THE UNITED NATIONS' APPROACH ON SECURITY SECTOR REFORM. THE CASE OF LIBYA

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Abstract

This article reviews the concept of Security Sector Reform and its application in conflict-afflicted countries – the case which is discussed being Libya. In the first section of the text, the emergence of the concept in the field of Security Studies is illustrated; additionally, the paper highlights the actors that actively engage in Security Sector Reform programs with a central focus on the United Nations. Challenges that the United Nations model face are later presented – with emphasis on the short-term mandates and the unrenewed as well as the universally applied Security Sector Reform guidelines. The last part of the article represents an analysis of the United Nations-led Security Sector Reform programme in Libya and the goal here is to illustrate how the challenges presented at the beginning of the article can be traced in the case of the northern-African country.

Keywords: United Nations, security sector reform, Libya, SSR programs, conflict-afflicted countries, Security Studies

Security Sector Reform and its impact on the conceptualization of security

The concept of Security Sector Reform was formally coined by Clair Short, the United Kingdom Secretary for International Development, in

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1999 (although it has been discussed during most of the last decade of the XXth century). This event marks a departure from the mainstream understanding of security that has dominated the Cold War era, given that Short's perspective was to introduce development studies and conceptualization into the field of security.

Developmental security can be understood as a shift from the state-centred assistance given by Western countries, to a more individual-centred and democratic process which has as its main point the creation of a state which can give opportunities to its society.[1]

The emergence of Security Sector Reform (SSR) as a concept was made possible due to two elements: first, the ending of the Cold War paved the way for a change in the threat of calculus of Western states. It is no longer the eastern communist states that hamper the existence of the Western capitalist core, but rather, it is weak, failed and conflict-afflicted states in the periphery that can pose an ideological danger. The process of state-building was created for this very reason, and it is viewed as the mean to combat this issue – and at the core of this model we have Security Sector Reform. The SSR project emphasizes one of the most basic Weberian condition for statehood, a "*monopoly of the legitimate use of physical force*"[2], which allows states to claim sovereignty over their national territory and impede insecurity from spreading across their confines. By enabling local authorities to re-establish the supremacy of the state, Western democracies may restrain the insecurity that weak and failed states project into the international system and, thus, prevent long-term and anachronistic military occupations. It is in this context that Security Sector Reform became a central instrument of Western states used to promote stability in the peripheral areas of the world.

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[1] Mark Sedra, *Security Sector Reform in Conflict-Affected Countries*, New York: Routledge, 2017, p. 52.
[2] Andreas Anter, *Max Weber's Theory of the Modern State*, New York: Palgrave McMillan 2014, p. 11.

The second factor which contributed to the spreading of the concept, was the reconceptualization of security in the 1990s. As previously mentioned, the ending of the Cold War provided a spark for a shift from state-centred to people-centred approaches in security studies, coupled with the recognition that there is a clear interconnection between security and development. This, in turn, has led development actors to change their perspective upon the security sector, which has led states to understand that governance, security and justice reforms are essential elements for sustainable human development. Furthermore, it encouraged development actors to refrain from using only mainstream security instruments – such as militaries and intelligence agencies, in order to assist their security aid programs.[3]

The SSR model formally emerged a few years after Short's speech, and it is firstly elaborated by the Organization for Economic Co-operation and Development (OECD). The OECD's Development Assistance Committed (OECD DAC), with support from the department of Clair Short (Department for International Development), issued a general set of guidelines in 2004 and 2007, which paved the way for development agents to implement such a complex model – these two handbooks have become the common reference points in security studies. Although there are visible differences and variations among SSR implementation and thinking, there is a wide agreement among donors[4] with regards to the basic principles stated in these two handbooks.[5]

The components of the two handbooks can be assessed by observing its main core principles: *fostering a supportive political environment* by acknowledging every reform context that the international actors are involved in; *local ownership*, which implies that the resources provided by the international donor be given to the national bodies – in order to not

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[3] Mark Sedra, *op. cit.*, pp. 54-55.

