TRANSITIONAL JUSTICE AND SECURITY SYSTEM REFORM

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ACKNOWLEDGMENTS

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ACRONYMS

CSOs	Civil society organisations
DAC	Development Assistance Committee
DDR	Disarmament, demobilisation and reintegration
DRC	Democratic Republic of Congo
ESDP	European Security and Defence Policy
ICC	International Criminal Court
ICTJ	International Center for Transitional Justice
IfP	Initiative for Peacebuilding
OECD	Organisation for Economic Cooperation and Development
SSR	Security system reform

EXECUTIVE SUMMARY

The relationship between transitional justice and security system – or sector – reform (SSR)[1] is understudied, yet both contribute to state-building, democratisation and peacebuilding in countries with a legacy of massive human rights abuse. The security system is fundamental in any democracy for protecting the citizens' rights. Yet in post-conflict environments it usually comprises members of the police, military, secret police, intelligence agencies, armed rebel groups and militia – the groups which are often the most responsible for serious and systemic human rights violations during conflict. Reforming the system to ensure security agents become protectors of the population and the rule of law is therefore of the utmost urgency, but the political and security context may pose serious challenges to reform.

Reforming abusive institutions is in and of itself an important component of transitional justice, and it should be accompanied by and be coherent with other transitional justice approaches, such as prosecutions, truth-seeking, and reparations for victims. A justice-sensitive approach to institutional reform recognises that institutions (as well as individuals) provide an enabling environment and bear significant responsibility for massive violations of human rights. Justice-sensitive SSR adds value to broader SSR programmes as it aims to prevent recurrence and repetition of violations by transforming abusive institutions and instilling accountability for past abuses. It will, therefore, form an important part of broader SSR programmes designed to increase the effectiveness of an institution. It puts a particular emphasis on increasing the integrity, accountability and legitimacy of institutions through reform, and on transforming the institution's role in society and its relationship with the population. Empowering citizens – particularly victims and other marginalised groups – is a key component and aims to build civic trust of the population in the institutions, transforming victims into citizens whose rights are known, protected and enforced, and who hold public institutions to account.

This paper draws on research in four very different environments: Afghanistan, Burundi, the Democratic Republic of Congo (DRC) and Timor-Leste. Although effective SSR is highly context-specific, this paper argues that the EU could improve the substance of its SSR programming and implementation by drawing on lessons from these four case studies.

The main recommendations are that:

- SSR should be seen as part of a broader state-building approach. Emphasis should be put on ensuring coherence between SSR and other transitional justice approaches. SSR projects should consider the whole of the security system, including relevant ministries and the justice system, as well as disarmament, demobilisation and reintegration (DDR) processes.

- Perpetration of crime, including sexual violence, by security agents must be addressed with highest priority. The EU should encourage the prosecution of at least the most serious abusers, preferably through the domestic system.

- The EU should support a justice-sensitive approach, ensuring that accountability for human rights violations is at the heart of SSR programmes. This will include the design and implementation of vetting processes to remove human rights violators and other abusers from the security system. But removing abusive officers is insufficient in itself: internal disciplinary mechanisms and effective civilian oversight are necessary for sustainable reform.

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1   For simplicity, SSR denotes both "security sector reform" and "security system reform" in this paper.

- Citizens must be empowered to hold public institutions to account. Creating or restoring civic trust in the institutions is indispensable for sustainable reform.

At the operational level, the following recommendations could improve implementation of SSR programming:

- Programme design must be context-specific and informed by best practice and lessons learnt. It should be based on recognition that reforming the security system in a post-conflict environment is both political and technical, and demands a long-term strategy that is flexible enough to adapt to the changing environment. Commitment should be long term and response should be rapid.

- The national government should drive the SSR process and coordinate programmes, but the EU (and other actors) must insist on principles such as accountability.

- The EU should endeavour to improve coordination between international actors, and especially between the European institutions and Member State interventions. It should seek to overcome challenges caused by the different competencies of the European institutions (a particular concern is the relationship between the European Commission's rule-of-law competences and the EU's engagements in SSR through European Security and Defence Policy or ESDP missions). It should facilitate exchanges between the national government and regional partners where relevant.

