

## Capacity building in support of development and security for development: Recommendations for implementation

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### Introduction

In December 2017, the Council of the European Union (EU) and the European Parliament (EP) adopted a regulation amending the Regulation establishing the Instrument contributing to Stability and Peace (IcSP)<sup>1</sup> in order to enable the EU to provide support for ‘Capacity building of military actors in support of development and security for development’ (CBSD).<sup>2</sup>

The European Peacebuilding Liaison Office (EPLO) believes that CBSD must respect the ‘Do No Harm’ principle (i.e. it must not inadvertently cause conflicts or exacerbate existing conflicts), and it should maximise its potential positive impacts on conflict dynamics in the countries where it is implemented.

In our contribution to the 2016 public consultation on CBSD, we highlighted a number of risks involved in the proposed initiative, including risks to human rights and peace, the risk of reinforcing oppressive and illegitimate power structures, and the risk of diverting human and financial resources away from existing civilian conflict prevention and peacebuilding measures.<sup>3</sup>

While we still have concerns about the long-term implications of CBSD on the resources available for EU support to civilian conflict prevention and peacebuilding, they will not be addressed here. The purpose of this statement is to provide recommendations to the European Commission (EC), the European External Action Service (EEAS) and EU delegations (EUDs) on how they can minimise the serious risks involved in the implementation of CBSD measures in partner countries in the coming years.

### Recommendations

1. CBSD measures must be context-specific and part of a broader EU political strategy for long-term peace and development. They are fundamentally political in nature, and must therefore fit into strategies designed to address the root causes of conflict in the countries where they are implemented. As with all EU external assistance, there should be a theory of change behind each CBSD measure. They should not undermine peace and development efforts but instead facilitate longer-term reform processes in order to improve human security.

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<sup>1</sup> [Regulation \(EU\) 2017/2306 of the European Parliament and of the Council of 12 December 2017 amending Regulation \(EU\) No 230/2014 establishing an instrument contributing to stability and peace.](#)

<sup>2</sup> In its 2016 proposal, the EC referred to the new type of assistance as ‘Capacity building in support of security and development’. In earlier EU documents, it was also referred to as ‘Train and Equip’.

<sup>3</sup> EPLO submission to the public consultation on ‘Capacity building in support of security and development (CBSD) in third countries’, May 2016.

2. The EU must ensure that CBSD measures do not strengthen unaccountable and corrupt institutions and their capacity for violence. The provision of IcSP support for CBSD should be conditional on:
  - a. Its use as a last resort, after civilian means have been exhausted;
  - b. Binding commitments from partner governments and military forces to undertake due diligence and adhere strictly to human rights standards regarding the treatment of all men, women, boys and girls coming under their jurisdiction;<sup>4</sup>
  - c. The existence of specific EU public transparency and accountability mechanisms;
  - d. The existence of robust civilian oversight of military forces in partner countries;
  - e. The establishment of jointly-defined (EU-partner country) roadmaps to improve the institutional and operational compliance of military beneficiaries of CBSD assistance with transparency and human rights standards (see point 3);<sup>5</sup>
  - f. The establishment of (independent) citizen grievance mechanisms to monitor and address the misuse of military force capabilities;<sup>6</sup>
  - g. Access for all members of the population, and especially the marginalised, to mechanisms which allow them to engage with their security providers in order to communicate their concerns and their needs directly to them, and to jointly develop solutions and monitor their implementation.
3. In order to improve human security, and in line with its efforts in support of security sector reform (SSR), the EU should ensure that CBSD measures 'generate direct [...] benefits for the population in terms of improved security service provision.'<sup>7</sup> This means that the EU should design CBSD measures with the primary objective of reforming military forces to make them more transparent, accountable and respectful of the human rights of all women, men, girls and boys coming under their jurisdiction.
4. In order to ensure that military capacities develop in line with societal needs and expectations, the EU should also use CBSD assistance to provide support and training to civil society actors, including men, women, boys and girls from diverse segments of society, to develop their capacity to monitor the actions of military forces and to make use of the above-mentioned grievance and feedback/input mechanisms.
5. During each of the design, implementation and monitoring and evaluation (M&E) phases of CBSD measures, the EU should systematically:
  - a. Conduct rigorous risk assessments and conflict analyses, which fully integrate gender analysis, in order to fully understand conflict dynamics and their drivers;
  - b. Assess the (potential) impact of each CBSD measure beyond immediate military capabilities, in order to ensure that it is conflict- and gender-sensitive, that it does no harm and that it actively contributes to human security and sustainable peace;

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<sup>4</sup> This also includes non-binary people.

<sup>5</sup> These roadmaps should take into account, and build on, other reform processes that may be taking place.

<sup>6</sup> These mechanisms must have the mandate (and the expertise) to receive, collect and respond to complaints.

<sup>7</sup> European Commission, HRVP (2016), *Joint Communication to the European Parliament and the Council - Elements for an EU-wide strategic framework to support security sector reform*, JOIN(2016) 31 final, p. 14.

- c. Actively involve inclusive civil society,<sup>8</sup> ensuring the full participation of diverse women, men, girls and boys, including in the above-mentioned risk assessments and conflict analyses.<sup>9</sup>
6. The EU should monitor and evaluate CBSD measures based on their broader impact. M&E processes should draw extensively on analyses and testimonies from civil society organisations (CSOs) and diverse men, women, boys and girls to assess the impact of the CBSD measure on conflict and gender dynamics in the country context. M&E processes should also assess how CBSD measures contribute to improving people's perceptions and experiences of security. They should not simply describe how many members of the military forces were trained or how much equipment was provided to them.
7. When engaging in CBSD measures with a training component, the EU should insist on the inclusion of male and female civilian expertise. Inclusive civil society can, in certain contexts, participate in the joint training of security forces for human security (e.g. on international humanitarian law (IHL), gender, peace and security (GPS), community policing, etc.). However, the planning and implementation of such activities must be approached with the strictest caution and respect the operational requirements of CSOs.
8. Article 3a of the amended IcSP Regulation prohibits the use of IcSP funding to finance 'the procurement of arms and ammunition, or any other equipment designed to deliver lethal force'.<sup>10</sup> In addition to respecting this legal requirement, the EU should also:
  - a. Clarify the types of equipment which can be provided as part of CBSD;
  - b. Clarify what equipment will be provided in the context of each CBSD measure, in order to ensure the transparency of the process and efficient monitoring by civil society;
  - c. Ensure that IcSP funding is not used to finance the provision of equipment which can be used for torture, mistreatment or other human rights violations and harmful practices in general (e.g. through the use of tear gas and other irritants, surveillance equipment, leg cuffs and other restraints, tasers, plastic bullets, etc.);
  - d. Clarify how it will ensure that the equipment it provides as part of CBSD will only be used by the intended recipients;
  - e. Lay out what measures are foreseen in cases when the equipment provided is not used by the intended recipients and/or for approved uses.

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<sup>8</sup> In particular local civil society, and both formal and informal organisations.

<sup>9</sup> In particular, the 'risk assessment [and] monitoring and evaluation procedures' mentioned in the regulation cannot be deemed 'appropriate' if they fail to systematically take into account inclusive local voices from civil society and address their diverse security needs: Regulation (EU) 2017/2306, *op. cit.*, art. 1, par. 2.

<sup>10</sup> *Ibidem.*