008). 'Security Sector Reform: A Challenging Concept at the Nexus between Security and Development'. In: Spence, D. & Fluri, P. (2008). *The European Union and Security Sector Reform*. London: John Harper Publishing, p. 62.

<sup>32</sup> Russia has a separate programme: the 'Strategic Partnership Program'.

### *Instrument for Pre-Accession*

The IPA is the EU's instrument for the pre-accession strategy, which is designed to prepare candidate countries for future membership. The instrument currently provides support to Croatia, the Former Yugoslav Republic of Macedonia and Turkey – candidates for membership – as well as to Albania, Bosnia and Herzegovina, Montenegro, Serbia and Kosovo under UN Security Council Resolution 1244 – considered potential candidates. Through its 'cross border cooperation' and 'transition assistance and institution building' components<sup>33</sup>, the instrument can be used for SSR-related activities.

### *Instrument for Stability (Crisis Response and Preparedness Component)*<sup>34</sup>

The short-term component of the Instrument for Stability (IfS) – 'Crisis Response and Preparedness' – is an EC tool used for conflict prevention, post-conflict political stabilisation and early recovery following natural disasters. Under this short-term component, the EC can disburse up to €20 million for projects without having to go through 'comitology'; this means that it does not need to consult or gain the formal approval of Member States.<sup>35</sup> This set-up allows the EC to respond quickly to crisis situations under this instrument whereas other instruments are managed through 'comitology'. Moreover, the IfS can be used for activities related to defence reform as well as other areas of the security sector. It can only be used for short-term activities of up to 18 months, with the possibility of an extension of an additional six months. Furthermore it is only a subsidiary instrument and according to its legal basis should only be used when it is not possible to use other instruments.

### *CFSP Budget*

The CFSP Budget covers activities undertaken under the Second Pillar. It is part of the normal EU Budget. Since CFSP action often takes the form of ESDP missions, the CFSP Budget is often used for SSR-related activities. However, it can only be used for ESDP civilian missions, not for ESDP military operations.<sup>36</sup> For this reason, there is a separate funding mechanism – called Athena – for ESDP military operations.<sup>37</sup> Nonetheless, because the CFSP addresses security-related issues, the CFSP Budget can be used for actions in the realm of defence sector reform as long as this is done through a civilian ESDP mission.<sup>38</sup>

---

<sup>33</sup> The IPA consists of five components: transition assistance and institution building; cross-border cooperation; regional development; human resource development; and rural development. Both the candidate and potential candidate countries receive support for the first two components; the last three are only supported in candidate countries.

<sup>34</sup> The Instrument for Stability consists of a short-term component for 'crisis response and preparedness' and a longer-term component for 'global and regional trans-border challenges'. This report only discusses the short-term component.

<sup>35</sup> Projects above €20 million are subject to the 'comitology' process. Gourlay, C. (2008). p. 96-97; Interview with Commission official, Brussels, 5 February 2009.

<sup>36</sup> As per article 28.3 of the Treaty on European Union which states that the CFSP Budget cannot cover operations having military or defence implications.

<sup>37</sup> Telephone conversation with Dutch Permanent Representation official, 24 April 2009. For more information on Athena, see: <http://www.consilium.europa.eu/showPage.aspx?id=746&lang=en>.

<sup>38</sup> This is possible, because the reform of state institutions, of which the military are a part, is considered a civilian undertaking by the EU's Legal Service. Comments from Council Secretariat official, 14 May 2009.

The CFSP Budget for 2009 is €245 million.<sup>39</sup> This is a small budget considering that it has to cover all active civilian ESDP missions as well as other CFSP activities such as EU Special Representatives. The funding of ESDP action is therefore limited; the CFSP Budget is seldom used for SSR-support projects themselves, but rather for the operational costs of ESDP missions.

## **Actors in the First Pillar: the European Community**

Within the EC several actors are involved in SSR in fragile states and post-conflict contexts, the most important being: DG External Relations (DG RELEX), DG Development (DG DEV), the EuropeAid Cooperation Office (DG AIDCO), DG Enlargement and Commission Delegations.

### *DG RELEX - Crisis Management Policy and Financial Management*

DG RELEX plays a key role in EU SSR support due to its responsibility for coordinating the Commission's general policy line on conflict prevention and peace building and for managing a number of funds that can be used for SSR-support activities.

Within DG RELEX, Directorate A administrates the CFSP Budget and handles Crisis Management policies. It consists of 4 units of which A2/Crisis Response and Peace Building and A3/Common Foreign and Security Policy are those that deal most directly with SSR.<sup>40</sup> Unit A2 focuses on setting the Commission's general policy on crisis management and peace building activities – including SSR –, as well as providing direct support to these activities.<sup>41</sup> Unit A3 administrates the budgets of activities undertaken within the CFSP/ESDP and manages the 'crisis response and preparedness' component of the IfS.

DG RELEX also manages the DCI and ENPI. For these instruments the Commission negotiates, with the partner country, either a Country Strategy Paper (CSP) under the DCI, or an ENP Action Plan under the ENPI, which outlines the priorities for assistance. In practice the papers are prepared and negotiated by the relevant country desk officer within DG RELEX<sup>42</sup> and the Commission Delegation in the partner country. Once the strategy papers and national indicative programmes have been negotiated, the responsibility for the identification, formulation, implementation and evaluation of project is transferred to DG AIDCO.

Given the different channels through which DG RELEX and other EC actors are involved in SSR-support activities, the Commission has an SSR focal point in DG RELEX/A2 who plays an important role in raising awareness of SSR

---

<sup>39</sup> The 2009 budget is lower than the 2008 budget, which was €280million. The reason that there was a spike in the budget in 2008 was that it covered the start-up costs of the largest ESDP mission yet – EULEX Kosovo. The budget has considerably increased in size since its creation. Interview with Commission official, 5 February 2009; Telephone conversation with EU official, 9 June 2009.

<sup>40</sup> The others are A1/European Correspondent and A4/Security Policy. See: [http://ec.europa.eu/dgs/external\\_relations/organi\\_en.pdf](http://ec.europa.eu/dgs/external_relations/organi_en.pdf).

<sup>41</sup> For example through the 'Crisis Room' – a facility within Directorate A that gathers information and intelligence on emerging crisis situations, thus functioning as the Commission's Early Warning system.

<sup>42</sup> For the ENP they can be found in Directorate D 'European Neighbourhood Policy Coordination'; and for both ENPI and DCI in Directorate E: Eastern Europe, Southern Caucasus, Central Asian Republics; Directorate F: Middle East, South Mediterranean; Directorate G: Latin America; Directorate H: Asia (except Japan and Korea).

amongst EC bodies. S/He liaises with the relevant Council bodies on SSR and gives the Commission's view on Council documents pertaining to SSR. S/He disseminates the EU view on SSR both internally within the Commission and other EU bodies as well as to external partners; and promotes EC participation in SSR forums outside of the EU. The current focal point plans to organise SSR training bringing together Commission and Council Secretariat staff to increase awareness and to pave the way for mainstreaming SSR into policies and activities. In addition, he plans to undertake an EC-wide inventory of SSR and SSR-related activities.

### *DG DEV - Management of the EDF*

DG DEV and the Commission Delegations negotiate CSPs and national indicative programmes with each ACP partner country (and in some cases a Regional Strategy Paper - RSP) outlining the priorities for EC development assistance under the EDF over five-year periods. As is the case for the non-ACP countries, DG AIDCO is subsequently responsible for the identification, formulation, implementation and evaluation of projects under the CSPs and national indicative programmes.

SSR can be a part of EC development assistance under the EDF when the partner country and the Commission Delegation decide this is a priority in the negotiations on the CSP. Although CSPs are difficult to modify once they have been approved – because they are the result of extensive negotiations and span such a long period – they are reviewed and where necessary adapted mid-term. As such if there is a need to focus more on SSR mid-way through a cycle of EDF funding, the CSPs can be changed to include this focus. This was the case in Guinea-Bissau.

### *EuropeAid Cooperation Office - Aid Delivery*

The EuropeAid Cooperation Office – also known as DG AIDCO – is the EC's agency responsible for the implementation of its development policy. It takes care of the delivery of aid under the EDF, ENPI, DCI and the 'global and regional trans border challenges' component of the IfS.<sup>43</sup> As seen above, many of these instruments can be used to support SSR or projects that focus on components of the security sector. A number of DG AIDCO's geographic desk officers therefore follow the implementation of SSR-support activities and there is also a thematic desk officer for SSR.

On the basis of the general strategy (CSP or ENP Action Plan etc.) and national indicative programme negotiated by DG RELEX or DG DEV with the partner country, DG AIDCO and the relevant Commission Delegation identify and formulate specific projects. The resulting project sheets are submitted to Member States for approval through 'comitology'. DG AIDCO is also responsible for the implementation, monitoring and evaluation of projects.<sup>44</sup> Given the decentralised approach taken by the Commission, DG AIDCO often delegates this work to Delegations in country but remains ultimately responsible these phases as represented in the simplified figure below.<sup>45</sup>

---

<sup>43</sup> DG AIDCO also implements the policies under two smaller instruments – the EIDHR and NSCI – which are less important for SSR.

<sup>44</sup> Articles 3 and 4.3 of the IfS are an exception.

<sup>45</sup> Telephone conversation with Commission official, 10 June 2009.

## *DG Enlargement - Management of Enlargement Policy and the IPA*

DG Enlargement is responsible for the management of the European policy that focuses on the accession of new members states. Countries that want to join the EU need to meet a set of standards – the Copenhagen Criteria<sup>46</sup> – before negotiations for membership can start. Since the applicants most often do not meet the criteria initially, the prospect of EU membership is a strong incentive for reform. DG Enlargement supports the reform processes in the current candidate and potential candidate countries by managing the Pre-Accession Strategy. This strategy includes, amongst other things, financial assistance to the candidate and potential candidate countries through the IPA. In close cooperation with the Commission Delegations and Liaison Offices, DG Enlargement negotiates enlargement strategy papers, which set out the priorities for each country. It is also responsible for the allocation of funds to the different countries and the components of reform covered by the IPA and the identification and formulation of specific projects. Finally, it monitors progress of the countries through progress reports. Since the required reforms often include reform of security and justice bodies, DG Enlargement can be involved in activities that support SSR.

