India and United Nations Peace Operations: Security Sector Reform

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Introduction

On 31 October 2014, United Nations Secretary-General (UNSG) Ban Ki-moon appointed the High-Level Independent Panel on Peace Operations, chaired by former President of Timor-Leste and Nobel Laureate Jos Ramos-Horta, to review the current state of UN peace operations.[1] In his letter to the Security Council, which issues mandates for UN peace operations, the UNSG said he wanted the Panel "to undertake a thorough review of United Nations peace operations today and the emerging needs of the future... (to) look at how United Nations peace operations could continue to contribute to the prevention and resolution of conflicts and be best designed and equipped to deal with the challenges of tomorrow."[2]

In September 2015, the United Nations General Assembly in New York adopted a global framework for sustainable development, called Agenda 2030.[3] At the heart of Agenda 2030 are 17 Sustainable Development Goals (SDGs), which were unanimously agreed to by all member states of the United Nations to apply universally to all states, with the over-arching objective of eradicating poverty and ensuring sustainable development. SDG 16 was identified to "promote just, peaceful and inclusive societies."[4] Taken together, these two important documents provide the framework for addressing the issue of Security Sector Reform (SSR) as a part of UN Peace Operations.

India and Security Sector Reform in UN Peace Operations

India has accepted the globally accepted definition of SSR that refers to the process of reforming or rebuilding a state's security and justice sector. This process responds to a situation in which a dysfunctional security sector is unable to provide security to the state and its people effectively and under democratic and accountable principles. In some cases, the security sector can itself be a source of widespread insecurity due to discriminatory and abusive policies or practices.[5] In this respect, an unreformed or distorted security sector represents a decisive obstacle to the promotion of sustainable development of democracy and peace.[6]

In India's view, the SSR processes, therefore, should seek to enhance the delivery of effective and efficient security and justice services by security sector institutions that are accountable to the state and its people, and operate within a framework of democratic governance, without discrimination and with full respect for human rights and the rule of law.

India also supports the view that the SSR efforts should target all state institutions and other entities with a role to ensuring the security of the state and its people including: armed forces; law enforcement and intelligence services; institutions responsible for border management and customs services;

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justice and penal institutions; and actors that play a role in managing and overseeing the design and implementation of security, such as ministries, parliaments, ombudspersons, human rights commissions and civil society organisations. SSR is considered as both an operational as well as a normative concept.

India subscribes to the view that the post-conflict environments are characterised by mostly destroyed, distrusted or dismissed political institutions and widespread insecurity. SSR in such a situation should be understood as Security Sector Reconstruction, as the state's authority for the use of force and effective and efficient structures need to be rebuilt. Reform is seen as essential to prevent the recurrence of conflict and to enhance public security, which in turn is necessary for reconstruction and development initiatives.

Concept and Approach

The term 'security sector reform' has emerged over the last few years – joining related concepts such as 'governance', 'public sector reform', 'conflict prevention' and 'peace-building' – as a state-of-the-art term in donor discourse. This does not mean that the policy concerns now labeled security sector reform did not already exist – only that they are now placed together under this conceptual umbrella, recognising that security issues cannot be excluded from development strategies.[7]

The concept of SSR needs an all-encompassing approach to the security sector: all relevant stakeholders need to be included in the process for it to be reformed and meet the expectations. The concept of "inclusive national ownership" has been endorsed recently by the UN's Advisory Group of Experts on the Peacebuilding Review as the recommended way forward to sustain reforms.[8] It should address the policies, programmes and activities undertaken to improve the way in which security and justice are delivered, in accordance with the norms of human rights and democracy, and be transparent. Security and justice are the two pillars of the SSR. The SSR state security actors have a central role in the complete process and require working with a broad range of stakeholders.

The objectives of SSR are to ensure State and human security and improve the professionalism and conduct of the security apparatus and law enforcing agencies. The aim is also to put in place systems to improve the governance of the security sector by helping to establish/ stabilise institutions, especially those entrusted with administering justice, which exercise supervision on the security related issues and assist the parliament to enact necessary acts and frame rules and regulations in this regard. There needs to be a comprehensive approach and coordination at the national level, with international norms being followed.