- The quality of programming could be improved by the rigorous screening and selection of international staff. They should be trained in transitional justice approaches, and should have an adequate mission length. Security personnel and institutional reform specialists from former regimes or from regional partners may be more appropriate mentors than Europeans and North Americans. All programmes should be evaluated with the participation of civil society actors. They should be gender-sensitive and should ensure that different ethnic groups are equitably represented.

Keywords: Transitional justice, justice-sensitive SSR, European Union, Democratic Republic of Congo, Afghanistan, Timor-Leste, Burundi.

INTRODUCTION

As part of the Initiative for Peacebuilding (IfP), the International Center for Transitional Justice (ICTJ) conducted research into SSR processes in four different countries: Afghanistan, Burundi, the DRC and Timor-Leste.[2]

This synthesis paper does not summarise these reports, but draws on the research to discuss the relationships between transitional justice and SSR, and justice-sensitive approaches to SSR. It draws out common themes and highlights recommendations. First, the paper briefly describes the challenges for SSR in the cases under consideration. It goes on to discuss the relationships between SSR and transitional justice and elaborate justice-sensitive approaches to SSR. Finally, the paper draws conclusions and recommendations. By identifying concerns common to the findings in the different countries and security contexts, this paper suggests ways in which applying a justice-sensitive approach may enable the EU to strengthen its contribution to peacebuilding through SSR processes.

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2   For more information on the case studies on which the following analysis is based, please see the "Country Reports" section at the end of this paper.

POLITICAL AND SECURITY CONTEXT: CHALLENGES FOR SSR

Each of the case studies examines a country that has emerged from conflict, occupation and/or oppression. The legacies of a violent past represent a serious challenge to state-building and for SSR.

REACH OF THE STATE'S AUTHORITY

Afghanistan and the DRC are fragmented states. The central government does not have complete control over the territory, nor the monopoly of violence. Neither state has a tradition of centralised responsibility for good governance and the safety of the population. State institutions are weak and compromised; often modern and institution-centred modes of governance co-exist with traditional structures, the latter of which may carry more authority with the local population. The justice sector is incapable of delivering justice for the population.

ONGOING VIOLENCE AND THE THREAT OF A RETURN TO VIOLENCE

Ongoing violence between state security agents and non-state actors, or the threat of a return to fighting, has been and is a serious challenge to SSR in all four countries studied. National governments and international actors have allowed a culture of impunity to go unchecked in the pursuit of short-term concerns for stability.

IMPUNITY AND CORRUPTION

In Afghanistan, Burundi and the DRC, the leaders of armed groups believed responsible for human rights abuses hold – through election or appointment – positions of power. In many post-conflict environments, former militia members have joined the army as part of a peace deal with no screening of their human rights record, and little training.

The security systems in the countries under consideration are not held accountable for their actions, and are not subject to rigorous democratic oversight. Security agents often lack the basic skills required to do their job. Criminal networks associated with illegal resource extraction (DRC) or the drug trade (Afghanistan) operate within the system. Corruption is endemic in each context. Public trust in the security system is fundamentally undermined by a culture of impunity.

TRANSITIONAL JUSTICE AND SSR

According to the Organisation for Economic Cooperation and Development's (OECD) Development Assistance Committee (DAC), SSR should aim for: i) the establishment of effective governance, oversight and accountability in the security system; ii) improved delivery of security and justice needs; iii) development of local leadership and ownership of reform processes; and iv) sustainability of justice and security service delivery.[3] The European Commission states that: 'the objective [of SSR] is to contribute explicitly to strengthening of good governance, democracy, the rule of law, the protection of human rights and the efficient use of public resources'.[4]

Transitional justice aims to deal with the legacy of systematic and massive human rights abuse, recognising and acknowledging victims, and contributing to the processes of peacebuilding and democratisation. It is not in itself a special form of justice, but a set of approaches that seek to bring about justice in extraordinary conditions, usually in transitions from authoritarianism and/or violent conflict, to democracy and peace. A key element of transitional justice is placing the victim at the centre: ensuring that the victims of oppression are recognised as such, are empowered as fully rights-bearing citizens and have their dignity restored to them. Transitional justice approaches include, but are not limited to, prosecutions, truth-seeking, reparations for victims, the reform of abusive institutions and memorialisation.