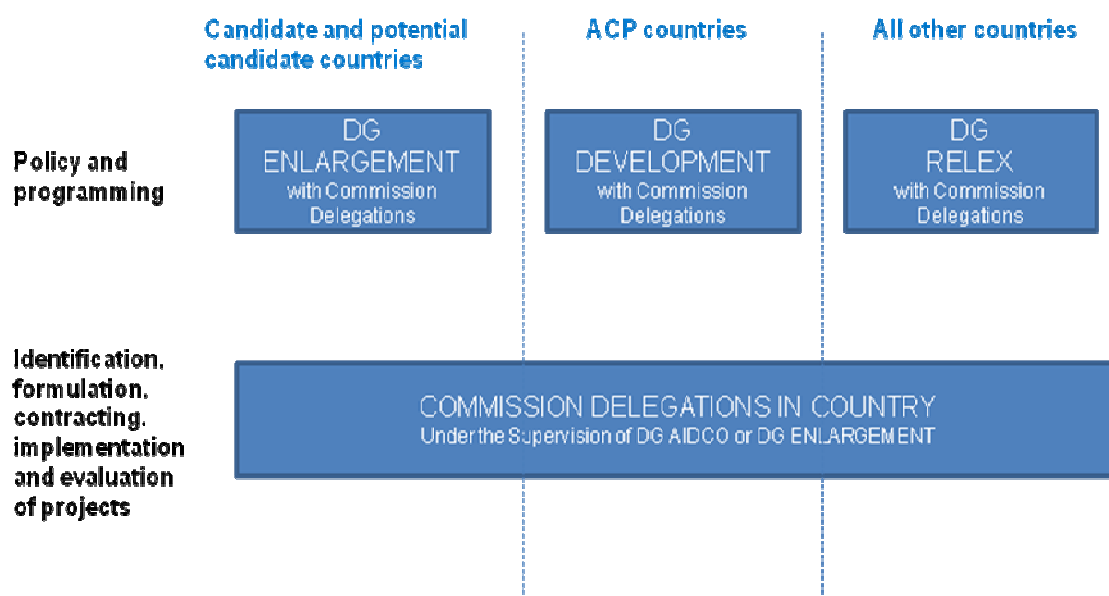


Figure 1. First Pillar programme design and implementation: who does what?

<sup>46</sup> The Copenhagen Criteria are: 1) stable institutions that guarantee democracy, the rule of law, human rights and respect for and protection of minorities; 2) a functioning market economy, as well as the ability to cope with the pressure of competition as well as the market forces at work inside the Union; 3) the ability to assume the obligations of membership, in particular adherence to the objectives of political, economic and monetary union. In addition, candidate countries must be able to put the EU rules and procedures into effect and have adapted their administrative systems to meet EU standards.



## Second Pillar: the CFSP/ESDP

SSR-support activities under the Second Pillar – the CFSP/ESDP – are mostly undertaken in the form of ESDP missions or operations<sup>47</sup> – civilian activities referred to as ‘missions’ and military activities as ‘operations’.<sup>48</sup> Currently SSR-support activities are only undertaken by ESDP missions.

Although as stated in the Treaty on European Union, the Commission is ‘fully associated’<sup>49</sup> to decisions on the CFSP, in reality its role is limited to a primarily consultative status. This section reviews the role of different Council bodies and the restricted role of the Commission in the establishment and implementation of ESDP missions related to SSR.<sup>50</sup>

### *Decision making and Planning of ESDP missions: EU Crisis Management Procedures*

ESDP missions are mandated and launched by unanimous decisions taken by the Council, generally in its General Affairs and External Relations Council (GAERC) configuration composed of the Ministers of Foreign Affairs of Member States. These decisions are prepared at lower levels, by the Committee of Permanent Representatives (COREPER), the Political and Security Committee (PSC) and their respective working groups.<sup>51</sup> The establishment of an ESDP mission therefore involves several stages, described in the following paragraphs, on the basis of their presentation in the Council Note *Suggestions for Procedures for Comprehensive, Coherent EU Crisis Management*.<sup>52</sup>

The first step in the process is **agenda-shaping**.<sup>53</sup> the Council needs to put a potential crisis situation on its agenda. In the case of issues that might require ESDP action<sup>54</sup> – including SSR – this is normally done by bringing a situation to the attention of the PSC. The PSC is a body made up of ambassadors of

---

<sup>47</sup> Other CFSP/ESDP activities that support SSR include the work by EU Special Representatives (EUSRs) which are discussed below. For more information on EUSRs, see: <http://www.consilium.europa.eu/showPage.aspx?id=263&lang=EN>.

<sup>48</sup> Telephone conversation with representative of Dutch Permanent Representation, 24 April 2009.

<sup>49</sup> European Union, Brussels, 2006, *Consolidated versions of the Treaty on European Union and of the Treaty establishing the European Community*, art. 18.3.

<sup>50</sup> This discussion is deliberately simplified and only describes the processes relevant to ESDP missions involving SSR support. For a more extensive overview of the decision processes on CFSP/ESDP in general, and a more in-depth introduction to the actors involved see: Cameron, F. (2007). *An Introduction to European Foreign Policy*. London. Routledge. Chapter 3.

<sup>51</sup> For civilian missions, the working parties for PSC are the Committee for Civilian Aspects of Crisis Management (CIVCOM) and the Political Military group (PMG). For military operations it is the EU Military Committee (EUMC) and one of its working groups: the EUMC Working Group (EUMC WG).

<sup>52</sup> Council of the European Union, Brussels, 3 July 2003. *Suggestions for Procedures for Coherent, Comprehensive EU Crisis Management*. Doc. No. 11127/03. Available online: <http://register.consilium.europa.eu/pdf/en/03/st11/st11127en03.pdf>. This document contains a flow chart of the key decision making steps which has been included as Annex 2 of the present report.

<sup>53</sup> Agenda-shaping is the political process that determines which issues are included in the agenda of a particular decision-making configuration, in this case the GAERC. It is called ‘agenda-shaping’ because the process includes more than adding issues to the agenda; it also involves prioritizing or demoting or even excluding issues from the agenda. See: Duke, S. & Vanhoonacker, S. (2006). ‘Administrative Governance in the CFSP: Development and Practice’. In: *European Foreign Affairs Review*, No. 11, p. 163-182.

<sup>54</sup> Since there are no military ESDP operations that have an SSR component, this report does not elaborate on military operations and their decision-making structures even though they are slightly different. Where they are different, these differences are pointed out in footnotes.



Member States, which is mandated to deal with all CFSP issues, including defence. It is the responsibility of the country that holds the Presidency of the EU to set the work programme of the GAERC and the PSC which means that it can introduce new issues, assign priority to topics already on the agenda and demote or exclude topics. In reality, however, the Presidency's ability to shape the agenda is limited<sup>55</sup> by several factors: external events and crises often hijack the agenda; Member States only hold the Presidency for a period of six months at a time; there is often carry-over from previous Presidencies; and the country holding the Presidency may act in certain ways in order to avoid accusations of bias or using the EU to further national interests.<sup>56</sup>

In theory any Member State as well as the Commission (because it is 'fully associated' to the CFSP) has the right of initiative, that is to say has the right to propose to put an issue on the agenda of the PSC. In reality the Member State that holds the Presidency is the prime source of new initiatives;<sup>57</sup> although the Council Secretariat – in particular the Secretary-General of the Council of the European Union / High Representative for the CFSP (SG/HR) and his advisory body and various Council Secretariat directorates – with Commission cooperation, plays an important role, notably in the case of ESDP missions.<sup>58</sup> The Policy Planning and Early Warning Unit is the advisory body referred to. The Joint Situational Centre (SITCEN), the Civilian Planning Conduct and Capability (CPCC) Directorate and other relevant directorates are the Council Secretariat bodies involved.

Once the attention of the PSC is drawn to a particular crisis, the process of information gathering and analysis – including the development of policy options – intensifies. If the PSC considers EU action appropriate, the next step is the preparation of a **Crisis Management Concept** (CMC) – also known as the 'General Concept'. The CMC is a strategic document which makes the case for possible ESDP engagement and outlines the political objectives, aims and possible tasks, often by presenting various options to the PSC. At the request of the PSC, this document is prepared by the Crisis Response Coordinating Team (CRCT), which is an ad hoc team composed of those Council Secretariat and Commission officials with the knowledge and expertise that best suit the nature of the given crisis.<sup>59</sup> The results of a Fact Finding Mission (FFM),<sup>60</sup> involving Council Secretariat, Member State experts, and Commission staff often contribute to the preparation of the CMC.<sup>61</sup> A draft

<sup>55</sup> According to some findings, up to 90% of the agenda is fixed. Schout, A. & Van Schaijk, L. (2008). *Reforming the EU Presidency? Zeitschrift für Staats- und Europawissenschaften/ Journal for Comparative Government and European Policy*. Baden-Baden, Germany, Nomos Verlagsgesellschaft, p. 36-56. (p. 39). This article also highlights the problems of the rotating Presidency.

<sup>56</sup> Based on Duke, S. & Vanhoonacker, S. (2006), p. 166-169.

<sup>57</sup> Duke, S. & Vanhoonacker, S. (2006), p.166-169.

<sup>58</sup> Telephone conversation with Council Secretariat official, 12 May 2009.

<sup>59</sup> For more information on CRCTs see Annex 2 to ANNEX of the *Suggestions for Procedures for Coherent, Comprehensive EU Crisis Management*.

<sup>60</sup> For more information see Council of the European Union, Brussels, 10 December 2002. *Guidelines for Fact-Finding Mission in EU Crisis management and Conflict Prevention*. Doc. No. 15461/02. Available online: <http://register.consilium.europa.eu/pdf/en/02/st15/15461en2.pdf>.

<sup>61</sup> FFM can be carried out by a specific tool that the Council has at its disposal: Civilian Response Teams (CRTs). These teams are composed of experts from Member States that are rapidly deployable in order to quickly respond to crisis situations, either for FFM or assessment purposes, or to be deployed as an initial operational presence in a crisis situation in order to provide reinforcement of existing EU crisis management mechanisms. The Member State experts are drawn from a roster of experts that has been specifically set up for the CRTs. For FFMs, the CRTs are lead by the Council Secretariat. The Commission may be involved in the fact-finding CRTs in order to enhance the coherence of EU action. In fact, this cooperation between Council

CMC is submitted by the SG/HR to the PSC, which discusses it and can seek the advice of the Committee for Civilian Aspects of Crisis Management (CIVCOM)<sup>62</sup> and other relevant committees and working groups.<sup>63</sup> Once the PSC agrees on the draft CMC, it is forwarded to COREPER and then to the Council, which almost always formally approves the CMC.<sup>64</sup>

Next, at the PSC's request to the SG/HR, the Council Secretariat develops police and/or civilian strategic options (PSOs/CSOs)<sup>65</sup> which are evaluated by CIVCOM and other relevant committees and working groups and then forwarded to the PSC with the advice of the relevant bodies. At this stage, the Commission presents its accompanying measures which could include funding of specific projects such as census of the military for example. Based on an examination of all strategic options and the advice of the relevant Council committees and working groups and of the Commission, the PSC then forwards a draft decision on proposed strategic options to the Council via COREPER. The final decision from the Council establishes the strategic direction that the ESDP response will take.

In parallel, the Working Party of Foreign Relations Counsellors (also known as RELEX Counsellors) usually starts working on a **Joint Action**, which translates the political decisions on crisis management activities into a legally binding document.<sup>66</sup> A Joint Action is therefore the legal basis for an ESDP mission that includes the mandate, objectives, financial arrangements and conditions of implementation. RELEX Counsellors will take into account the opinion of the PSC as well as other relevant Council working parties as they develop the draft Joint Action. RELEX Counsellors forwards the draft Joint Action via COREPER to the Council for a formal decision.