There is a close link between SSR and nation building. India has argued that the nature of State will have a bearing on how a State should be constructed /reconstructed and hence the approach to SSR should be appropriately nuanced. The broad framework should aim at achieving long term stability. A political framework and political coherence that results in long term tangible results would be a necessity.

India has emphasised the importance of having a broad approach to the operational aspects of security sector reform, as the sector goes beyond just defence and police forces.[9] India subscribes to the view that, in its approach, SSR should seek to increase security forces' abilities to meet a range of security needs, consistent with democratic norms and governance, transparency and legal principles. SSR activities should extend beyond the narrow focus of security assistance on defence, intelligence and policing. Indian think tanks advocate a comprehensive and coordinated approach to reforming various sectors of the security system viz defence, police, justice,

parliamentary and public security oversight; and also transparency in defence budgets.

Many are of the view that the SSR be mainly aimed at the efficient, effective and non-discriminatory provision of state and human security within a framework of democratic governance. However, the goals of providing state and human security can sometimes contradict in the context of conflict-torn societies which lack the framework of democratic governance. The experiences of SSR in Afghanistan have triggered a debate on the advantages of providing human rather than state security in the process of state-building.

Efforts to modernise security forces, e.g. by buying new weapons or reorganising hierarchical structures, cannot be considered SSR without ensuring the sector's democratic accountability. SSR-related activities must always be aimed at improving the governance of the security sector; an approach which is advocated by the right-financing framework.

India has emphasised that the most sustainable way of effective reforms is by ensuring national ownership of the process.[10] Since the current mandates for UN-inspired SSR are given by the UN Security Council, which is not a transparent, representative or accountable body, the external footprint, including that of the U.N., should be light to avoid any possible overtones of "neo-colonialism". The establishment and maintenance of public order is important and a security vacuum after a peace agreement is dangerous. The focus has to be on what is achievable in terms of the receiving state's national priorities, and not on an agenda driven solely by the priorities of donor countries funding SSR. Given the importance of national ownership and the scarcity of resources, the priority, in India's view, should be given to national capacity building issues across all SSR sectors. Only focusing on police reforms, for example, including adequate and impartial recruitment, screening and training of new recruits could be counter-productive

without adopting such a holistic approach to SSR.[11]

India has cautioned against an over reliance on "innovative" approaches, in instances when there is need to cut costs, during open debates on SSR in the UN Security Council[12]. Implicit in the advocacy of such new approaches is the object of cutting costs for SSR from government budgets, including the budget of UN Peace Operations which is overseen by the UN Security Council. However, the increasing use of "innovative" approaches by permanent members of the Security Council like the United States in dealing with SSR-issues in Afghanistan and Iraq[13] needs to be properly understood, so that the Security Council can look at proposals for "innovative" approaches holistically before integrating these approaches into SSR mandates. In this context, a recent study by the Swiss-based Democratic Control of Armed Forces (DCAF) on "UN Use of Private Military and Security Companies"[14] has made some relevant observations which need to be debated both inside the Security Council as well as in the UN's C-34 Special Committee on Peacekeeping.

India's Views of SSR in Africa

The bulk of UN peacekeeping operations are currently mandated in Africa. Here, SSR plays a crucial role in peace, stability, poverty alleviation and good governance. Peacekeepers are also increasingly concerned with security sector reforms. The reforms are deeply embedded in the wider issue of peacemaking. Progress on peacemaking is often linked to security sector reforms, particularly the reform of the state's police forces. Due to the opaque method of decision making by the UN Security Council, the deployment of UN peacekeeping operations (PKO) often does not get cooperation from the host country, which sometimes sees it as "Neo-Colonialism".[15] Donor countries should therefore be aware of this issue when laying down priorities for the SSR activities to be undertaken in a host

country. The objective should be for the United Nations and the international community to ensure "sustainable" national ownership of the SSR process.

Involvement of humanitarian and development experts among peacekeepers in SSR should also focus on post-conflict peacebuilding. This would imply that, after the peace agreement is signed between the governments and the rebels, the peacekeeping missions should support the implementation of the agreement, maintenance of public order and assist in stabilisation until the host government is capable and confident. A recent case study by UN experts of the breakdown of this structure in South Sudan, with major humanitarian consequences, illustrates this vividly.[16] In this regard, a joint assessment mechanism (comprising of the representatives of the host government, UN officials and civil society) should be put in place to correctly assess the situation based on which the exit policy of the peacekeeping mission should be worked out.

