EU-UN Cooperation on Justice and Security in Crisis Missions: A Comprehensive Approach?

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In support of the restoration or establishment of the rule of law (RoL) in crisis and post-crisis contexts, assistance to justice and security sector reform (JSSR) has been at the core of EU and UN peace operations for more than a decade, and will continue to be a major task for both organizations in the coming years. However, there is still no clear joint strategic or operational approach to JSSR. Instead, both organizations have often deployed parallel missions to the field on the basis of ad hoc coordination during planning phases and on the ground. There is a growing need for complementary and effective JSSR support in light of the major challenges facing concurrent EU and UN deployments in Libya, Mali and the Central African Republic (CAR).

EU-UN cooperation has evolved significantly since the establishment of the European External Action Service (EEAS) in 2010. With the implementation of the EU Plan of Action for CSDP Support to UN Peacekeeping from July 2012 until the end of 2014, as well as the recent adoption of the UN guidelines on Coordination between the UN and the EU during the planning of UN missions and EU civilian missions and military operations in April 2014, both organizations are striving for closer forms of cooperation.

The rise of security sector reform (SSR) in UN peace operations

Today, 13 UN missions have specific SSR components and an SSR Unit within the Office of Rule of Law and Security Institutions (OROLSI) in DPKO serves as the focal point and technical resource capacity for the UN system and for international partners. An Inter-Agency Security Sector Reform Task Force (IASSRTF), made up of 14 UN entities, was established in 2007. SSR Integrated Technical Guidance Notes, which are based on empirical evidence from the field, were developed by the Task Force. They represent the UN’s institutional memory and policy guidance on SSR and serve as reference for the planning and coordination of initiatives with partners such as the EU.

The Secretary-General (SG) published his first report on SSR in 2008.1 A second report, compiled in 2013, focuses on three areas of UN engagement, including partnerships and regional SSR efforts. The first stand-alone Security Council (SC) resolution on SSR followed in April 2014. It emphasizes the need to strengthen a comprehen-

Currently parallel deployed EU and UN missions

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*Missions with tasks in justice and security sector reform

1 A/62/659-S/2008/39
sive approach to SSR and underlines the UN’s coordinating role in mission environments. The resolution encourages the sharing of experiences among Member States (MS) and regional organizations and places special importance on the UN’s relationship with the African Union. The latest report and resolution also reiterate the sector-wide (policy, strategy, oversight, accountability) and component-specific (police, defense, border management, civil protection, criminal justice, prisons, etc.) levels of UN support to SSR.

**UN justice and security sector assistance in peace operations**

Since 1999, all major peacekeeping operations, as well as many special political missions, have had police, justice and corrections components to support the restoration of RoL. There are currently 17 peace operations that include RoL activities. Security Council debates on RoL date back to 2007, when OROLSI was established. The issue gained greater system-wide attention in 2012 when the first General Assembly’s (GA) High-Level Meeting on RoL took place.

Several mechanisms are tasked with coordinating the UN approach to RoL assistance. The Office of the SG has a dedicated unit that serves as the secretariat to the Rule of Law Coordination and Resource Group (RoLCRG), which is the body tasked with ensuring a strategic approach in the UN’s RoL work.

In addition, a joint DPKO-UNDP mechanism office was set up in 2012 to ensure adequate coordination within the UN system in peacekeeping, political missions and other crisis settings. The Global Focal Point (GFP) for Police, Justice and Corrections is a Headquarters-based mechanism aimed at enhancing the UN’s ability to provide flexible, predictable and coherent support to field presences. It now includes 12 UN entities and 4 international organizations that are currently engaged in activities in 19 countries. On joint or coordinated planning and country assessments, the GFP is the main reference point for external partners such as the EU.

**The EU’s take: Niche capabilities?**

The EU has gained valuable experience in supporting JSSR activities through EU pre-accession assistance, democratization and development cooperation, as well as through both civilian and military missions under the Common Security and Defense Policy (CSDP). Challenges remain with regard to harmonizing activities of the European Commission (often with long-term programming mandates) and of CSDP missions (often with a short-term advisory mandate). The launch of the EEAS and the recent formulation of an overarching comprehensive approach for crisis management represent an opportunity to achieve more coherence in the practical implementation of crisis missions, including of justice and security activities in the field.

So far, there are four strategic documents covering justice and security support. The 2003 *European Security Strategy* identified some key threats to JSSR activities (e.g. organized crime, state failure). 2005 and 2006 saw the adoption of two separate concepts by the Commission and the Council. Both concepts focus on their respective institutional competences: the Council on CSDP missions, the Commission on RoL and the long-term impact of SSR activities. Finally, in 2010, the Council adopted an internal *EU Concept for CSDP Justice Missions*, to which both EEAS and European Commission contributed.

The majority of EU missions launched between 2003 and today have dealt in one form or another with JSSR, often in the shape of a training or capacity-building operation. Almost all of these missions have been deployed in parallel to a UN peace operation. Much smaller in size, and only loosely linked to the larger support programs by the European Commission, these EU missions (especially the recent ones in Africa) mostly focus, at the component level, on selected security institutions and specialized capacities (border management, airport security, maritime security), instead of positioning themselves at the sector-wide level, thereby following a holistic, cross-sectorial approach to JSSR. Given this quite

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2 S/Res/2151 (2014)
3 www.unrol.org
selective approach, adequate coordination and complementarity with UN missions and other bilateral partners in support of the host government’s sector plans become even more important.