In the next step, the Council tasks the PSC with initiating the **operational planning of the mission** based on the CMC and the selected strategic option. The operational planning starts with a request of the PSC to the Council

---

Secretariat and the Commission is encouraged. When a CRT is deployed to establish a rapid initial presence on the ground, or as support to an incoming ESDP mission, it is lead by a Team Leader appointed by the Council Secretariat, and composed of Member State experts with the participation, in principle, of the Council Secretariat. For more information, see: Council of the European Union, Brussels, 23 June 2005. *Civilian headline Goal 2008- General Secretariat Document: Multifunctional Civilian Crisis Management Resources in an Integrated Format – CIVILIAN RESPONSE TEAMS*. Doc No. 10462/05. Available online: <http://register.consilium.europa.eu/pdf/en/05/st10/st10462.en05.pdf>.

<sup>62</sup> For military aspects and military ESDP operations, the PSC will receive advice from the EU Military Committee (EUMC). The EUMC is made up of representatives of the Chiefs of Defence Staff of EU Member States. Its decisions are prepared by Working Groups: the EUMC Working Group (EUMC WG) and the EUMC Working Group Headline Task Force. The EU Military Staff (EUMS) – part of the Council Secretariat – assists the Working Groups and helps draft CMCs, Joint Actions and other planning documents. (Source: Telephone conversation with representative of Dutch Permanent Representation, 24 April 2009). For more information on the EU's military structures, see: <http://www.consilium.europa.eu/showPage.aspx?id=261&lang=en>.

<sup>63</sup> For example if there are defence aspects to a civilian mission, PMG and the EU Military Committee and its working groups can also be asked for advice.

<sup>64</sup> Richter, B. (2008). *Aktualisiert- European Security and Defence Policy – An Interactive Guide*. Available online: <http://www.zif-berlin.org/de/analyse-und-informationen/veroeffentlichungen.html>.

<sup>65</sup> For military operations, these are called Military Strategic options (MSOs). They are developed by the EUMC and the EUMC WG, assisted by the EUMS.

<sup>66</sup> The development of a Joint Action is not discussed in detail in the Council's *Suggestions for Procedures for Coherent, Comprehensive EU Crisis Management*. Instead this paragraph is based on: Interview with Commission official, 5 February 2009; Telephone conversation with EU official, 9 June 2009.

Secretariat for a Concept of Operations (CONOPS).<sup>67</sup> The CONOPS is a document outlining the operational set-up of the mission. Once it has been drafted by the Council Secretariat, CIVCOM forwards the CONOPS to the PSC with advice and recommendations. When the PSC is satisfied with it, it forwards the CONOPS via COREPER to the Council for a formal decision.

If the Council adopts the CONOPS, the final step before the launch of an operation is the drafting of the Operational Plan (OPLAN). This is done by the Head of Mission (HoM),<sup>68</sup> who is selected by the SG/HR and appointed by the Council,<sup>69</sup> with the support of the Council Secretariat. The OPLAN gives a detailed outline of the way the mission will be carried out. At the same time, the force generation process for the mission is initiated. Once the OPLAN has been discussed by CIVCOM, agreed on by PSC and COREPER, and finally approved by the Council, the final stage is the launch of the mission by a Council decision.

Although these steps are presented sequentially, in practice each individual step is not necessarily executed. For example the CSOs and PSOs are not always developed; an 'Options Paper' may be drafted instead.<sup>70</sup> Moreover, because of the great speed with which crisis management operations need to respond to crisis situations, certain steps may be taken in parallel rather than sequentially. For example, on the basis of the CMC, the Joint Action and CONOPS may be developed in tandem rather than one after the other.<sup>71</sup> These crisis management procedures can therefore be executed very swiftly, despite the fact that the number of steps can also make the process very lengthy. An advantage of the existing procedures is that Member States exert substantial control and influence which ensures their buy-in; however at the same time this can slow the process down and makes the decision-making and planning process highly politicized.<sup>72</sup>

#### *Administrative Actors involved in CFSP/ESDP: Brussels-based*

Alongside the bodies preparing and taking political decisions on ESDP Missions (CIVCOM and other relevant working groups and committees, PSC, RELEX Counsellors, COREPER and the Council), the Council Secretariat plays an active role in the preparation and implementation of ESDP missions. It is involved in (i) the preparatory and planning phases of an ESDP mission, (ii) the daily management, supervision and support to existing missions, and (iii) the evaluation of missions.

More specifically, DG E: 'External and Political-Military Affairs' undertakes the political-strategic planning up to the Council's decision on the CMC.<sup>73</sup> Its 'Civilian Crisis Management' directorate (DG E IX) is involved in the design and evaluation of civilian aspects of ESDP missions that focus on crisis management, including SSR. DG E IX cooperates with the Commission, and,

<sup>67</sup> For military operations this is done by the EUMC and the EUMC WG with the support of the EUMS.

<sup>68</sup> For military operations this is done by the Operations Commander assisted by an Operational Headquarters (OHQ).

<sup>69</sup> For more information on the selection process see Section V of the present report.

<sup>70</sup> This was the case for the EU Mission in support of Security Sector Reform in Guinea-Bissau (EU SSR Guinea-Bissau). Telephone conversation with Council Secretariat official, 19 May 2009.

<sup>71</sup> Conversation with Council Secretariat official, 20 May 2009.

<sup>72</sup> Conversation with Council Secretariat official, 20 May 2009.

<sup>73</sup> Email correspondence with Council Secretariat official, 14 May 2009. Conversation with Council Secretariat official, 20 May 2009.

if necessary, with other relevant Council Secretariat directorates such as the CPCC, in the drafting of the strategic planning documents and is involved in FFM. DG E IX also oversees the development of the subsequent operational planning documents for the civilian aspects of a crisis management activity. Within DG E IX, the 'Horizontal Issues Unit' deals specifically with SSR, especially in drafting policy lines.

DG E's Directorate 8: 'Defence Aspects' (DG E VIII) carries out these tasks for the military aspects of crisis management, assisted by the EUMS.<sup>74</sup> It is anticipated that DG E VIII and DG E IX will be merged by the end of the year<sup>75</sup> to create a single directorate called the Crisis Management Planning Directorate (CMPD). This reorganisation is expected to have a positive impact on the Secretariat's crisis management capacities as it will create a critical mass of planners and help to promote a more integrated approach to crisis management, which ensures coherence between civilian and military aspects of crisis management missions.<sup>76</sup>

The Civilian Planning Conduct and Capability (CPCC) Directorate is involved in the operational planning and implementation of civilian ESDP missions. Operating under the political control and strategic direction of the PSC and the overall authority of the SG/HR, the CPCC Directorate was established in 2007 with a view to improving the command and control of civilian ESDP missions.<sup>77</sup> It has a mandate "to provide assistance and advice to the SG/HR, the Presidency of the EU and the relevant EU Council bodies and to direct, coordinate, advise, support, supervise and review civilian ESDP operations".<sup>78</sup> Headed by the Civilian Operations Commander, it houses desk-officers that conduct the operational planning phase of civilian missions – namely by drafting PSOs and CSOs as well as the CONOPS and assisting the HoM to draft the OPLAN. Where relevant, CPCC staff participate in FFMs that take place during the strategic and operational planning phases.

In addition to supporting to the planning phase of missions, the CPCC is the central directorate for the operational conduct of civilian ESDP missions.<sup>79</sup> It organises the force generation for the missions on the basis of the Joint Action, and assists with deployment as required. All HoMs report to the Civilian Operations Commander – Head of the CPCC –, thus establishing a clear chain of command for the missions. The unit for 'Conduct of Operations' acts as the focal point for missions through activities such as monitoring, receiving reports,

---

<sup>74</sup> Telephone conversation with Council Secretariat official, 16 February 2009 and email correspondence with Council Secretariat official, 14 May 2009.

<sup>75</sup> Telephone conversation with Council Secretariat official, 16 February 2009 and conversation with Council Secretariat official, 20 May 2009.

<sup>76</sup> Telephone conversation with Council Secretariat official, 16 February 2009 and conversation with Council Secretariat official, 20 May 2009.

<sup>77</sup> Email correspondence with Council Secretariat official, 14 May 2009.

<sup>78</sup> European Council (s.d.). *Civilian Planning and Conduct Capability (CPCC)*. Available online: <http://www.consilium.europa.eu/showPage.aspx?id=1487&lang=EN>.

<sup>79</sup> The picture is slightly different for military ESDP operations. In the planning phases, the EUMS assists in the drafting of CONOPS and OPLAN. In the implementation stages, in the absence of a permanent OHQ such as the CPCC, ESDP military operations rely on the ad-hoc setting up of EU OHQs for their military operations within facilities offered either by NATO (SHAPE) or one of five national OHQs offered by the Member States (Northwood-UK, Potsdam-Germany, Mont Valerien-France, Larissa-Greece and Rome-Italy). These OHQs are manned by existing national staff and reinforcements from contributing Member States and Third States as well as the EUMS, as required. The Operations Centre of the Council Secretariat that can be used for the purposes of joint civil-military ESDP missions has not been activated so far and is only meant to assist in the conduct of small operations (around 2000 troops). For more information see: [www.consilium.europa.eu/showPage.aspx?id=1211&lang=ENG](http://www.consilium.europa.eu/showPage.aspx?id=1211&lang=ENG).

briefing the upper chains of command and assisting the preparation of any decisions regarding conduct.<sup>80</sup> In addition the 'Mission Support Unit' assists with financial, logistical and human resource aspects both in the start-up and implementation phases of the missions.

#### *Administrative Actors for CFSP/ESDP Activities: Field-based*

ESDP missions deployed in the field execute the mandate under the leadership of the HoM who liaises with the national authorities of the partner country and selects and manages the staff. The missions are staffed by seconded experts from Member States and, if stipulated in the mission mandate, also by Third States as well as internationally contracted staff.<sup>81</sup> As ESDP missions are funded from the CFSP Budget – managed by the EC's DG RELEX – the HoM signs a contract with DG RELEX in a personal capacity which makes him/her personally responsible for the budget and its management.<sup>82</sup>

Although not part of civilian ESDP missions, another important implementing actor for SSR-support activities within CFSP is the EU Special Representative (EUSR). EUSRs are appointed by Joint Actions to assist the High Representative for CFSP; they are responsible for a specific geographic area or a thematic issue.<sup>83</sup> As part of CFSP/ESDP activities, EUSRs are financed by the CFSP Budget. EUSRs can be involved in EU SSR support by applying political pressure on national authorities and providing extra leverage to ESDP or Commission action. For example, the EUSR in Afghanistan, Ettore Francesco Sequi, has an explicit mandate to advise on the progress of SSR processes<sup>84</sup> and the EUSR in DRC, Roeland van de Geer, has a mandate to contribute to international support efforts to pursue comprehensive SSR in the form of a coordinating role.<sup>85</sup> Less direct forms of SSR support by EUSRs are more common however, with EUSRs having mandates that include liaising with, and supporting the work of, an ESDP mission involved in SSR-related activities. Where the EUSR is also the Head of the Commission Delegation, s/he can play a role in facilitating the coordination between First and Second Pillar activities. Until now this double-hatting has rarely occurred<sup>86</sup> – the EUSR in FYR of Macedonia being one example, another being the EUSR to the African Union.<sup>87</sup>

<sup>80</sup> Email correspondence with Council Secretariat official, 14 May 2009.

<sup>81</sup> For more on the staffing of missions, see section V of the present report.

<sup>82</sup> Interview with Commission official, Brussels, 4 February 2009.

<sup>83</sup> Cameron, F. (2007), p.49-50.