[4] A term which refers to the states, institutions or private individuals that fund Security Sector Reform programs.

[5] Mark Sedra, *op. cit.*, pp. 57.

exacerbate domestic uncertainty; *holistic nature* of the process, since it entails a significant sector-by-sector approach (police, military, law, governance, civil society, among others); *monitoring, review and evaluation* are considered vital for the success of an SSR program, and the emphasis is put on the fact that this monitoring should take place constantly – not only at the end of the project.[6]

At the international level, there are multiple actors involved in conceptualizing as well as applying SSR programs. They range from states, international organizations, institutions, focus-groups to non-governmental organizations and non-state actors. Among these, the most active on the international stage are the United Nations, the European Union, the African Union, the Organization for Economic Cooperation and Development, the International Security Sector Advisory Team, The Organization for Security and Cooperation in Europe, NATO, and others. The most influential at international level, is the United Nations, given its global reach and its organized structure. The UN is currently involved in multiple SSR operations around the globe: Libya (UNSMIL), South Sudan (UNMISS), Guinea-Bissau (UNIOGBIS), Somalia (UNSOM), West Africa and South Sahel (UNOWAS), among others.[7] In the following pages, the guidelines and the principles that the United Nations applies to security aid towards conflict-afflicted countries will be discussed, in order to ultimately illustrate what aspects - if there are any - can be improved.

The United Nation's approach to Security Sector Reform

The United Nations Secretary General created the principles and the theoretical framework that guide the UN SSR approach in a report that was

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[6] OECD DAC *Handbook on Security Sector Reform*, Organization for Cooperation and Development, 2007 <https://issat.dcaf.ch/download/478/3015/OECD%20DAC%20Handbook %20on%20SSR.pdf>, pp. 21-22, accessed in December 2019.

[7] "Security Sector Reform" in *United Nations Peacekeeping,* <https://peacekeeping.un.org/ en/security-sector-reform> 2019, accessed on December 2019.

published on January 2008,[8] providing a number of core definitions and guidelines with the goal of enhancing comprehensiveness, coordination and cooperation among the country members of the United Nations. The objective is, therefore, to stimulate the engagement of member states in SSR programs in conflict-afflicted areas. Furthermore, the approach of the organization is grounded on the understanding that it will be closely impossible to attain sustainable peace, human rights, eliminate poverty in the long term - and other democratic values upon which the United Nations is founded, if there are no transparent and effective security institutions that can provide safety for the individuals. Thus, the meaning of the United Nation's support for SSR is to give to every individual, without any discrimination, safety, which is provided with the help of accountable and effective security institutions which function according to civilian control, and in respect of the rule of law as well as the respect of universal human right. That is precisely why, the organization has set up a systematic guideline which respects international humanitarian norms and rules, and which assists actors in the implementation of such a complex model.[9]

Attained through a special inter-agency work, *The Integrated Technical Guidance Notes* present that very inclusive approach previously mentioned, which the United Nations uses as guide for various sectors related to the implementation of Security Sector Reform. For example, they provide UN staff that works in the field, with the challenges and opportunities that may arise in the process, or the operational and strategic interventions – coupled with their impact on the ground. Moreover, they may be of help for Member States of the UN, or other regional

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[8] UN Secretary General, Securing peace and development: the role of the United Nations in supporting security sector reform, Report of the Secretary-General, A/62/659–S/2008/39, 23rd of January 2008, p. 1, <https://www.un.org/en/ga/search/view_doc.asp?symbol= A/62/659> accessed on December 2019.

[9] *Ibidem*, pp. 1-5.

organizations that are concerned with the region in cause – such as the African Union, if the program is directed towards an African country.

Also, the reason for why the United Nations support SSR programs is mostly defined by the Organization's legitimacy and global reach, and because it has both a normative and an operational component. The UN very strictly affirms that its responsibility in providing aid to conflict-afflicted countries and area as well as helping nation and regional authorities will never, except rare cases, exclusively be devised by the Organization, but rather – the effort should be undertaken under a comprehensive collaboration of all involved stakeholders. The legitimacy that the United Nations have over contributing to SSR models is to be observed on two grounds, on a normative as well as on an operational one.