The Timor-Leste study demonstrates that the desire to support impunity for the sake of short-term stability and reconciliation needs to be carefully weighed against the serious long-term effect that a culture of impunity has on respect for the rule of law, and the effective functioning of law enforcement agencies and institutions, and the government. Long-term stability and security cannot be achieved without a culture of accountability that flows through all public institutions.

The different transitional justice approaches share the same goal, are interrelated and should be designed to mutually reinforce one another. For example, recognising that it would be impossible to prosecute all those guilty of human rights violations during conflict, prosecutions will tend to focus only on those most responsible. Unlike courts of law, truth-seeking measures do not have the authority to impose sanctions on perpetrators. But truth is, of itself, an aspect of justice. By investigating and publicising events that took place, truth-seeking contributes to generating a common historical narrative, key for (re)establishing trust between population groups, and between citizens and the state, but it must not replace or prevent future prosecutions to sanction individuals. Thus, the different processes should reinforce – and not replace – each other; a holistic approach is likely to be most successful in meeting the justice needs of the population. In Burundi, however, there are no linkages between SSR and the wider transitional justice programmes in the country, nor is any opportunity foreseen to create them. The successful prosecution of human rights abusers and other criminals, in addition to SSR, has been identified in both the Afghanistan and DRC case studies as important elements in reform.

As the Timor-Leste study shows, truth-telling, prosecutions and vetting processes must be supported by a long-term strategy to ensure the full implementation of the results of these processes. Without this long-term strategy and commitment, it is likely that these important but often politically difficult accountability measures will never be implemented.

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3   Organisation for Economic Cooperation and Development (OECD) (2007). *OECD DAC Handbook on Security System Reform: Supporting security and justice*. Paris, France: OECD. p.21. Available at http://www.oecd.org.
4   Commission of the European Communities (2006). *Communication from the Commission to Council and the European Parliament: A concept for European Community Support for Security Sector Reform*, COM(2006) 253 final. p.253.

JUSTICE-SENSITIVE APPROACHES TO SSR

Justice-sensitive approaches to SSR are not stand-alone projects, but rather should be an integral part of any transitional justice approach and of SSR projects seeking to establish effective and accountable public institutions. Reform of public institutions may also be a key enabling factor for other transitional justice measures; for example, spoilers within key public institutions may well be able to block efforts to establish the truth.[5]

A justice-sensitive approach to SSR is an important component of transitional justice, particularly where security agents have committed and continue to commit human rights violations. It seeks to reform abusive public institutions in the security system by addressing the past record of the institution, as well as by holding individual perpetrators to account rather than ignoring past abuse. It aims to make the institutions accountable to the population and become protectors –rather than abusers – of all citizens' rights and defenders of – rather than a threat to – the safety of citizens (especially vulnerable populations) and the security of communities. Reforming abusive institutions so that they are accountable to and trusted by the population transforms not only the institutions, but also the people who become fully rights-bearing citizens rather than victims of state oppression.

To achieve these aims, a justice-sensitive approach to SSR focuses on four main areas of reform within a broader SSR programme: building the integrity of the security system; establishing effective accountability; strengthening its legitimacy; and empowering citizens.

The **integrity** of a security system refers to its adherence to the rule of law in the provision of safety and security. This goes beyond building the capacities of the security agency. Crucial elements for building the integrity of an institution will be establishing multiple, overlapping mechanisms and processes for accountability, based on international best practices. Reforms within the institution will include developing professional standards and codes of conduct, accompanied by disciplinary measures to ensure adherence.

Justice-sensitive SSR proposes a more holistic approach to **accountability** than common SSR approaches, establishing accountability for the most serious past abuses as well as for violations committed in the present or future. Holding the institutions as well as individuals accountable for past abuse helps to improve their integrity, legitimacy and effectiveness as public institutions.

The **legitimacy** of a security system refers to the level of civic trust it enjoys. A legacy of serious abuse fundamentally undermines the legitimacy of the security system. Building the integrity of the security system may not be sufficient in itself to overcome the fundamental crisis of trust that is characteristic of such a legacy. Security institutions can only be successful if they are responsive to the security needs of the public and earn the confidence of the population by treating all citizens fairly and addressing their security concerns effectively. As well as building the integrity of the institution, efforts to promote the legitimacy of the security system may include verbal or symbolic measures (such as memorials, apologies and changing insignia) that reaffirm a commitment to overcoming the legacy of abuse, and an endorsement of democratic norms and values.