<sup>84</sup> Council of the European Union (2009). *Council Joint Action/2009/135/CFSP of 16 February 2009, extending the mandate of the European Union Special Representative for Afghanistan*. Available online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:046:0061:0064:EN:PDF>, art. 3e.

<sup>85</sup> Council of the European Union (2009). *Council Joint Action/2009/128/CFSP of 16 February 2009, extending the mandate of the European Union Special Representative for the African Great Lakes Region*, art. 2d. Available online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:046:0036:0039:EN:PDF>.

<sup>86</sup> Cameron, F. (2007), p.50.

<sup>87</sup> Telephone conversation with Council Secretariat official, 19 May 2009; Council (s.d.). *Koen Vervaeke. EU Special Representative to the African Union. Mission Statement*. Available online: [http://www.consilium.europa.eu/cms3\\_fo/showPage.aspx?id=1397&lang=EN&mode=g](http://www.consilium.europa.eu/cms3_fo/showPage.aspx?id=1397&lang=EN&mode=g).



## IV. Design and Planning of SSR-support Activities

With the recent establishment of the overarching EU SSR policy based on the OECD-DAC guidelines on SSR and governance<sup>88</sup> – as discussed in Section II – the challenge is now for the EU to adopt a unified and comprehensive approach to SSR support in those partner countries it identifies as suitable beneficiaries. Achieving this unified and comprehensive approach to SSR support in practice, requires important adjustments at the design and planning phase of EU action. This section of the report aims to identify the main shortcomings in the current design and planning processes as well as the opportunities for improvement. The areas addressed are (i) the capacity and SSR expertise of those designing and planning EU SSR-support activities, (ii) separate design and planning processes for First and Second Pillar activities, and (iii) funding and sequencing.

### Capacity and SSR Expertise within the Council Secretariat

Although a considerable number of current<sup>89</sup> and past ESDP missions and operations have involved activities which provide support to, or contribute to the transformation of, one or several parts of the security sector, it is only three relatively recent civilian ESDP missions that have made explicit reference to SSR or been labelled SSR-support activities: EUSEC RD Congo, EUPOL RD Congo and EU SSR Guinea-Bissau. This new trend is undoubtedly linked to the prominence, in recent years, of SSR on the international conflict prevention and peace-building agenda and it is important to note that SSR is a new concept for the Council Secretariat. The Secretariat has three full-time SSR officials within DG E VIII and DG E IX and some Rule of Law experts.<sup>90</sup> However, the majority of Secretariat staff involved in designing and planning ESDP missions do not necessarily have specific expertise in holistic integrated SSR as defined in the OECD-DAC guidelines on SSR and governance which form the basis of EU SSR policy. Furthermore they have rarely received training on SSR programme design, planning and delivery.<sup>91</sup> As a result, the design of ESDP missions covering SSR-related activities often overlooks

---

<sup>88</sup> OECD, Paris, 6 June 2005. *Security System Reform and Governance*.

<sup>89</sup> There are currently 12 active ESDP missions and operations: EU Military Operation in Bosnia and Herzegovina (EUFOR-Althea); EU Police Mission in Bosnia-Herzegovina (EUPM); EU Rule of Law Mission in Kosovo (EULEX Kosovo); EU Monitoring Mission in Georgia (EUMM); EU Police Mission in the Palestinian Territories (EUPOL COPPS); EU Border Assistance Mission at Rafah Crossing Point in the Palestinian Territories (EU BAM Rafah); EU Integrated Rule of Law Mission for Iraq (Eujust Lex); EU Police Mission in Afghanistan (EUPOL Afghanistan); EU military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (EU NAVFOR Somalia); EU Mission in support of Security Sector Reform in Guinea-Bissau (EU SSR Guinea-Bissau); EU Police Mission undertaken in the framework of reform of the security sector and its interface with the system of justice in the Democratic Republic of Congo (EUPOL RD Congo); EU Security Sector Reform Mission in the Democratic Republic of Congo (EUSEC RD Congo). For more information see: <http://www.consilium.europa.eu/showPage.aspx?id=268&lang=en>.

<sup>90</sup> Telephone conversation with Council Secretariat official, 19 May 2009.

<sup>91</sup> Interview with Council Secretariat official, Brussels, 28 January 2009 and telephone conversation with Council Secretariat official, 19 May 2009.

fundamental parts of SSR such as parliamentary oversight or transparency in public funding of the security sector, or neglects the links and cooperation between parts of the security sector.<sup>92</sup>

This lack of SSR expertise and programme design/planning skills is aggravated by the fact that there is a relatively high turnover of Council Secretariat staff – some being seconded national experts from Member States – which means that if the expertise does exist it does not necessarily remain within the Council Secretariat for long. There is undoubtedly a need to develop SSR knowledge and programme design expertise as well as ensuring continuity of these skills within the Council Secretariat if SSR support from the EU to partner countries is to be more effective.

The only formal opportunity provided until now, at the EU level, for Council Secretariat staff involved in designing and planning ESDP missions to develop their knowledge and understanding of SSR was the pilot SSR training course organised by The Netherlands and France in November 2008 under the aegis of the European Security and Defence College (ESDC).<sup>93</sup> This training course was primarily aimed at Member State practitioners and only eight Council Secretariat staff participated. It remains to be seen whether the follow-on course planned for June 2009 will go some way to addressing this issue.

### **Capacity and SSR Expertise within the Commission**

As described in Section III, the negotiation, design and planning of EC SSR-support programmes and projects involves DG DEV, DG RELEX, DG AIDCO or DG Enlargement and Commission Delegation staff depending on the nature of the partner country. There are several limitations on the capacities of Commission staff as regards ensuring an adequate SSR focus in this work. Firstly, there is a considerable strain placed on the Commission staff due to their small number and the fact that the number of staff does not increase proportionally with the First Pillar portfolio. The strain is felt particularly strongly within DG AIDCO.<sup>94</sup> Secondly, the SSR expertise of Commission staff, just like that of the Council Secretariat Staff, can be described as limited given the newness of the SSR concept and the lack of systematic training provided to them. Until now the Commission has only held a handful of SSR awareness-raising seminars or short training sessions. DG AIDCO organised a seminar on 'How the EC can contribute to SSR' for Commission HQ and Delegation staff in November 2006 and more recently, in October 2008, held separate seminars on justice sector support and police reform. As the format of these seminars demonstrates, these were awareness-raising and exchange-of-information activities rather than training; the majority of the speakers were Commission staff.

DG RELEX sees its role as organising less sector-specific but more general training/awareness-raising activities on what SSR is and how to mainstream it. As a first step, DG RELEX commissioned an independent research and training institute, the Centre for European Security Studies, to run a two-day training course in November 2008. This was mainly attended by staff from DG RELEX and was not sufficiently long to provide participants with adequate knowledge of SSR programme design. As a second step, DG RELEX is

---

<sup>92</sup> For a table representing the parts of the security sector addressed by civilian ESDP missions see Annex 1.

<sup>93</sup> The ESDC is presented in more detail in section V of the present report.

<sup>94</sup> Interview with Commission official, Brussels, 4 February 2009.

commissioning a course for June 2009 and for the first time plans to open this to both Council Secretariat and Commission staff.

### **Separate Design and Planning Processes**

EU SSR-support activities under the different Pillars are currently designed and planned separately: on the one hand within the EC by the relevant DGs of the Commission and in-country Delegations, and on the other hand under the CFSP by working groups and the relevant Council Secretariat directorates, with limited involvement of the other Pillar in each case. Not only are the activities designed separately, they are not designed in conformity with an overall EU SSR-support strategy for the particular partner country, which addresses the security sector as a whole. Overall EU SSR-support strategies for specific countries do not exist. In the case of the Democratic Republic of Congo (DRC) both a Council strategy for SSR and a Commission paper on SSR exist. Attempts made to merge these two into one overall EU support strategy for SSR in DRC have been unsuccessful.<sup>95</sup> Similarly, there is no one EU support strategy for SSR in Guinea-Bissau which brings together the work of the First and Second Pillars.<sup>96</sup>

Although the CMC developed for an ESDP mission, defines the objectives of the mission within the context of the general EU approach and political objectives for involvement in the partner country, it cannot be equated to an overall EU SSR-support strategy. It is not a joint document which sets out how the First and Second Pillar interventions should be combined, but rather a Second Pillar document whose preparation includes a certain level of involvement from the Commission, and which places the purpose of ESDP action within a broader context.<sup>97</sup>

It appears that the involvement of Commission in the design or strategic planning phase of ESDP missions is becoming more systematic. Commission staff were involved in FFMs in the case of EU SSR Guinea-Bissau for example. There is nonetheless scope for improvement in this area. It appears that Commission staff associated to preliminary discussions and the planning phases of ESDP action are there more for the purposes of information-sharing rather than actively participating and influencing decisions. Some Council Secretariat staff are wary of involving Commission staff in the preparation of the Joint Action because they believe that the representatives of the Commission will try to alter the mandate in favour of the First Pillar notably as there is often contention between Council Secretariat and Commission staff regarding under which Pillar support to the justice sector should fall.<sup>98</sup>

### **Funding and Sequencing**

SSR is a long-term process. Effective external support to this process must therefore be long-term and phased. As seen in the Section III, the EU's tools for supporting SSR in partner countries are activities funded by the short-term component of the IfS and ESDP action in the short- to mid-term, and First Pillar activities funded by the EC's external cooperation instruments – such as the EDF, DCI, IPA or ENPI – in the longer term. ESDP action is funded from

---

<sup>95</sup> Email correspondence with Council Secretariat official, 13 February 2009.

<sup>96</sup> Interview with Council Secretariat officials, Brussels, 8 April 2009.

<sup>97</sup> Telephone conversation with Council Secretariat official, 9 June 2009.

<sup>98</sup> Interview with Council Secretariat officials, Brussels, 8 April 2009.



the CFSP Budget which operates on a yearly budget cycle and the EC external cooperation instruments operate on budgeting cycles of around five years. Joint strategic planning between the Council Secretariat and the Commission at the design phase of EU SSR intervention is therefore required in order to ensure complementarity and successful sequencing for the sustainability of initial short-term initiatives. This should be done through technical-level meetings between representatives of the Council Secretariat and the Commission (DG DEV, DG RELEX or DG Enlargement depending on the nature of the partner country) early on in the strategic planning process.

Due to the lack of joint design and planning of EU-SSR support and the different time-frames of the assistance currently provided, there is often a need to bridge the gaps between Second and First Pillar activities or to provide support during the long lead-in time required by the First Pillar external cooperation instruments. The IfS has been used in this respect to provide funding for the timely deployment of sectoral experts to advise and mentor the national authorities in both Guinea-Bissau and the Central African Republic. In Guinea-Bissau this was to bridge the gap before the staff of a First Pillar SSR-support programme could be in place.

Indeed the IfS has proven itself to be a very valuable tool in this sense. SSR is a highly political process and opportunities for supporting such a process depend on a conducive political environment in the target country and on the political will of the authorities. Given this, the timing of SSR support interventions is often crucial so as to seize a window of opportunity or to ensure that momentum initiated by national authorities is maintained. The IfS provides the flexibility required to deploy support rapidly. However the IfS cannot be depended upon to assist in all EU SSR-support activities. Its role is to provide funding for crisis situations and what constitutes a crisis at a given time depends on the EU's political agenda. Its resources are limited and it receives a large number of funding requests.