On the one hand, in its *normative* role, the United Nations can contribute by assisting the assimilation of international legal rules including human rights norms, with internal legislature and policies as well as the assisting of the application of proposals and recommendations that arise from international human rights agencies regarding the security sector; formulating strategies and policies for the application of SSR models and programs which can set up the basis of transparent and serious cooperation between the United Nations and national, as well as local agents; certifying that all the parties engaged into Security Sector Reform programs, including possibly deployed peacekeeping units, Special Missions and UN Country Teams, are provided with assistance in stating milestones and other assessment and evaluation procedures; supporting the creation of mutual information and knowledge on SSR, by holding forums of discussion at international level, where the UN promotes dialogue and the development of best practices.[10]

On the other hand, in its *operational* role, the United Nations has a competitive advantage (by being politically neutral and by providing

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[10] United Nations SSR Task Force, Integrated Technical Guidance Notes, 2012, pp. 1-3, <https://peacekeeping.un.org/sites/default/files/un_integrated_technical_guidance_notes_on _ssr_1.pdf> accessed on December 2019.

global reach), which allows it to undertake the political part of SSR; it can do so by providing forums of discussion and reconciliation as programs for extensive reforms, and by assisting national and regional actors in the comprehensive conceptualization, formulation, execution and assessment of relevant security governance policies.

The Integrated Technical Guidance Notes deliver support plans that are the basis of the operational role that the United Nations has in security sector reform. The ITGNs thus may be aligned together with the United Nations defence sector reform policy, which together provide a holistic framework for United Nations engagement in SSR. Another United Nations comprehensive instrument, and one vital to its operational function, is the 'Human Rights Due Diligence Policy'. This requires United Nations agencies, in the context of support, to commit with national or regional actors so as to change their behaviour with regard to addressing human rights violations and, as *ultima ratio*, to cease support if violations continue.[11]

As stipulated, the aim of the ITGNs is to provide a "One United Nations" course to SSR by providing a mutual framework for regulating United Nation's support for SSR led by national authorities. In this way, the ITGNs seek to permit the United Nations to fulfil its role in SSR more efficiently, and to provide more operational support to Member States in those SSR areas where the Organization has a comparative advantage. These ITGNs, together with future agreed SSR principles, will in the end be developed into auxiliary tools for training that together form a framework that can be compared with the Integrated Disarmament, Demobilization and Reintegration (DDR) norms. The concept of ITGNs is comprised of five core principles: *democratic governance of security institutions*; *national security policy- and strategy-making*; *peace processes and SSR*; *gender-responsive SSR*; and *national ownership of SSR*.[12]

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[11] *Ibidem,* pp. 4-5.
[12] *Ibidem,* p. 6.

Concerning the *democratic governance of security institutions*, the United Nations arrived at the conclusion that there are five fields which have to be improved in order to successfully establish them, these including: strengthening the constitutional and law structure, creating a functioning civil society, implementing monitoring agencies and processes, enhancing the government institutions and the system which commands the management of the SSR program.

Furthermore, the UN is legitimately recognized as the most suitable international actor which can provide *national security policies and strategy-making*. The Note illustrates an analysis of national security policies and strategies and posits these concepts within a larger framework of SSR and the sensitivities that comes with the sovereign right of States to determine security policy, and the responsibility to meet international obligations that they must respect. United Nations teams, whether engaged in ground operations (whether at the national or local dimension) or at United Nations HQs, are thus instructed with various standards that are consequently put into practice through specific recommendations and support schemes, as well as the function that the United Nations teams plays to facilitate this type of support. For instance, a human rights perspective should be incorporated into the assessments, development, implementation, monitoring, evaluation and review of national security policies and strategies.