Finally, the **empowerment of citizens** is an integral component of a justice-sensitive approach to SSR. Victims of state repression or conflict-related violence and other marginalised or vulnerable groups must become truly citizens with rights, responsibilities and needs that public institutions are called to serve. Efforts to assist subjects of state oppression and victims of violence to recognise themselves as rights-bearing citizens include, among others, empowerment measures such as public information campaigns, citizens' surveys to identify their security and justice needs, and training civil society organisations (CSOs) to monitor the security system.

VETTING

Vetting is part of a justice-sensitive approach to SSR which, when combined with other SSR programmes designed to improve the accountability, functioning and oversight of public institutions, can contribute to both

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5   P. de Greiff (2007). 'Vetting and transitional justice' in A. Mayer-Rieckh and P. de Greiff (Eds.). *Justice as prevention: Vetting public employees in transitional societies*. New York, US: Social Research Council. p.528.

building the integrity and the legitimacy of the institution concerned. "Vetting" is used here to mean 'processes […] aimed at screening public employees or candidates for public employment to determine if their prior conduct (including, most importantly from a transitional justice perspective, their respect for human rights standards) warrants their exclusion from public institutions'.[6] The exclusion of human rights abusers will increase the integrity of the institution by establishing that no one is above the law. But rather than seeing vetting as a one-off process, it should be understood to include developing internal disciplinary processes and external oversight mechanisms to help change the nature of the institution and therefore prevent recurrence of abuse.

Vetting is a measure that, if conducted properly, should contribute to building the integrity of the security institution, increasing public trust in it and empowering citizens. It should also increase the effectiveness of the institution. For example, if women do not report incidents of rape because they fear being raped again by officers at the police station, rapes will go unreported and there can be no investigation, regardless of the technical capacities of the police to investigate the crime. The reputation of the police as human rights abusers therefore directly undermines their capacity to do their job. Thus, removing known abusers from the police, and establishing and adhering to clear disciplinary mechanisms for all officers, demonstrates that human rights abuse is contrary to the ethos of the institution, and that it is punishable and punished. This in turn should contribute to increasing public trust in the police, which is necessary for its proper functioning. If successful and implemented alongside other reform measures, vetting may also interrupt organised irregular and criminal activity within abusive institutions. The lack of clear command and control of the security forces is believed to hide a complex web of illegal economic activities, for example, particularly connected to natural resource extraction and drugs (Afghanistan, DRC), often in collaboration with other armed groups. As long as these informal, powerful and highly lucrative structures continue to exist, they will present a major obstacle to unity of command and control, and democratic oversight. Significant power-bases of influential individuals are therefore likely to be affected by vetting.

Vetting can therefore contribute to broader needs for justice. But the process must itself respect the rights of those vetted: the emphasis on the personal record of each individual is important. There is no single model applicable in every case. Indeed the process of designing a vetting programme needs to take into account a whole range of considerations, including taking decisions on the institutions and positions to be vetted (which must take into account questions of feasibility); the criteria for screening for misconduct; the sanctions for those who are positively vetted (i.e. those who fail to meet the necessary standards); the structure and procedures; the scope of the process; its timing and duration; its justification; and its coherence with other institutional reform and transitional justice measures.[7]

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6   R. Duthie. 'Introduction' in Ibid. p.17.
7   Ibid; See also: UN Development Programme (UNDP) (2006). *Vetting public employees in post-conflict settings: Operational guidelines.* New York, US: Bureau for Crisis Prevention and Recovery.

MAIN FINDINGS FROM THE CASE STUDIES

The case studies examined four different countries in which reform of the security system is at different stages. Each case study is different and not all prioritised the same recommendations. This section seeks to draw out common conclusions and recommendations for the EU, which may contribute to more effective SSR programming in the countries under discussion and elsewhere.

APPROACHES TO SSR

Despite the differences in contexts between the different case studies, the authors made similar recommendations for how SSR programming could be improved substantively.

SSR, TRANSITIONAL JUSTICE AND STATE-BUILDING

Reforming the security system is an important part of state-building. State-building as a process should emphasise: anti-corruption measures, institution-building and local governance. Meritocratic government should be encouraged through support for democratically-minded people and mechanisms (Afghanistan).