Another phenomenon which results partially from ineffective sequencing of Second and First pillar activities, is the growing tendency for ESDP missions to be renewed several times. This means they can be in place for three or four years at time even if they were initially planned for a shorter period of time. This occurrence can be problematic given that ESDP action is often advisory. SSR-support activities in fragile or post-conflict countries will be of limited impact if merely advisory and not accompanied by funded projects to implement the reform plans. Advisory functions, although essential for the initial stages of planning and preparing SSR, will never be sufficient for substantial reform activities requiring funding and integrated projects. This is why efforts are needed to ensure effective sequencing of Second and First Pillar activities both at the conceptual level – in the CMC or in an overall EU SSR-support strategy – and in practice.

## V. Implementation of SSR-support Activities

A number of the problems identified in the design and planning phase of SSR-support activities, which can result in badly designed programmes and ineffective sequencing between the phases of support, will have a negative impact on the implementation of these SSR-support activities. There are however separate issues at the implementation phase which need to be addressed in order to ensure effective EU SSR-support in partner countries. This section will address the following: (i) coordination at field level (ii) management of ESDP missions, (iii) financial means of ESDP missions, (iv) leadership of ESDP missions, (v) staffing of ESDP missions and (vi) training.

### Coordination at Field Level

The EU SSR *Policy Framework* and the Council Joint Actions establishing ESDP missions call for coordination at field level between the ESDP mission and the European Commission Delegation. There are however no further guidelines specifying what form this coordination should take. Given this lack of institutionalised guidelines or mechanisms for coordination, the extent to which the ESDP mission and the Commission Delegation collaborate is not defined or systematic but rather depends on the specific context, the personalities of the staff involved, their relationships with each other and the interest they see in working together.<sup>99</sup> In the case of Guinea-Bissau coordination is reportedly strong due to the particular approaches of those currently posted in Bissau and the fact that the Head of the Commission Delegation was open to the deployment of an ESDP mission as he perceived this as beneficial. In Kosovo the liaison office representing the Commission and the ESDP mission work together because they recognise their own limitations and the need to liaise if they are to achieve their objectives.<sup>100</sup> In both of these countries forms of coordination have emerged – in the latter case these have been structured and formalised – however this is due to particular circumstances and not as a result of institutionalised guidelines applying to all ESDP missions and Commission Delegations.

Although the Council Joint Actions, which call for heads of ESDP missions to coordinate with the Commission Delegations, are legally binding documents for the Second Pillar, and thus for the HoMs, they do not hold any legal sway over the Commission Delegations which fall under the First Pillar. The heads of Commission Delegations are not bound by any more specific instructions than the very general statements for coordination between the Pillars contained in the EU treaties.<sup>101</sup>

Given the broad reach of SSR it is highly likely that the Commission and an ESDP mission both undertake activities in a particular partner country which

---

<sup>99</sup> Interviews with Council Secretariat and Commission officials, Brussels, 4-5 February and 8 April 2009.

<sup>100</sup> Interviews with Council Secretariat and Commission officials, Brussels, 8 April 2009.

<sup>101</sup> Telephone conversation with Commission official, 17 February 2009.

fall under the SSR banner and for which coordination in terms of content and sequencing of support is required. This coordination becomes all the more important given the frequent division of labour between the Second and First Pillars where the former provides monitoring and advice to the national authorities on their SSR strategy and the required legal environment to undertake the reform and sometimes training, and where the latter tends to support the implementation of the reform through specific projects.

In the case of the DRC, the Commission Delegation has chosen to include a clause in the contracts they sign with third-party implementing organisations for their SSR support projects, stipulating that these implementing organisations must work in close collaboration with EUSEC RD Congo.<sup>102</sup> This kind of initiative is however dependent on the choices made by the Commission Delegation and is not formalised in an EU policy document laying down concrete instructions on specific coordination mechanisms between the First and Second Pillars.

### **Management of ESDP Missions: Difficult Collaboration**

The implementation of SSR support action through ESDP missions can be delayed due to a contentious division of labour between the Commission and the Council Secretariat as regards the management of these missions. In the case of current civilian ESDP missions such as EUPOL RD Congo and EU SSR Guinea-Bissau, the Council Secretariat's CPCC Directorate undertakes day-to-day management and oversight of the missions and supports the Civilian Operation Commander. In this capacity the CPCC Directorate receives regular reports on the political and operational dimensions of the implementation of the ESDP mission and provides guidance to the HoM.<sup>103</sup> The Commission on the other hand manages the CFSP Budget and, as a result, is responsible for overseeing the sound financial management of the ESDP mission's operating budget in conformity with the objectives of the mission. The HoM – responsible for the implementation of the mission's operating budget – is required to submit regular narrative and financial reports to the Commission.

In practice this set-up leads to perceived problems on both sides. The CPCC Directorate wishes to be consulted – prior to decisions or actions – on all issues pertaining to the financial management of the mission by DG RELEX/A3 whilst the latter sees this as a loss of time given that the CPCC cannot instruct them on budgetary or financial matters. According to the Commission, the CPCC can only provide advice on such issues to the HoM who can then make a request to DG RELEX/A3 – a procedural arrangement which takes time. For its part DG RELEX/A3 would like the CPCC to immediately pass on the weekly political reports which they receive from the HoM as they feel this is necessary for their work of ensuring sound financial management of the mission's budget in conformity with the mission's objectives. CPCC perceives this as an example of the Commission wishing to interfere in political and strategic aspects of the management of the mission. The crux of the problem appears to be the unwillingness of the two bodies to share information with each other which draws out decision making processes and can cause delays in the execution of ESDP action.

---

<sup>102</sup> Interview with Commission Delegation official, Kinshasa, 17 January 2009.

<sup>103</sup> The assigned OHQ receives these reports in the case of military ESDP operations.

## **Limitations on Support Provided by ESDP Missions due to Funding**

As seen in Section III, traditionally ESDP Missions have only had operating budgets but no funds for implementing projects. This is because their mandates tend to be focused on advisory functions as regards creating the enabling environment for reform to be undertaken (helping the partner country define its vision and strategy for SSR, advising on the necessary legal basis, devising reform plans, etc.). However, the lack of funds available to implement projects is considered a limitation on the impact of ESDP action for several reasons.<sup>104</sup> Firstly it may be difficult to implement an advisory mandate if the national authorities lack basic equipment such as stationary or desks and chairs. Secondly, in practice, ESDP missions have experienced problems of legitimacy and leverage vis-à-vis the national authorities when they do not have the funds to put their advice into action. Thirdly ESDP action when merely advisory is likely to have limited visibility in the partner country due to its intangible nature.

Furthermore the ESDP mission operating budgets are managed by the Commission's DG RELEX A3 Unit, subject to Commission rules on tendering procedures and predefined in the Joint Action, to which changes can only be made by the Sub-delegated Authorising Officer, Head of DG RELEX/A3, sometimes subject to the consent of Member States through RELEX Counsellors. This does not allow for the flexibility that is often required in the implementation phase.

Given this situation there are currently discussions within the Council on allowing ESDP missions small budgets for 'Project Cells' which can carry out quick impact projects. Currently such a Project Cell only exists in EUSEC RD Congo and EUPOL COPPS but in these cases the projects are primarily funded by Member States rather than from the CFSP Budget.<sup>105</sup> This set-up can be problematic for a number of reasons notably in terms of the neutrality of ESDP action and the question of who provides the oversight and accountability for the project implementation and the procedures followed. In practice, the project cell within EUSEC RD Congo works well, however this is considered to be largely due to the particular skills and expertise of the person staffing this cell.<sup>106</sup>

Political agreement was recently reached on the creation of a Project Cell within EUPOL RD Congo.<sup>107</sup> The PSC has also approved a CIVCOM recommendation for the creation of Project Cells in other ESDP missions (to be decided on a case-by case basis) and that where these are created that the projects be funded from the CFSP Budget.<sup>108</sup> If project cells become a trend there will undoubtedly be a need to increase the staffing of ESDP missions to manage the project implementation and to ensure that staff members have sufficient project and financial management expertise.

Another potential solution to the restricted means of ESDP missions – which will notably benefit future missions – is the clarification made recently that

---

<sup>104</sup> Interviews with Council Secretariat officials, Brussels, 4-5 February 2009.

<sup>105</sup> The project cell within EUPOL COPPS has a small budget from the CFSP Budget.

<sup>106</sup> Interview with Commission official, Brussels, 5 February 2009.

<sup>107</sup> Email correspondence with Dutch Permanent Representation, 18 February 2009; Interview with Council Secretariat officials, Brussels, 8 April 2009.

<sup>108</sup> Email correspondence with Council Secretariat official, 14 May 2009.

missions can spend money from the CFSP Budget on activities necessary for the implementation of their mandate if these activities are included in a budget line approved at the time of the Joint Action.<sup>109</sup>

## Profile of Head of Mission

The Cabinet of the Secretary-General of the Council of the European Union / High Representative for the CFSP (SG/HR) and the CPCC play a key role in the selection process of the head of an ESDP mission. A letter is sent from the SG/HR to Member States requesting candidates;<sup>110</sup> this letter can specify required skills or experience, however, there are no formal guidelines on the content of the job description.<sup>111</sup>

In the majority of cases the head of an ESDP mission has a technical profile; that is to say s/he is a current or retired member of the defence or police forces or of the judiciary. On one hand this can be advantageous in certain circumstances where the authorities of the partner country may have a higher regard for a HoM with a military background for example.<sup>112</sup> On the other hand it may have a negative impact on the attainment of a truly holistic approach to SSR or on the capability of the mission to successfully address the political dimensions of the reform process. A HoM with a technical background may be likely to place a stronger emphasis on technical aspects of the reform process to the detriment of the political or holistic dimensions. Where ESDP missions take an integrated approach and cover several parts of the security sector, a less technical and more political HoM may be likely to have a more holistic vision for SSR and be more effective supporting the reform process. For this reason it may be advantageous to nominate a non-technical deputy HoM when the HoM is technical.<sup>113</sup>

Political blockages and delays on the part of the authorities reforming their security sector are common. Consequently it is critical that senior representatives of those institutions undertaking SSR support activities are able to engage on a political level with the partner country. A technical HoM may be less able – or even uncomfortable and unwilling – to dialogue effectively and negotiate with the national authorities<sup>114</sup> than people with more political backgrounds. If a HoM with a solely technical background cannot count on the support of an EUSR for political discussions with the authorities at critical times the implementation of SSR support programmes may well suffer.

---

<sup>109</sup> Interview with Council Secretariat officials, Brussels, 8 April 2009.

<sup>110</sup> The number of candidates put forward in response to this request tends to be very low. Source: Interviews with Council Secretariat officials, Brussels, 8 April 2009.

<sup>111</sup> Interviews with Council Secretariat officials, Brussels, 8 April 2009.

<sup>112</sup> Interview with Commission official, Brussels, 4 February 2009.

<sup>113</sup> Interviews with Council Secretariat officials, Brussels, 5 February and 8 April 2009.

<sup>114</sup> Telephone conversation with EU official, 9 June 2009.