Considering *peace processes and security sector reform* overall, the UN manages to provide key knowledge on how to practice such policies into successful peace creation. The first part of the Note shows the relation between SSR and peace processes at an ideological level, arguing that the combination of these two concepts makes each more likely to succeed in a long-term scenario. Fundamentally, SSR can make peace more sustainable, this in turn leading to a perfect situation to implement SSR more effectively – making this relation mutually reinforcing. Recognizing this shared relationship, the Note concludes that advisors, mediators and SSR agents must collaborate and have discussions so as to maximize these

opportunities. An understanding of the local context, of how the conflict came to be, as well as the stakeholders that are involved, are the key elements for the enactment of a peace process, and subsequently, of SSR. The fragile nature of SSR can create difficulties in negotiations among parties, and mediators must be always ready to focus on key issues of interest so as to convey every party. Part of the SSR analysis includes a detailed scheme of security needs, study of the past conflict, human rights assessments and analysis of the various stakeholders that permits mediators to set up the most efficient negotiation process in which to include the SSR program.

The fourth dimension to take into account when formulating its principles, was to have a gender responsive SSR, which has as ultimate objective the strengthening of the capacities of security sector institutions to address multiple threats that women, girls, men and boys are facing – and the best way to tackle them, would be to include these categories into SSR decision-making, assessment, designing and implementation. In this note, it is highlighted that in both conflict and post-conflict transition procedures, as it occurs also in SSR programs, gender is affected dissimilarly. This, international intervention must address these issues, so as to meet the various needs that emerge from different experiences based on gender. Furthermore, there is a vital acknowledgment that sexual-based violence is a fundamental threat to peace and security, and it requires an operational security response, including in the application of SSR.

The other vital aspect of SSR is the recognition that *national ownership* is vital for the legitimacy and the long-term planning of an SSR program. It is essential to facilitate shared national policy, by assessing the capabilities of national authorities and gives recommendation for the improvement of those, and last but not least to create national supervisory and evaluation bodies.

The last ITGN is based on the acknowledgment that *national ownership* is fundamental for the legitimacy and the long-term vitality of national SSR program.[13]

Challenges and prospects for improving the UN SSR model

Among the international actors involved in designing and implementing Security Sector Reform programs, there is wide consensus that the United Nations has proved to play a key role, and that was made possible due to the organization's holistic approach towards the conceptualization and the application of SSR, and the successful scenarios (see South Africa). Nonetheless, there are risks and threats which the United Nation faces when devising SSR programs, and there are aspects upon which the UN may improve, so as to better address the future challenges that arise in various conflict-afflicted countries.

On the one hand, one of the most fundamental issues with the holistic, long-term approach of UN-led SSR efforts, is that the mandates are rather short-term oriented – and they typically do not accord with the long time frames and long deadlines that are designed to support the reconstruction of security institutions and a development process in a given country, not to mention that it is hard to build trust with stakeholders in such a short time-frame. Moreover, there is the constant pressure that UN peacekeeping operations face of proving tangible progress in a very short time, and this philosophy clearly does not apply to the field of Security Sector Reform. It is arguable that short-term mandates are difficult to avoid, since it would jeopardize the democratic fundaments of the organization, however, in contexts where peacekeeping and special missions are deploys, the Security Council and the General Assembly should take notice of this pressure. Also, the expectations of delivering deadlines in such a short time-frame should not be high, because designing and implementing the instruments of SSR take time both within the hosting

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[13] *Ibidem*, pp. 6-11.

population, between the Mission and the State, and between all other involved stakeholders. Thus, I argue that mandates should be more realistic, mixing short-term milestones with long-term results. Missions should consider including these outputs in their planning, budgeting and performance management mechanisms and then assess them through frank reporting on the basis of clear performance indicators. For example, they could include the following output in the Mission's results-based budget for the first six to twelve months of its operation: "completion of xx meetings with senior national decision makers and stakeholders to engender trust and confidence in the Mission's ability to support the national SSR process". At the same time and as part of its overall support to the process, the Mission should seek to develop sufficient national capacity in the area of national security policy- and strategy making with its eventual exit and the principle of national ownership in mind.