Meaningful SSR will not be possible where a culture of impunity prevails. The Burundi study found that not only has no correlation been established between SSR and transitional justice, but that no opportunity is foreseen to create such linkages. In Afghanistan and the DRC, the national governments should be strongly encouraged to abide by international standards of human rights, particularly regarding due process and the rule of law, and arrest and prosecution of at least the most serious human rights violators and other major criminals. In the DRC, the successful prosecution of men in uniform who have committed crimes of sexual violence is particularly necessary. While the inclusion of sexual crimes in indictments issued by the International Criminal Court (ICC) for crimes committed in the DRC are welcome, international trials cannot replace domestic prosecutions (Afghanistan, DRC).

A HOLISTIC APPROACH, INCORPORATING JUSTICE SECTOR REFORM

The pillar approach to SSR, where each institution within the security system is addressed in isolation from the others, needs to be reconsidered in order to enable a more holistic approach to reform, including of the justice sector (Afghanistan).

For prosecutions to be successful, more international focus is needed on building the institutions of the formal justice system. This may include additional projects on witness protection; legal assistance; smart aid projects enabling women to participate in trials by ensuring the well-being of their families in their absence; court monitors to ensure international standards are met; and persistent follow-up to ensure execution of judgments, particularly of reparation payments to victims (Afghanistan, DRC).

Domestic prosecutions also pre-suppose a police service, or units within the police that are capable of successfully investigating crime. There must be renewed emphasis on training of police in criminal investigations, community policing and literacy (Afghanistan, DRC). Capacity-building of specialised units (for example, to address sexual crime) could be a useful first step in equipping the police with the skills and attitude necessary to meet its obligations to protecting the security of the population (DRC).

SSR programmes need to focus not only on uniformed services but also on building the capacity of legislators to develop effective laws and policies relevant to the security system (Timor-Leste). In Afghanistan, restructuring the

Ministry of Interior is necessary, and renewed emphasis needs to be given to ensuring merit-based appointments, adequate pay grades, vetting of senior political appointments and monitoring the reform process.

Currently the DDR of militia and private security firms happens in isolation from SSR projects. This disconnect should be urgently addressed and rectified, as the two processes should be directly connected (Afghanistan, DRC).

VETTING AND OTHER REFORMS TO ESTABLISH ACCOUNTABILITY AND OVERSIGHT OF THE SECURITY SYSTEM

The EU should support a reflection and consultation process with national authorities, the international community and relevant technical experts and other stakeholders to examine in depth what options there may be for rigorous vetting processes, using the human rights records (including for sexual violence) of individuals as a criterion for selection for or exclusion from security services, and to make recommendations for the implementation of such a proposal (Afghanistan, DRC).

It will not be feasible to vet every member of the police or army, so strategic choices will need to be made. It may be most appropriate to vet only the most senior ranks, and/or members of internal disciplinary units. The potential security threat of those excluded from the institutions will also be an element that has to be taken into account. There is no single model applicable to each case, so best practice and lessons learnt from other examples across the world should be carefully examined, including giving adequate attention to the process of designing, as well as implementing, such a process.

As with criminal prosecutions, the exclusion of human rights abusers and other criminals (which may or may not include prosecution, although the possibility of future prosecution should be safeguarded) as a one-off, standalone intervention, is unlikely in and of itself to reform the culture of an institution. Exclusion of abusers must be accompanied by long-term and sustainable reforms, including effective and fair internal disciplinary measures and democratic external oversight. Members of a disciplinary unit would need to be screened on human rights grounds, as well as for competence. These measures will be reinforced by personnel training, not only in professional competence and codes of conduct (for example, regarding rape and sexual violence) (Burundi), but also in human rights. Recruitment procedures must be designed to ensure that the institution reflects the social, ethnic and gender make-up of the community it serves (DRC).

CIVILIAN OVERSIGHT AND EMPOWERING THE POPULATION

Civilian oversight is crucial for sustainable reform. Abusive institutions are not reformed in a vacuum; their place within society and relationship with the population are transformed. A key element of justice-sensitive SSR is to empower the population and build civic trust in institutions. In Burundi, Timor-Leste and the DRC, the studies found that more priority should be given to engaging the population as a whole in the reform processes in order for these to be sustainable.

Support is needed to ensure increasing transparency through oversight by civil society institutions and by ensuring access to information, properly maintained court records open to the public, legal requirements to report conflicts of interest, and raising public awareness (Afghanistan).