## **Staffing of ESDP Missions**

ESDP missions are for the most part staffed by personnel seconded by Member States. The Council Secretariat makes a call for contributions to Member States who have, in principle, three weeks to put forward their candidates. In the case of EUSEC RD Congo, it was reported that the number of candidates put forward was less than the number of positions to be filled and the quality of a considerable number of those candidates was inadequate.<sup>115</sup> This problem has been reported for a number of other missions also.<sup>116</sup> Several ESDP missions are currently understaffed, for example EUSEC RD Congo, EUPOL RD Congo, and EUPOL Afghanistan, and it is generally felt, especially given the size of the EULEX Kosovo mission, that there is insufficient human and financial resource capacity within Member States to allow for additional ESDP missions at the current time.<sup>117</sup> Indeed there are a number of problems concerning the staffing of ESDP missions as regards the supply-side, namely:<sup>118</sup>

- An insufficient number of experts are put forward by Member States, notably as concerns civilian experts. This is particularly noticeable in the areas of justice and public finances/budgeting, and also to a certain extent for policing. This insufficiency of candidates put forward can be explained by a number of factors. Firstly Member States do not have enough SSR experts among their civil servants to enable them to allocate some to ESDP missions. Secondly Member States are responsible for covering all the costs of their seconded experts, including medical coverage, which can make it a very expensive undertaking. Thirdly the level of the salary offered and allowance may not be particularly attractive to the individuals in comparison to salaries of those employed by other regional or international organisations for field positions. Fourthly not all Member States publicise or disseminate the positions nationally but rather publicise selectively. Fifthly the three-week application period is considered too short by Member States and their candidates, especially when it comes to deciding about postings of long periods such as 12 months. A reason for the lack of civilian experts in particular is that they are often in active duty in their home countries and as a result the Member States cannot necessarily do without them, as opposed to military experts who are part of structures which are used to, and more easily able to, free up human resources for deployment. As a result the candidates put forward by Member States are often retirees and the civilian experts often do not have experience of overseas postings.<sup>119</sup>
- The candidates put forward by Member States, although they have experience of reform of one particular part of the security sector, rarely have expertise of integrated holistic SSR at either a conceptual or practical level given that it is a relatively new concept. Furthermore they often do not have an understanding of how the EU works, which makes it

---

<sup>115</sup> Interview with Council Secretariat officials, Brussels, 28 January 2009.

<sup>116</sup> Telephone conversation with EU official, 9 June 2009.

<sup>117</sup> Interview with Member State representatives and Council Secretariat officials, Brussels, 4-5 February 2009.

<sup>118</sup> In addition, in the context of the current global financial crisis some Member States are withdrawing seconded personnel.

<sup>119</sup> Interviews with Council Secretariat and Commission officials, Brussels 4-5 February and 8 April 2009.

hard for them to work on SSR within the EU given its Pillar structure and unclear division of competencies.<sup>120</sup>

- An ESDP mission's planning documents, including the budget, define the profiles required to carry out the mandate and which positions should be filled by seconded and contracted staff. The majority of the positions are set as seconded staff positions because of the limited size of the CFSP Budget out of which contracted staff must be paid; contracted staff positions are generally limited to highly specialised profiles for which the Member States are unlikely to be able to put forward candidates. In reality there is difficulty in filling the seconded staff positions but to change these to contracted staff positions requires a change of budget which requires agreement from RELEX Counsellors.<sup>121</sup>

EU officials recognise a number of these problems regarding the supply of staff for ESDP SSR-related missions. As a result, the Council Secretariat is working towards setting up a pool of deployable European SSR expert teams (see below) and there have been discussions within the Working Party of Foreign Relations Counsellors concerning (i) the number of contracted staff vs. seconded staff positions in ESDP missions and (ii) additional financial incentives<sup>122</sup> to supplement the salary and allowances which seconded staff receive from their Member State. As regards civilian ESDP missions, CPCC recently made a proposal on measures for improving the staffing situation.<sup>123</sup>

## Development of a Pool of Deployable European SSR Expert Teams

In an attempt to resolve a number of the staffing problems for ESDP missions and for EU SSR activities more generally, the Council Secretariat is working to set up a pool of deployable European expert teams after the principle was agreed upon under the French Presidency of the EU. A draft proposal<sup>124</sup> sent by the Council Secretariat to Member States Delegations was approved by the Council in November 2008. This proposal sets out that the deployable SSR expert teams will be drawn upon for (i) short-term diagnosis missions to analyse the situation prior to the deployment of an ESDP mission, and for (ii) providing experts in specific parts of the security sector (police, justice, etc.) for participation in ESDP missions. The Commission will also be able to use experts for the needs of First Pillar SSR-support activities however, in reality, it will be very difficult for the Commission to do so due to EC legal constraints.<sup>125</sup> Despite the initial intentions of the Czech Presidency to achieve agreement within the Council on the profiles of experts for the pool, a training plan and the pool's *modus operandi* by July 2009, this work has been delayed.<sup>126</sup>

<sup>120</sup> Interview with Council Secretariat official, Brussels, 4 February 2009.

<sup>121</sup> Telephone conversation with Commission official, 17 February 2009.

<sup>122</sup> For more information on these incentives which will be paid out of the CFSP Budget see the following internal EU restricted access document: *Guidelines for allowances for seconded staff participating in EU civilian crisis management missions*, 14 April 2009, 7291/09, and for new agreed rates by mission see: <http://www.consilium.europa.eu/uedocs/cmsUpload/140409-website Allowances in ESDP missionsMD.pdf>.

<sup>123</sup> For more information see the following internal EU restricted-access document: 6 April 2009, *Draft guidelines for improving Force Generation for civilian ESDP missions*, 8540/09.

<sup>124</sup> European Union, Brussels, 21 October 2008. *Note from Council Secretariat to Delegations*. Doc. No. 14576/1/08. Available online: <http://register.consilium.europa.eu/pdf/en/08/st14/st14576-re01.en08.pdf>.

<sup>125</sup> Interview with Commission official, Brussels, 26 May 2009.

<sup>126</sup> Interview with Commission official, Brussels, 8 April 2009.

There are two main problems anticipated by the Council Secretariat as regards the effectiveness of this pool. Firstly the short-term diagnosis missions require senior level experts. This is problematic given that Member States are often unwilling to share their senior level civil servants. Secondly each Member State will have the right to put forward one expert per profile for the pool's second use: providing experts of specific parts of the security sector to participate in ESDP missions. Consequently the Council Secretariat staff feel they should limit the number of profiles which the expert pool will cover. The reason for this is that they do not want too many experts in the pool as they want the experts to get to know each other and train in teams given that the objective of the pool is to draw together teams who will work together on particular missions.<sup>127</sup> However, limiting the number of profiles contained in the expert pool is problematic for the effectiveness of future SSR activities given that to date one of the weaknesses of ESDP SSR interventions is the focus on the defence, justice and police sectors to the detriment of areas such as democratic oversight, transparent public funding of the security sector and political context analysis.

## **Training of Staff**

The general training situation for EU staff involved in both First and Second Pillar SSR-support activities is poor. As seen in Section IV there is little formal SSR training provided to the headquarters-based Council Secretariat and Commission staff who are responsible for designing, planning and overseeing ESDP missions and SSR-support programmes. Where ad hoc training or awareness-raising sessions have been organised, they have thus far only benefited a small number. As regards the training of EU personnel in the field, there is a distinct lack of formalised training structures or even arrangements.

### *Member States*

Member States have the primary responsibility for training the personnel deployed in ESDP missions. CIVCOM proposed general principles and essential elements for pre-deployment training in December 2006<sup>128</sup> including an additional SSR component for the individuals who have been selected for a specific ESDP mission if the nature of the mission requires SSR expertise. Whether or not this general pre-deployment training is provided depends entirely on the Member States; the principles cannot be enforced, pre-deployment training is not compulsory and the Council Secretariat is wary (and has limited means) of putting pressure on the Member States as regards training requirements, as they fear this may further reduce the number of candidates that Member States put forward to staff ESDP missions.<sup>129</sup>

As a result of the responsibility for pre-deployment training lying with Member States and a lack of compulsory standards, marked discrepancies exist in the level of training of deployed personnel. Indeed Member States have different institutional training structures and different levels of financial and human resources allocated to training of personnel. As a result the quality of the training varies between Member States. Furthermore there is a disparity across

---

<sup>127</sup> Interview with Council Secretariat officials, Brussels, 28 January 2009.

<sup>128</sup> Internal EU restricted access document: CIVCOM, 13 December 2006, *Draft CIVCOM advice on the Report from the training workshop "Future training needs for personnel in civilian crisis management operations"*, 15812/2/06 REV2.

<sup>129</sup> Interview with Council Secretariat official, Brussels, 8 April 2009.



Member States in training content as regards each area of expertise. This is notably the case in the civilian sector for which there are far fewer common standards, and established training systems at national level, than in the military sector – the military sector benefiting from the work of organisations such as the North Atlantic Treaty Organization (NATO) for example.<sup>130</sup>

### *EU-level*

Currently DG E IX attempts to monitor the training that selected mission personnel have received from their respective Member State. The Council Secretariat can provide induction training in Brussels for at least the key mission personnel prior to their deployment to complement the Member State pre-deployment training. This was the case for EU SSR Guinea-Bissau where induction training with a particular emphasis on SSR as defined in the *EU Concept for ESDP support to Security Sector Reform* was organised. The Council Secretariat is however limited by funding constraints. ESDP mission budgets only allow for in-mission training and can only be used for training once the mission has been launched.

Other than ad hoc stop gap measures provided by DG E IX, there is little other operational training provided at the EU level for individuals who may be deployed. There are only some small-scale or partially-relevant initiatives such as: (a) IfS-funded Civilian Crisis Management training for police officers and (b) the European Group on Training.

Civilian Crisis Management training (of which one component involves SSR) is currently provided under funding from the IfS to police officers for the purposes of the EU police force. Approximately 600 police officers were trained in 2008 by the French Gendarmerie and it is anticipated that a further 600 will be trained in 2009 by the Italian Carabinieri. The permanence of this arrangement is uncertain given the questionable set-up of using a fund intended for partner countries to finance the training of EU Member State staff.<sup>131</sup>

The European Group on Training (EGT) – an open network of training institutions providers and ministries engaged in the recruitment and training of civilian crisis management personnel, representing 21 Member States<sup>132</sup> – has, in the process of developing and piloting courses on rule of law and civilian administration as well as more recently on civilian crisis management, trained several hundred Member State personnel. It has also run training courses for experts made available by Member States to be part of CRTs. Although this group of national training organisations has undoubtedly contributed to the development of training standards, curricula and the beginnings of harmonisation between the EU and other international organisations, it cannot be relied upon to single-handedly provide for the EU's civilian crisis management needs. It is not formally linked to the EU and the funding the EGT currently receives from the EC comes to an end in August 2009. The number of those trained has not been sufficient to meet the needs of the civilian ESDP missions.<sup>133</sup> Furthermore, the personnel that participate in EGT (pilot) courses are not necessarily those deployed in ESDP missions because generally the Member State government department which selects the people who will

<sup>130</sup> Interviews with Council Secretariat officials, Brussels, 4-5 February 2009.