On the other hand, given the aforementioned pressure that short-term mandates give, coupled with small human resources within local authorities, UN personnel may feel tempted into taking the lead in the national security policy and thus into securing the peace process. It is vital to refrain from undertaking such a course of action, as this would be contrary to the UN basic SSR principle of national ownership. The problem with this probable situation is that, on the long-term, it undermines a sustainable peace process, since there will only be an external model which has no corroboration with local political landscape, culture and history. Moreover, it deprives national and regional agents of the opportunity to build capacities in the areas of security policy making, which will be ultimately led by them after the withdrawal of the UN peacekeeping forces and/or special mission. From the very beginning of the SSR operation, the United Nations deployed staff should constantly make sure that all stakeholders (the State actors, civil society, the community) are acknowledge the support that the UN provides in the formulation of national security policy. At the same time, UN staff should hold discussions with the leading national actor so that the latter may take up

the initiative of controlling and implementing SSR on the ground – providing them with recommendations, policy papers and plan of action. From the outset, there should be a written and signed agreement by both the UN and the leading national actor which stipulates the support that the UN provides, agreement which should also touch upon the distribution of tasks, information on milestones and deliverables, objectives and results, timelines, human and material resources. It is important to constantly provide national actors with awareness of the situation and that the UN does not want to take up the lead in the program, but rather assist it. In order to stimulate national actors so that they may take the initiative, the UN should chair committees, coordinate meetings and workshops with the local community and the national/regional actors. In many instances of UN driven SSR, there was resentment felt by national institutions with regards mostly to the very rigid evaluation and monitoring role of the UN bodies, which according to most national authorities, it is hard to comply with. What the UN can do in this regard is to engage into advocacy and explanation, so that all these bureaucratic steps will not be misunderstood in the future interventions, as well as trying to ease such norms.

Considering the 2014 Security Council Resolution on SSR[14], there are multiple evolutions in the principles as well as in the threats formulated by the UN impacting the implementation of Security Sector Reform. As the threats posed to peace-building rise and advance, so ought the methods of addressing them, and not to mention the fact that the threats should be scenario-tailored because it is highly unlikely to witness a universal formula applied to whichever area of the globe. Therefore, it is recommended that regional UN bodies or partners formulate their own, geographically, historically and culturally driven SSR policy so as to increase the legitimacy, as well as the sustainability of such projects. I recommend the publication of further guidelines and Security Council

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[14]   S/RES/2151 (2014), UN Security Council, 28th of April 2014, p. 1, <https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2151(2014)>   accessed on December 2019.

resolutions endorsing mandates that will give possibility to SSR programs to progress.

United Nation's application of Security Sector Reform – the case of Libya

The United Nations is assisting multiple conflict devastated countries in making their transition towards a stable and safe environment for their citizens, promoting thus a democratic system of governance, the principle of the rule of law, a prosperous civil society and an overall functioning security sector. One of the countries where the United Nations is currently implementing such programs is Libya, under the mandate of the United Nation's Special Mission in Libya (UNSMIL). UNSMIL is a comprehensive special political mission launched on the 16th of September 2011 by UN Security Council Resolution 2009, adopted in 2011 at the request of Libyan national authorities with the aim of assisting the country to reach a stable security environment. The mandate was renewed each year through several UNSC Resolutions and it includes the provision of essential services and humanitarian aid, the monitoring and reporting of the human rights situation, supporting non-proliferation of arms through a Disarmament, Demobilization and Reintegration program, and ultimately provide advice for the national authorities with what concerns the stabilization of the country.[15]

During these eight years of mandate, the efforts of the UN-led security sector reforms can be observed in certain sections of society, although overall, the post-conflict transition is far from being materialized. In the period of 2011-2014 free and fair elections were held, the Government of National Congress (GNC) was formed – tasked with the drafting of the constitution, and governmental bodies were built from the ruins of the 2011 civil-war. At institutional level, all the steps for re-

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[15] United Nations Support Mission in Libya <https://unsmil.unmissions.org/mandate> 2019, accessed on December 2019.