Local communities should be consulted early to determine what their security concerns and needs are, so that reform efforts can be prioritised appropriately. Such consultations allow for a broad definition of security, which for some communities may include economic and social security issues (Timor-Leste). In Burundi, the case study author recommended introducing formal mechanisms to ensure the security needs of communities are taken into account. This includes a participatory forum, including civil society, which would define a common vision for the security system and identify the needs and concerns of the communities. Particular attention will need to be paid to the relationship between women and security institutions, building the capacity of women's associations and networks, and ensuring their participation at the highest level (Burundi, DRC).

The role of the media, in addition to CSOs, is also important: the Burundi case study recommended capacity-building for media organisations, so they may hold the security system to account in a professional manner.

IMPLEMENTATION OF SSR PROGRAMMES

The case study authors also suggested ways in which the implementation of SSR programmes could be improved.

LONG-TERM STRATEGY

Effective SSR is a long-term process, as capacity-building and reform are not short-term events. SSR strategy, therefore, needs to be long term (often beyond the timeframe of donor contracts or UN mandates). Short-term and ad hoc solutions, such as the establishment of the Afghan Public Protection Force, should be avoided (Afghanistan).

As reflected in all the case studies, long-term SSR is highly context-specific. There is no one right way, and while donors should learn from previous experience, they cannot cut and paste solutions, guidelines or strategies that worked in one country to another.

While SSR programmes must be clearly designed and budgeted, programme designs must include sufficient flexibility to allow the implementers on the ground the flexibility they need to adjust to changing circumstances. Multi-year programmes can quickly become inappropriate in such dynamic post-conflict settings (Timor-Leste).

As well as sustained involvement, a quick response is important: results are easiest to achieve if work starts quickly, so as to begin filling the void immediately. The longer the process takes to start, the more likely it is that decisions and reforms will be made in the meantime that will be difficult to correct. A first phase rapid response is best, as long as it allows for flexibility and for context-specific reforms to be integrated in the longer term. This also applies to personnel: important positions related to SSR need to be filled quickly (Timor-Leste). International donors should guarantee an adequate mission length for their staff (Burundi).

SSR programmes should be flexible enough to take advantage of opportunities that arise in the changing political and security contexts. For example, in Burundi future integration of the *Parti pour la liberation du peuple hutu – Forces nationales de libération* (Party for the Liberation of the Hutu People – National Forces of Liberation, or PALIPEHUTU-FNL) might break the political deadlock on SSR. The elections (scheduled for 2010) could provide the opportunity to develop a post-electoral forum to define a holistic approach to SSR, going beyond a sectoral approach and considering a systematic way of consolidating peace in Burundi.

Local elections are also planned in the DRC in 2009 and should be used as a means for mobilising public opinion to pressure the elites to engage effectively in reform initiatives. The results of the UN Mapping Exercise (expected mid-2009) could provide a catalyst for deeper engagement in SSR and transitional justice (DRC).

COORDINATION OF SSR PROGRAMMES AND OF INTERNATIONAL ACTORS

Local governments should decide which police, military and judicial systems they would like to build, and what their underlying philosophy should be. They may need international help to understand various systems and philosophies, but the choice should be theirs. Then they can choose who is best to help them implement and build institutions on that basis (Timor-Leste). However, a lack of common military or police doctrine in certain organisations (EU, UN) is also identified as a problem for capacity-building projects (DRC, Timor-Leste).

Coordinating SSR programmes is a challenge in each of the cases studied. Indeed, even identifying the range of SSR programmes in operation can be a challenge (Burundi). The national government may be the best coordinator of SSR initiatives. However, this means that early efforts need to focus on raising the capacity of the local government to make SSR decisions and coordinate between the various relevant aspects of the government and the donors. While the SSR process must be locally owned, donors should assert important principles in their programmes – such as the need for accountability – which must be strongly defended and not surrendered too easily for the sake of political expediency (Timor-Leste).

In Afghanistan, the lead-nation approach to SSR and reconstruction in general reduced coordination between EU actors, and between EU and other actors. While EU actors may be better coordinated in Burundi and the DRC, they still lack a common strategic, or vision-based, approach. Coordination between the EU and other actors (such as the UN and US) is difficult (Afghanistan, DRC).