<sup>131</sup> Interview with Commission official, Brussels, 8 April 2009.

<sup>132</sup> This current EGT has evolved from an informal group set up in 2001 to implement the EC Project on Training for Civilian Aspects of Crisis Management. For further information on the EGT and its history see: <http://www.europeangroupontraining.eu/index.php>.

<sup>133</sup> Email correspondence with Council Secretariat official, 13 February 2009.

participate in training is not the same department which selects those who will be deployed.<sup>134</sup>

The issue of those being put forward by Member States for training not necessarily being those deployed in ESDP missions is a general problem across the EU<sup>135</sup> and must be addressed in order to increase the effectiveness of ESDP action. The organisation of substantial in-mission SSR training should be considered as a potential solution. This will help to ensure that those deployed are trained to certain minimum standards as regards content and quality.

The only other type of training organised at the EU-level is strategic-level training on the ESDP provided by the European Security and Defence College (ESDC). The ESDC, established by a Council Joint Action in July 2005, is a network of national institutes, colleges and academies dealing with security and defence policy issues which aims to develop a common understanding of ESDP and supply EU instances and Member States with personnel familiar with EU policies, institutions and procedures.<sup>136</sup> The vast majority of the national institutes which make up the ESDC are defence academies. As a result the ESDC has a strong military bias. It offers three types of training course on ESDP for civilian and military personnel or public information officers.<sup>137</sup> These regular, general ESDP courses do not cover SSR.

Set up as a network, the ESDC has limited financial and human resources; it currently has a very small temporary secretariat, only organises two of its three courses once a year<sup>138</sup> and depends on Member States to host and sponsor additional courses. The initiative taken by the Netherlands and France to organise a pilot training session for practitioners on SSR in ESDP missions, in October 2008 under the aegis of the ESDC, was a positive step forward as regards the development of EU training modules and setting a precedent for further training bringing together personnel from different Member States.<sup>139</sup> However, despite the fact that the intended target audience was practitioners who will be deployed on ESDP missions, the majority of those who attended were senior-level policy-makers from ministries or headquarters that are unlikely to be deployed.

### *Outlook for Pre-deployment Training*

Currently the training provisions are weak. Member States do not systematically provide training and the few initiatives at the EU or cross-Member-State level are very small-scale or do not target those who will be deployed in ESDP missions. Unfortunately there seems currently to be no consensus among Member States as to whether the delivery of pre-deployment training should be carried out at the EU level. It is mainly those Member States that do not have the capacity to train themselves who are keen for the responsibility to fall to the EU.<sup>140</sup>

<sup>134</sup> Telephone conversation with an International Alert representative, 24 April 2009.

<sup>135</sup> This is also an issue for other multilateral organisations such as the UN and the OSCE.

<sup>136</sup> ESDC Website: <http://www.consilium.europa.eu/showPage.aspx?id=1382&lang=en>.

<sup>137</sup> For more information on the courses provided by the ESDC see: <http://www.consilium.europa.eu/uedocs/cmsUpload/ESDC%20TRAINING%20ACTIVITIES.pdf>.

<sup>138</sup> The High Level Course and the Press and Public Information Course are organised once a year. The Orientation Course is organised 4-5 times a year. Source:

[http://www.consilium.europa.eu/uedocs/cmsUpload/ESDC\\_TRAINING\\_ACTIVITIES.pdf](http://www.consilium.europa.eu/uedocs/cmsUpload/ESDC_TRAINING_ACTIVITIES.pdf).

<sup>139</sup> Hungary and France, with the support of Romania, plan to organise a follow-up to this course in June 2009.

<sup>140</sup> Interview with Council Secretariat official, Brussels, 8 April 2009.

Given this situation, the following developments are seen by officials of the Council Secretariat as providing intermediate solutions:<sup>141</sup>

- An online database called Schoolmaster is currently being developed in order to allow better use of existing Member State training provisions. It will provide an easy means of disseminating and updating information on training programmes organised at the national level, allowing Member States to send their personnel to training courses organised by other Member States.
- The ESDC will be strengthened in the coming months. It will become a separate entity with legal status and an operating budget from the EC; it will grow from three to eight members of staff including an official head. There are discussions on the possibility of the ESDC providing management support for civilian crisis management training. It is beginning to develop an internet-based learning system for which it will have funding.
- Once the pool of deployable European SSR expert teams is established, the experts put forward for the pool will be trained. This will hopefully go some way to addressing the problem of staff being deployed without training, which often arises because of the desire to launch missions rapidly in order to respond to the urgency of the circumstances.

These are only initial initiatives in response to the EU's deficient training landscape. Despite the reflective work of sections of the Council Secretariat on improving the training situation and the December 2006 draft CIVCOM advice which includes concrete proposals such as certified EU training courses, little progress has been made. Sweden will hold the Presidency of the EU from July to December 2009 and it is anticipated that during this period they will prioritise the issue of training.<sup>142</sup>

---

<sup>141</sup> Interview with Council Secretariat officials, Brussels, 8 April 2009.

<sup>142</sup> Interviews with the Swedish Permanent Representation and Commission official, Brussels, 5 February 2009.

## VI. Conclusion

Providing support to Security Sector Reform in third countries is no easy task. It is a long-term undertaking which requires – on the part of a donor – clear policy guidelines, integrated planning, sequencing, a variety of different types of expertise, substantial and flexible funding, political leverage and coordination, to name but some major elements. The scope of the support required in fragile states or post-conflict countries is even larger due to the scale of the needs and the working environment. It is only recently that the European Union has begun to shape its approach to engaging in the security sector in such contexts more in accordance with the holistic approach promoted by the OECD. In these fragile and post-conflict contexts it is confronted, just as other donors are, with *external* challenges related to the local situation such as ambiguous political will, instability and a multiplicity of international actors. However as this report indicates, the EU must additionally surmount *internal* challenges presented by its Pillar structure in order to equip itself with the required elements for effectively supporting SSR processes in partner countries.

The EU has, in recent years, taken numerous steps towards developing new – or adapting existing – mechanisms in an effort to equip itself with the elements listed above. Although it has an SSR *Policy Framework*, a number of funding mechanisms and a wide-range of expertise to draw on within its Member States, there is still a need to go much further in developing the areas of policy, funding, human resources, planning and management processes of SSR-support activities. Firstly, the policy must explicit *how* to divide up the roles and mandates of the First and Second Pillars in SSR support and provide guidelines on implementing a truly integrated, holistic approach to the reform. Secondly, greater flexibility must be found for the funding mechanisms required by both Pillars notably in order to ensure sequencing between the short- to mid-term and the long-term. Thirdly, SSR expertise needs to be systematically developed at both headquarter and field levels, notably for those involved in programme design and implementation. The EU must reinforce its capability to deploy a larger variety of pre-trained experts to participate in SSR-support missions. Fourthly, specific coordination mechanisms should be established to ensure true joint planning and programming by Council Secretariat and Commission staff. Finally senior EU representatives should be equipped to guide the political dimension of SSR alongside the technical aspects.

Several of these issues are recognised by EU officials and in some instances options for alleviating the situation are envisaged. Where this is not the case, or where these options do not seem adequate, the following opportunities for improvement should be considered.

§ As regards the **policy**, modifying or developing the framework is not a solution currently considered by the EU. There are expectations that the ratification of the Lisbon Treaty will result in increased coherence of external relations in general, and of SSR in particular. In the meantime, the findings of this report indicate that it would be beneficial if the EU:

- a) decided upon a clear division of roles and mandates for the First and Second Pillars in SSR support; and

- b) developed guidelines on implementing a truly integrated, holistic approach to SSR-support activities.
- § As regards the **design and planning** process, the reorganisation of various Council Secretariat directorates into a single Crisis Management and Planning Directorate is expected to improve the design and strategic planning of Second Pillar action by creating a critical mass of planners. In addition, several Member States have recently taken the initiative to organise SSR training at the EU level and there are plans to strengthen capacities of the European Security and Defence College. Nonetheless, the findings of this report show that there is a need to:
  - a) develop specific courses on SSR programme design and planning; and
  - b) ensure that the staff responsible for design and planning within both the Council Secretariat and Commission are systematically and jointly trained on the holistic approach to SSR as per EU SSR policy and on SSR programme design and planning.
- § Further, at the **design and planning** stage, although Commission involvement in fact-finding missions and strategic planning of Second Pillar action is becoming more common, the quality of EU SSR support would benefit largely from the institutionalisation of:
  - a) early low-level technical meetings between the two Pillars in the strategic planning phase; and
  - b) the development of strategic plans for EU SSR support in a partner country setting out and sequencing Second and First Pillar activities.
- § As concerns training at the **implementation** stage of EU SSR support, there is no consensus on removing the primary responsibility for training of deployed staff from the domain of Member States despite the current shortcomings of this set-up. There are nonetheless several initiatives underway which aim to improve the supply and quality of the personnel staffing ESDP missions, notably the development of a database to maximise the use of existing Member State training provisions and the creation of a pool of deployable SSR expert teams. The findings of this report indicate the importance of:
  - a) the systematic organisation of substantial in-mission SSR training for ESDP mission staff in order to ensure that those deployed have been trained and that they have been trained to certain minimum standards; and
  - b) the quality of the candidates put forward rather than a quota of experts per Member State, and the inclusion of a broad number of profiles, for the pool of deployable SSR expert teams.
- § Further, at the **implementation** stage, in order to bridge the gap between short-term Second Pillar and longer-term First Pillar activities, two intermediate solutions have been developed. The Instrument for Stability is being used increasingly in SSR support as a more flexible funding instrument and agreement was recently reached on endowing ESDP missions with funds from the CFSP Budget to fund projects necessary for the implementation of the mission mandate. In order to increase the effectiveness of these intermediate measures, the EU should:

- a) develop mechanisms to ensure regular coordination meetings in the field between ESDP mission(s) and the Commission Delegation at both management and working levels; and
- b) ensure that ESDP missions have additional staff with sufficient project and financial management experience in order to handle the extra work load resulting from the project funding.

The scope of this report is limited. It has focussed on means and processes but has not looked in detail at the content of EU SSR-support activities. In order to fully understand the EU's engagement through SSR support activities it is necessary to examine ESDP missions and EC programmes more thoroughly, as well as the extent to which they are in line with the security and justice needs in partner countries – at both national and local levels. Furthermore, the findings of this report have been identified through interviews of Brussels-based EU and EU-affiliated officials. In order to present a fuller and more balanced picture it is essential to combine these with views from the field. It would be important to look in more detail at the effect of the internal challenges highlighted in this report on the delivery of EU SSR support on the ground; at how the combination of First and Second Pillar activities alongside bilateral interventions of Member States plays out on the ground; and at the impact and effectiveness of these activities as perceived by both EU actors and partner-country stakeholders. These are important avenues for future research.