building the security sector and implement democratic reforms have been respected as the model was originally designed, but the reality on the ground was rather different. The first government that was elected – the GNC, was doomed in 2013, when a shift emerged between Islamist and rebel politicians on the one hand, and non-Islamist parties in partnership with former Qaddafi officials on the other hand. In this context, the second civil-war erupted. During the fighting that engulfed the Libyan society once again, the mandate of the GNC formally ended, with its main objective – drafting a constitution for Libya – not realized. The consequent elections, held in the June of 2014 saw the non-Islamist party as the winners of the majority of seats. The first step that they took was to move the Parliament in the eastern part of the country, in the city of Tobruk, because the violence in Tripoli was undermining the activities of the government. Also, the body was renamed into the House of Representatives (HoR) and it received military assistance from one of Libya's strongmen, general Khalifa Haftar. The first problem arises when the former government – the GNC, refused to accept the election results, creating thus a political divide among west (GNC) and east (HoR backed by general Khalifa Haftar). External involvement did not miss from this scenario, as Qatar, Turkey and Sudan supported the Islamic factions (GNC) in Libya, while France, Egypt and Russia backed the legitimately elected HoR.[16]

It is this very fragile and explosive context that the United Nations sought to mediate in September 2014, when the UN Secretary General's Special Representative, held talks with the HoR in order to provide a forum for discussion among the Libyan conflicting parties. It is only in 2015 that he managed to get both parties to sign a political accord, coined the Libyan Political Agreement, according to which, the GNC was to be transformed into the High State Council – with the task of advising the government, and the HoR to move to Tripoli and retain its legitimacy as the sole parliament

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[16] Yezid Sayigh, *Crumbling States – Security Sector Reform in Libya and Yemen*, pp. 10-12 <https://www.files.ethz.ch/isn/194040/Paper_Yezid-Sayigh_crumbling_states.pdf> accessed on December 2019.

representing the Libyan citizens. The deal faced its first obstacle when the HoR decided to not ratify the agreement, citing as reason a clause that prevent their most important partner – Haftar, from becoming the Chief of Staff of the army.[17]

The main reasons that led to the failure of the proposed UN deal can be traced to the flaws that I observed in most United Nation's led SSR model, the short-term mandates – which are undermining the long-term approach of the SSR design, as well as the fact that it is not enough context-driven – but it rather follows an universal method. Moreover, as is the case with most situations of conflict-afflicted countries in a transition period, the peace deal is not inclusive enough, and international actors do not commit to a holistic approach, but rather prefer bilateral short-term approaches.[18]

The Libyan Political Agreement signed in December 2015, illustrated a great example for the non-inclusiveness that plans may show. All the powerful militias that backed the two factions, the GNC, respectively the HoR, were not part of the meetings and of the negotiations themselves. The deal was discussed among the most moderate politicians of both parties, who did not in reality have the consent of the majority of their respective political associates. The unrealistic timeline that the UN mediators assumed when considering the reaching of a conclusion for the Agreement, are also part of the flaws of the designed SSR plan. Such political agreements that are meant to produce peace, can not materialize if they are not patiently built-up. As mentioned previously, short-term mandates are a key issue in the UN led SSR program, and as it occurred in Libya, the Special Representative to Libya announced in mid-2015 that he will stepped down from its position in a few months – which led to the signing of a quick agreement, rather than a structural one. Moreover, the

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[17] Lisa Watanabe, "UN Mediation in Libya: Peace Still a Distant Prospect", in *CSS Analysis in Security Policy*, no. 246, June 2019, p. 2 <https://css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/CSSAnalyse246-EN.pdf> accessed on December 2019.

[18] Yezid Sayigh, *op. cit.,* pp. 13.

ultimate reason for the failure of the deal and which comes as a recurrent threat to SSR projects, stems from inconsistencies and controversial actions of the international community, which is mostly observable in cases as when individual states such as Russia, France or Egypt fund the military equipment of General Khalifa Haftar. These bilateral actions do nothing but to undermine the holistic nature of a security sector reform model.[19]

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[19] Lisa Watanabe, *op cit.*, pp. 2-3.

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