It is felt that in countries suffering from internal turmoil and conflict, if the rule of law is strictly enforced, many civil wars and conflicts could be prevented. Indeed, the UN's Advisory Group of Experts on the 2015 Peacebuilding Review pointed to the role played by failure to advance SSR in the eruption of conflict in the Central African Republic (CAR)[17], which subsequently required considerably more resources and attention of the UN Security Council, including mandating a new peacekeeping operation (MINUSCA)[18]. Therefore, UN should help not only during crisis but also in building long term capacity of the armed forces, police, jail authorities, border patrol, immigration service and judiciary of the conflict torn nation. The UN should also help in rehabilitation of former rebels, child soldiers and victims; disarmament of weapons; arms embargo; combat organised crime and corruption; ensure gender justice etc. SSR would only be effective if undertaken in a broad political framework and in consultation with the civil society.

SSR process in India

In India, as is the case in South Asia, the emphasis is on governance, accountability and transparency. There is no comprehensive single SSR process in India, but reforms are underway in all key security sectors. These reforms have their root in developments following India's Independence in 1947, and especially the security challenges faced by India in recent years. They are self-driven, reactive, and piecemeal. Integrated, comprehensive SSR based on a national strategic planning process is needed or the full benefits of reform cannot be sustained.[19]

The Executive, in some spheres, is still dominant, partly due to past precedents, partly due to the on-going process of nation-building. The security discourse has largely been confined to government circles, with little room for civil society voices. Defence expenditures, in particular, are hardly debated, even within the Parliament.

The Right to Information legislation was passed in India in 2005 and thereafter modified in 2011. The basic object of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption and make Indian democracy work for the people in the real sense.[20] Thus this legislation signals the beginning of increased accountability in the government's functioning and decision-making. It has been a positive development that still needs to spread to all agencies of the government.

A number of reforms are also underway in individual organs of the security sector. An absence of comprehensive all-of-government reform agenda and framework has resulted in uneven growth within the security sector elements. In spite of repeated calls for a comprehensive approach to foster democratic governance, SSR processes have, on the whole, tended to focus exclusively on technical aspects of reform. Today, new thoughts and concepts

are emerging, such as security sector governance (SSG) and security sector development (SSD), which are increasingly considered more politically and normatively informative than the SSR concept.

India, because of its past history, professional and effective security sectors, contributes the largest number of peacekeepers to United Nations peacekeeping missions. Indian peacekeepers have been supporting SSR activities in the United Nations Stabilisation Mission in the Democratic Republic of Congo (MONUSCO) and the United Nations Mission in the Republic of South Sudan (UNMISS).

India's Reforms in Security Sector and Challenges

India is the only country in the region that is undertaking reforms without any external pressure or drivers. The reforms, which include the following, cover nuclear strategic control, the armed forces and defence procurement, internal security, the police, criminal justice and prison reforms[21]:-

♦ The establishment of the National Security Council, National Security Advisory Board, and Integrated Defence Structure and Nuclear Command Authority have strengthened the government's ability to manage defence effectively.

♦ Development of nuclear weapons has led to an opening up of discussions on security. Public participation is now more visible.

♦ Problems remain with defence expenditure and procurement, despite active government oversight mechanisms and the development of procurement guidelines.

♦ Left wing extremism (the Naxal problem) is the biggest internal security challenge for the nation. There is no uniform counter-Naxal policy, and there is an uneven response lacking inter-state coordination.

♦ State governments have been reluctant to implement police reforms, especially with regard to the 2006 Supreme Court Directives on establishing State Security Commissions and Police Complaints Authorities.

♦ Internal security may remain the biggest challenge in the coming years. Bad governance will be a contributing factor to conflict in some states, and weak institutions.

♦ Aggressive media campaigning together with an informed civil society have resulted in educating the public of their rights and exposes corruption.