**Putting the Action Plan into practice**

The 2012 EU Plan of Action for CSDP Support to UN Peacekeeping has been the key driver for both organizations in the translation of strategic into operational cooperation. OROLSI has been involved in the implementation of most actions and served as UN focal point on development of joint relevant guidance and concepts, one of the actions outlined in the plan. The Action Plan also refers to the so-called “modular approach” in which the EU is providing a component to a UN operation, which could include “niche capabilities in the areas of SSR, Disarmament, Demobilization and Reintegration, rule of law, border management”.

Two years later, the modular approach still remains to be applied, but both organizations agreed in June 2014 on modalities for Coordination between the UN and the EU during the planning of UN missions and EU civilian missions and military operations. Based on experiences gathered from cooperation in the field (Chad, DR Congo and recently Mali), these modalities are currently being implemented for the first time in the transition from the EU to the UN mission in the Central African Republic.

The modalities sketch an ambitious plan for joint assessment, planning and after action review.

Again, JSSR is highlighted as a core area of coordination where the focus for the EU needs to be “on division of labor and complementarities/synergies with UN planned activities in the rule of law and security sectors.”

**EU-UN JSSR cooperation in Mali – good practice in the making?**

The stabilization measures of the international community in Mali have focused – after initial military operations – very much on JSSR. By now, three multilateral missions and one bilateral military operation are in place, in addition to a variety of bilateral donor activities in this area. Mali thus signifies a test case for the EU and the UN in aligning their missions and to amplify their impact. The UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), established on 25 April 2013, absorbed the uniformed contingents from the African-led International Support Mission to Mali (AFISMA) in July 2013. Resolution 2164 of June 2014 tasks MINUSMA with carrying out its activities in the security and justice sectors, in close coordination with other bilateral partners, international organizations and donors, including the EU, “through enhancing information sharing and joint strategic planning among all actors.” Deployment has been slow, and the mission is currently 10,300 strong (total authorized strength is 13,000). The European Training Mission (EUTM) – with 580 soldiers deployed since February 2013 – has focused on the training of the Malian armed forces. EUTM briefs the UN on a regular basis on its work, and the two missions have exchanged liaison officers.

A second EU mission, EUCAP Sahel Mali, started in April 2014 with a focus on the reform of internal security institutions. It will be fully operational by the end of 2014.

EU-UN coordination with regard to the deployment and functions of EUCAP Sahel Mali looks like a positive start. The planning process of EUCAP has been carefully coordinated. Both EUCAP and MINUSMA hold their own coordination meetings, in addition to having reciprocal liaison officers, although no joint assessment and planning mechanism has so far been established. As the EU mission will focus on law enforcement
reform, consultations on the division of labor between the EU mission and UN Police have taken place, and the UN has welcomed EU plans to concentrate on police human resources management and senior level training, in complementarity with existing and planned UN capacity-building initiatives.

The Malian Government has set up an overall donor coordination group, the Partenaires Techniques et Financiers. After a Multidisciplinary Working Group on Security Sector Reform (GPRSS) provided recommendations to the government, the National Council on SSR was established and includes sectoral committees on justice, defense and other areas. The Partenaires Techniques et Financiers also set up a thematic group on Justice and Corruption, in which all relevant donors and national authorities participate. Both the EU and the UN are actively involved, but it is not the same as having a joint assessment, planning and monitoring mechanism on JSSR to ensure that both organizations provide coherent advice.

Conclusions

While the system-wide UN coordination of JSSR has seen significant progress in recent years, achieving internal coherence on CSDP within the EU and among its Member States still remains a challenge. In particular, the EU needs to achieve better coordination and complementarity between the long-term development support provided by EU Delegations and the short-term engagement that characterizes CSDP missions.

At the same time, with the work done on the Action Plan and the new modalities for coordination in planning, both organizations seem to have everything in place to move their partnership to a new level – once these actions and modalities are actually fully operationalized.

On EU-UN cooperation in the field, recent experiences such as in Mali give reason for optimism and highlight the value of pre-deployment consultations to ensure complementarity between CSDP and UN missions.

Recommendations

Growing demands need partnerships
The envisioned EU and UN partnership architecture should anticipate an increasing demand for JSSR assistance and ensure response capacities are in place.

Understanding coordination gaps
UN and EU should conduct a joint assessment of the current or structural JSSR coordination needs and gaps.

Guidance
UN and EU need to finalize their discussions on joint concepts and guidance on justice and security (as also currently implemented under the Action Plan). An EU-UN working group on JSSR could play a key role in this in 2015.

Assessment, monitoring and after action review
EU and UN need to conduct joint technical assessments on JSSR to enable complementary planning and sequencing of activities, and to establish a joint field mechanism to monitor progress of implementation and gauge challenges. JSSR after action reviews should be jointly conducted.

Pilot the modular approach
Instead of setting up CSDP missions for niche capabilities, the EU should pilot the modular approach, as described in the Action Plan, and integrate a JSSR component into UN missions to enhance effectiveness and impact of justice and security support.

Partnerships beyond EU and UN
EU and UN should monitor progress in and draw lessons from their coordinated support to the AU’s multi-annual SSR capacity-building program, with the aim of enhancing the implementation of the AU Policy Framework on SSR.

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