In Burundi, the mandates and relationships between the two coordinating bodies should be clarified. This may include merging the parts of the *Cadre Stratégique de Lutte Contre la Pauvreté* (Strategic Framework for the Fight Against Poverty) and the *Cadre Stratégique de Consolidation de la Paix* (Strategic Framework for the Consolidation of the Peace), which deal with the same sectors. The capacity needs of each (and the level of participation in each) can then be determined. In Afghanistan, the continuing disparity between US and European efforts in police reform needs to be overcome. The establishment of the International Police Coordination Board is a step in the right direction, but it will need continued political and secretariat support.

Regional partnerships should also be considered, such as increased linkages between the Afghan and other South Asian security institutions, as their context is more relevant to Afghanistan than the European or North American institutions.

INTERNATIONAL STAFF
International experts and advisors need to be carefully screened to ensure that they represent and promote the type of security system the international community wants to help build (Timor-Leste). They should also receive training in transitional justice (Burundi).

GENDER AWARENESS
International donors, such as the EU, should ensure gender sensitivity in their programming by recruiting a gender expert to inform programming by different EU actors (Burundi).

More links should be made with Sunni Arab countries (particularly Egypt and Morocco), and with prosecutors and women from countries where they have had experience of women's activism, so as to ensure women's rights (Afghanistan).

TRAINING AND MENTORING
Members of the security services should be trained in the basics of transitional justice as well as in aspects of reintegration into society before demobilisation (Burundi). Training police in human rights and women's rights training should be reemphasised in Afghanistan.

Former police trained in previous regimes can be brought back as mentors or advisors in preference to foreign mentors. A new integrated approach to police building, including through the use of expertise of police in neighbouring south Asian countries, should be encouraged (Afghanistan).

EVALUATION
All studies found that there should be more impact evaluation of SSR programmes, which should involve CSOs (Burundi, Timor-Leste). In Burundi, all EU and Member State SSR programmes should be evaluated together to assess what impact technical assistance has had. If such an evaluation were to use a participatory approach (including civil society) and be gender-sensitive, it could enable more of the communities' security concerns to be included in SSR programmes.

RECOMMENDATIONS

Adopting the following recommendations would strengthen the EU's approach to SSR in countries with a legacy of massive human rights abuse:

- SSR should be seen as part of a broader state-building approach. Emphasis should be put on ensuring coherence between SSR and other transitional justice approaches. SSR projects should consider the whole of the system, including relevant ministries, the justice system, and DDR processes.

- Perpetration of crime, including sexual violence, by security agents must be addressed with highest priority. The EU should encourage the prosecution of at least the most serious abusers, preferably through the domestic system.

- The EU should support a justice-sensitive approach, ensuring that accountability for human rights violations is at the heart of SSR programmes. This will include the design and implementation of vetting processes to remove human rights violators and other abusers from the security system. But removing abusive officers is insufficient in itself: internal disciplinary mechanisms and effective civilian oversight are necessary for sustainable reform.

- Citizens must be empowered to hold public institutions to account. Creating or restoring civic trust in the institutions is indispensable for sustainable reform.

The following recommendations could improve implementation of SSR programming:

- Programme design must be context-specific and informed by best practice and lessons learnt. It should be based on recognition that reforming the security system in a post-conflict environment is both political and technical, and demands a long-term strategy that is flexible enough to adapt to the changing environment. Commitment should be long term and response should be rapid.

- The national government should drive the SSR process and coordinate programmes, but the EU (and other actors) must insist on principles such as accountability.

- The EU should endeavour to improve coordination between international actors, and especially between the European institutions and Member State interventions. It should seek to overcome challenges caused by the different competencies of the European institutions (a particular concern is the relationship between the European Commission's rule of law competencies and the EU's engagements in SSR through ESDP missions). It should facilitate exchanges between the national government and regional partners where relevant.

- The quality of programming could be improved by:
  - Rigorous screening and selection of international staff. International staff should be trained in transitional justice approaches and should have an adequate mission length;
  - All programmes should be evaluated with the participation of civil society actors;
  - All programmes should be gender-sensitive;
  - Security personnel and institutional reform specialists from former regimes or from regional partners may be more appropriate mentors than Europeans or North Americans; and
  - Programmes should ensure that different ethnic groups are equitably represented.

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