United Nations Security Council Resolution (UNSCR) 2151 on SSR: India's View

On 28 April 2014, the UN Security Council unanimously adopted UNSCR 2151 (2014), and it underscored India's point of view of the need for national ownership of Security-Sector Reform. Speaking at the UNSC during the "Open Debate on Security Sector Reform: Challenges and Opportunities", India stated that as many as 24 out of the 47 resolutions adopted by the UN Security Council in 2013 include an explicit reference to SSR. Also, six peacekeeping operations and eight Special Political Missions have been mandated to undertake SSR. In many of these peacekeeping operations, troops from India are directly involved.[22] India underlined that the security sector capacity building needs to necessarily occupy centre-stage in security sector reform. Three basic principles, in India's view, must guide security sector reforms:-

(a) The most sustainable way of effective security sector reform is by ensuring national ownership of the process. It is because of this, that General Assembly resolution 60/180 establishing the Peacebuilding Commission, affirmed the primary responsibility of national governments of countries emerging from conflict to identify priorities and strategies for peacebuilding to ensure national ownership.

(b) The establishment and maintenance of public order is important. A security vacuum after a peace agreement is dangerous. Unlike other nation-building tasks, the maintenance of law and order cannot wait. If there is no law from day one, criminal activity thrives.

(c) India cautioned against an over reliance on what are often termed as innovative approaches, particularly when there is a need to cut costs. It is often said that UN missions can be asked to do more with less, though this may appeal to some but does not work. Therefore, India has been urging the Member-States to recognise this and to also be pragmatic by only including mandates that are deliverable and for which resources are available.

Conclusion

Security sector reform should not be implemented as a stand-alone programme. Rather, it should be embedded in a general peace-building and development framework, such as the one provided by Agenda 2030. Over the past few years, the debate on security sector reform has gathered momentum within the international donor community as well as in developing countries and countries in transition. A condition for security sector reform is inclusive national ownership. Unless this is ensured, the donor interventions are likely to have limited effects or might even be counterproductive.

There is a tendency today to include all economic co-operation projects pursued to date which might 'somehow' fit under the heading 'security sector reform': poverty reduction, crisis prevention, peacekeeping, disarmament, demobilisation and reintegration, de-mining, assistance to strengthen human rights etc. In many cases partnership in security sector reform will be more complicated than in other fields of economic co-operation. It might even be prudent to decline co-operation, for instance, to turn down training programmes for the armed forces where there is a risk that direct military assistance may promote or legitimise activities that endanger human security. In cases of doubt, it is therefore appropriate to avoid direct co-operation with the security forces.

Nevertheless, there are usually opportunities to strengthen instead and support primarily those elements responsible for democratic control of the security sector. Involvement in security sector reform requires a strict application of the development criteria to "do no harm".

Foreign assistance in this area is characterised by a lack of coherence among the different donors and, in addition, within many countries between the different agencies involved in economic and development co-operation. Indeed, this problem is faced by the United Nations structure itself, as brought out by the UN expert panel report on peacebuilding.[23]

This stands in stark contrast to the generally broad positive response to the notion that lack of human security is a fundamental obstacle to development. As a minimum, policy makers have to weigh different relevant objectives, like poverty reduction, and the important areas covered by the SDGs, when confronted with the need to allocate resources for SSR. Given the scarcity of funds it will be necessary to set priorities.

End Notes

1 The Panel consisted of 16 members and worked primarily through consultations, thematic workshops, review of submissions and relevant literature, capital visits, and targeted interviews. Consultations with Member States, civil society and academia were held in Dhaka, Bangladesh; Addis Ababa, Ethiopia; Cairo, Egypt; Brussels, Belgium; and Salvador, Brazil. The Panel received more than 80 written submissions from more than 50 Member States, regional and other organisations, UN partner entities, civil society, academia and research outfits. The review included visits to Tokyo, Islamabad, New Delhi, Washington DC, Paris, London, Helsinki, Moscow, Beijing and Kigali as well as UN peace operations in the Democratic Republic of Congo, Mali and Senegal. The Panel coordinated closely with other parallel reviews such as the SCR 1325 Expert Study and the Advisory Group on the Review of Peace-building Architecture. The Report of the Panel A/70/95-S/2015/446 dated 17 June 2015 is available at http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_446.pdf, accessed on 06 Aug 16.