# ANNEXES

## ANNEX 1: Parts of the Security Sector addressed by Civilian ESDP Missions as per their Mission Statement

### Current Missions

<b>Civilian ESDP Mission</b>	<b>Date</b>	<b>Defence</b>	<b>Police</b>	<b>Border management</b>	<b>Justice and the rule of law</b>	<b>Democratic oversight and accountability</b>	<b>Transparant public management</b>
EUMM Georgia	October 2008 - Present						
EU SSR Guinea-Bissau	June 2008 - Present	X	X				
EULEX Kosovo	February 2008 - Present		X	X	X		
EUPOL RD Congo	February 2005 - Present		X		(x) <sup>143</sup>		
EUPOL Afghanistan	June 2007 - Present		X				
EUPOL COPPS	January 2006 - Present		X		(x) <sup>144</sup>		
EUBAM Rafah	November 2005 - Present			X			
EUJUST LEX Iraq	July 2005- Present		X		X		
EUSEC RD Congo	June 2005 - Present	X					
EUPM BiH	January 2003 - Present		X				

<sup>143</sup> The Mission Statement reads: “The mission will support SSR in the field of policing and its interface with the justice system [...] EUPOL RD Congo shall contribute to improving interaction between the police and the criminal justice system in the broader sense.”

<sup>144</sup> The Mission Statement reads: “[...] EUPOL COPPS shall advise on police-related Criminal Justice elements.”



Past Missions

<b>Civilian ESDP Mission</b>	<b>Date</b>	<b>Defence</b>	<b>Police</b>	<b>Border management</b>	<b>Justice and the rule of law</b>	<b>Democratic oversight and accountability</b>	<b>Transparant public management</b>
EUPOL Kinshasa	12/4/05 - 1/7/07		X				
AMM Aceh	15/12/05 - 15/12/06	X	X				
EUPAT FYROM	15/12/05 - 15/6/06		X				
PROXIMA FYROM	15/12/03- 14/12/05		X	X			
EUJUST THEMIS Georgia	16/7/04 - 14/7/05				X		

## ANNEX 2: Flow Chart of Key Decision-making Steps of the Crisis Management Procedures

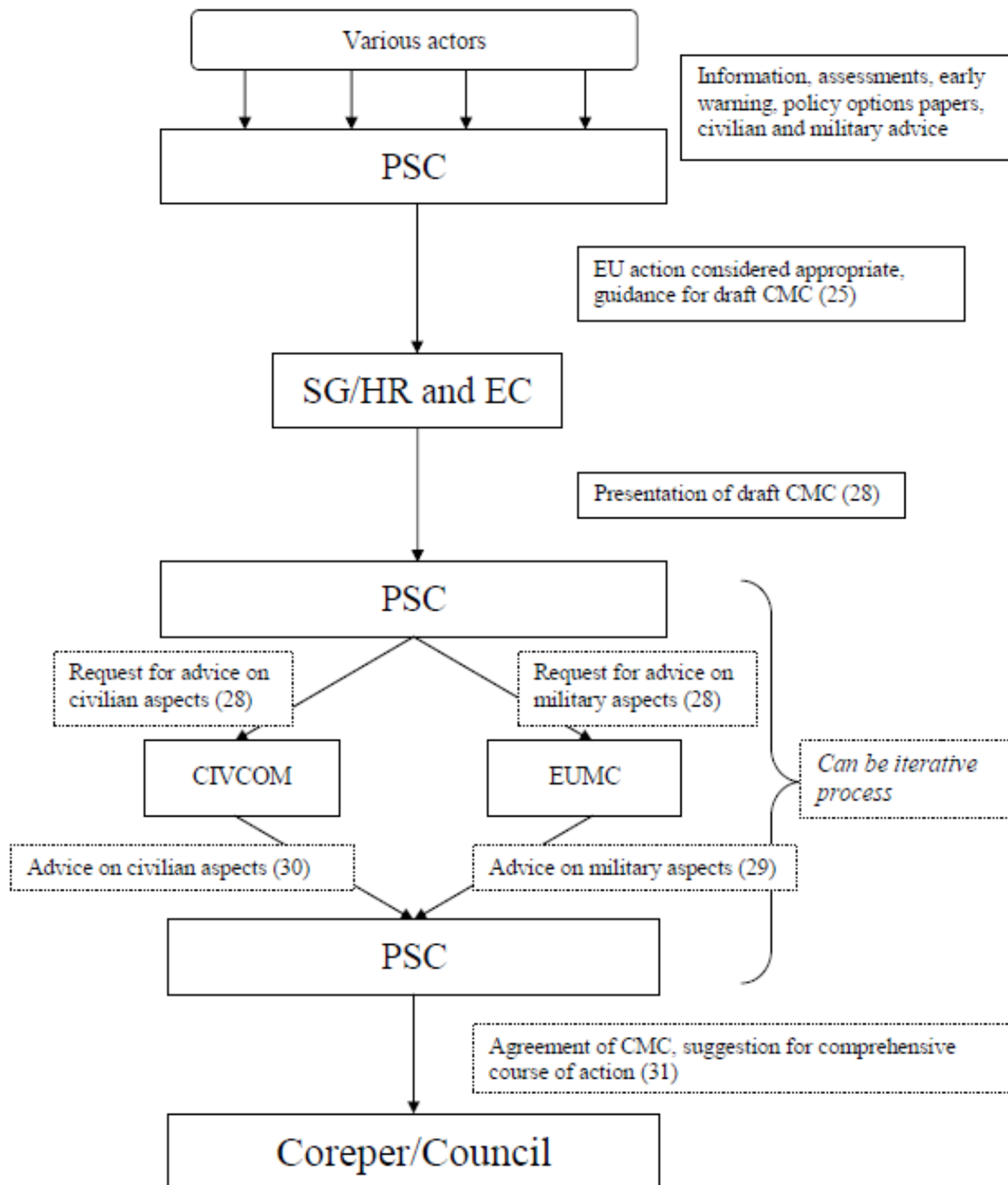
From: Council (2003). *Suggestions for Procedures for coherent, comprehensive EU crisis management*. Doc. No.: 11127/03, p 1-4.

### Notes

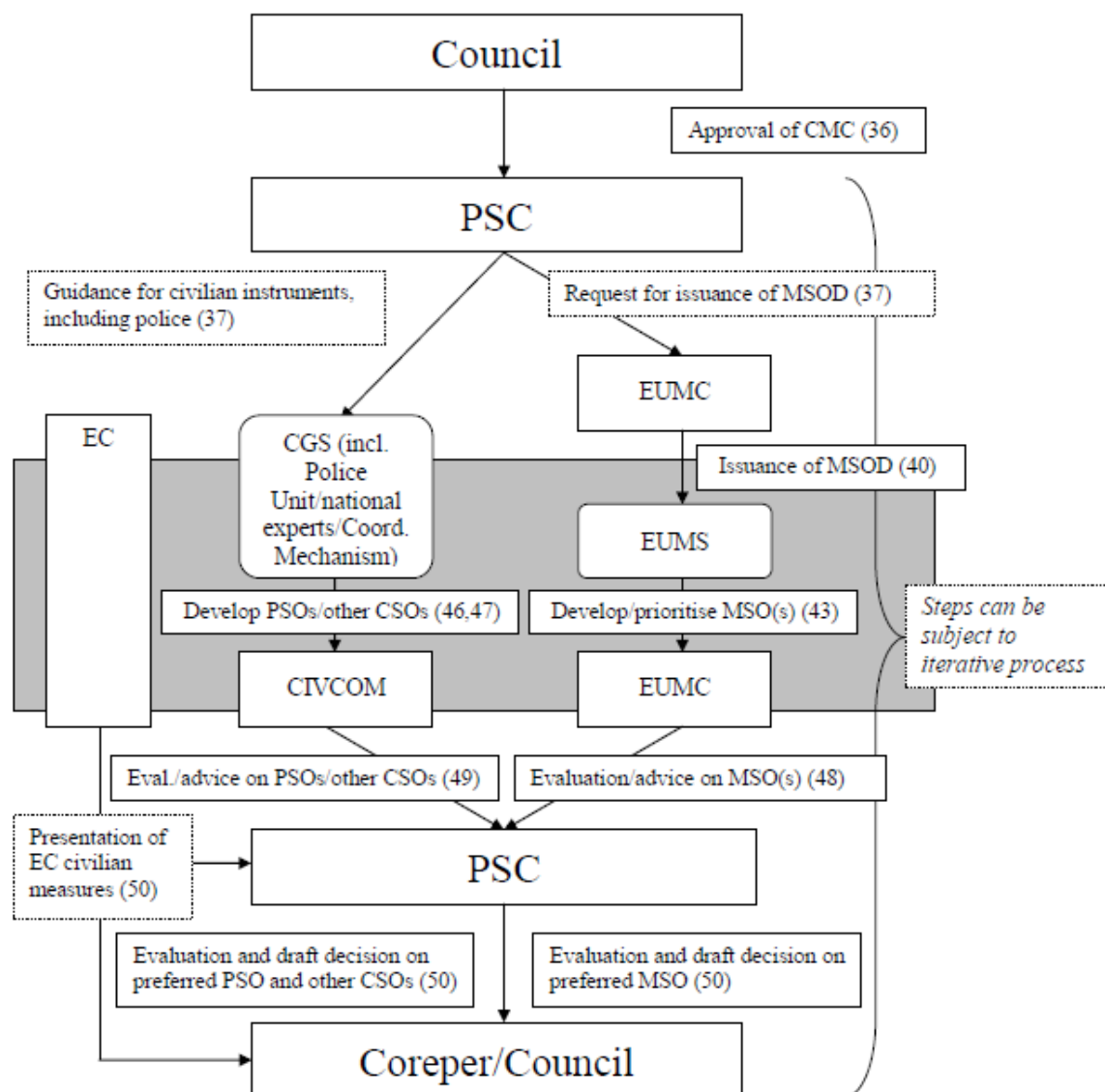
- The flowchart is intended to be a tool to facilitate understanding and use of the present Crisis Management Procedures (CMP) by reflecting the key decision instances contained therein. It focuses on the internal EU decision-making process and in particular on key moments (i.e. either decisions or presentation of 'products') leading up to the approval of OPLANs and equivalent documents and the operation launch by Council (end of Phase 4). Text in the flowchart summarises text within the body of the CMP (including a reference to the appropriate paragraph); the latter text clearly has precedence.
- Other elements of the CMP may not be reflected in the present flowchart but clearly remain integral to crisis management. These include activities that are ongoing throughout the procedures, including for example assessments by the Policy Unit and the Joint SITCEN, information strategy activities, or regular information exchanges. Consultations or interactions with third parties, which take place at points in the procedures that can vary depending on the particular crisis, are not reflected.
- The processes within the CMP (and indicated in the flowchart) are indicative; not all will necessarily be taken during a particular crisis (e.g. an operation may include exclusively military or exclusively civilian instruments). Many of the processes included in the CMP, such as the development of a crisis management concept (CMC), are iterative in nature.
- It is understood that there is input to Council bodies and decision-making procedures from Council Secretariat and Commission services throughout the procedures and at all levels. Co-ordination between services is also an ongoing process. The grey backgrounds in the flowchart indicate stages at which there is a heightened co-ordination, i.e. to ensure the coherence of planning products.
- The arrows in the flowchart reflect a tasking or the forwarding of a 'product' and are not intended to reflect hierarchical relationships.

**Phase 1 - Routine Phase**

**Phase 2 - Crisis Build-up / Elaboration of the draft CMC**



### Phase 3 - Approval of the CMC and development of strategic options



## Phase 4 - Formal decision to take action, development of planning documents