2 Ibid.

3 http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E. Accessed on 09 Jul 16.

4 http://www.un.org/sustainabledevelopment/peace-justice/. Accessed on 09 Jul 16.

5 See the Report of the High-Level Independent Panel on Peace Operations, paragraph 159, available at http://www.un.org/sg/pdf/HIPPO_Report_1_June_2015.pdf. Accessed 09 Jul 16.

6 Wikipedia, Security Sector Reform. Available at https://en.wikipedia.org/wiki/Security_sector_reform. Accessed on 09 Feb 16.

7 Michael Brzoska, DEVELOPMENT DONORS AND THE CONCEPT OF SECURITY SECTOR REFORM, Occasional Paper No.4, Geneva, November 2003. P 21.

8 AGE Report on 2015 Peacebuilding Review, paragraph 44, available at http://www.un.org/en/peacebuilding/pdf/150630%20Report%20of%20the%20AGE%20on%20the%202015%20Peacebuilding%20Review%20FINAL.pdf. Accessed on 09 Jul 16.

9 Reform of security sector vital to create peace: India by Â DANFES,Â AGENCY in the Day After. Available at http://www.dayafterindia.com/detail.php?headline=content&catid=2557. Accessed on 05 Jan 16.

10 Statement by the Indian Minister of State Mrs Preneet Kaur in the UNSC during a debate on SSR. Available athttp://www.dayafterindia.com/detail.php?headline=content&catid=2557. Accessed on 05 Jan 16.

11 See Report of the High-Level Independent Panel on Peace Operations, paragraph 157, available at http://www.un.org/sg/pdf/HIPPO_Report_1_June_2015.pdf. Accessed on 09 Jul 16.

12 Statement by Ambassador Asoke K. Mukerji, Permanent Representative of India to the United Nations at the UNSC Open Debate on Security Sector Reform: Challenges and Opportunities on 28 April 2014.

13 Available at http://fas.org/sgp/crs/natsec/R43074.pdf. Accessed on 06 Aug 16.

14 Available at www.dcaf.ch/content/download/45662/678940/file/ssr_paper3.pdf. Accessed on 06 Aug 16.

15 "UN Security Sector Reforms What and Why?" Available at http://mrunal.org/2014/04/un-security-sector-reform-ssr-meaning-issues-explained.html. Accessed on 10 May 16.

16 AGE Report on 2015 Peacebuilding Review, Case Study on South Sudan, pp. 37-38, available at http://www.un.org/en/peacebuilding/pdf/150630%20Report%20of%20the%20AGE%20on%20the%202015%20Peacebuilding%20Review%20FINAL.pdf. Accessed on 09 Jul 16.

17 Ibid, paragraph 29, and the Case Study on CAR on pp. 31-32, both available at http://www.un.org/en/peacebuilding/pdf/150630%20Report%20of%20the%20AGE%20on%20the%202015%20Peacebuilding%20Review%20FINAL.pdf. Accessed on 09 Jul 16.

18 http://www.un.org/en/peacekeeping/missions/minusca/index.shtml. Accessed on 09 Jul 16.

19 A. Mallika Joseph, 'Leading Ahead, Yet Far Behind: Governance of the Security Sector in India' 2009. Available at http://www.gsdrc.org/document-library/leading-ahead-yet-far-behind-governance-of-the-security-sector-in-india/. Accessed on 10 May 16.

20 Guide For the Information Seekers Under the Right to Information Act, 2005. Available at http://rti.india.gov.in/manual4.php. Accessed on 10 Jun 16.

21 Ibid.

22 Statement by Ambassador Asoke K. Mukerji, Permanent Representative of India to the United Nations at the UNSC Open Debate on Security Sector Reform: Challenges and Opportunities on 28 April 2014. Available at https://www.pminewyork.org/pages.php?id=1916. Accessed on 19 May 16.

23 AGE Report on 2015 Peacebuilding Review, paragraphs 70-76, available at http://www.un.org/en/peacebuilding/pdf/150630%20Report%20of%20the%20AGE%20on%20the%202015%20Peacebuilding%20Review%20FINAL.pdf. Accessed on 09 Jul 16.

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