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Research Report

Capacity Building in Support of Security and Development (CBSD): securitising EU development policy?

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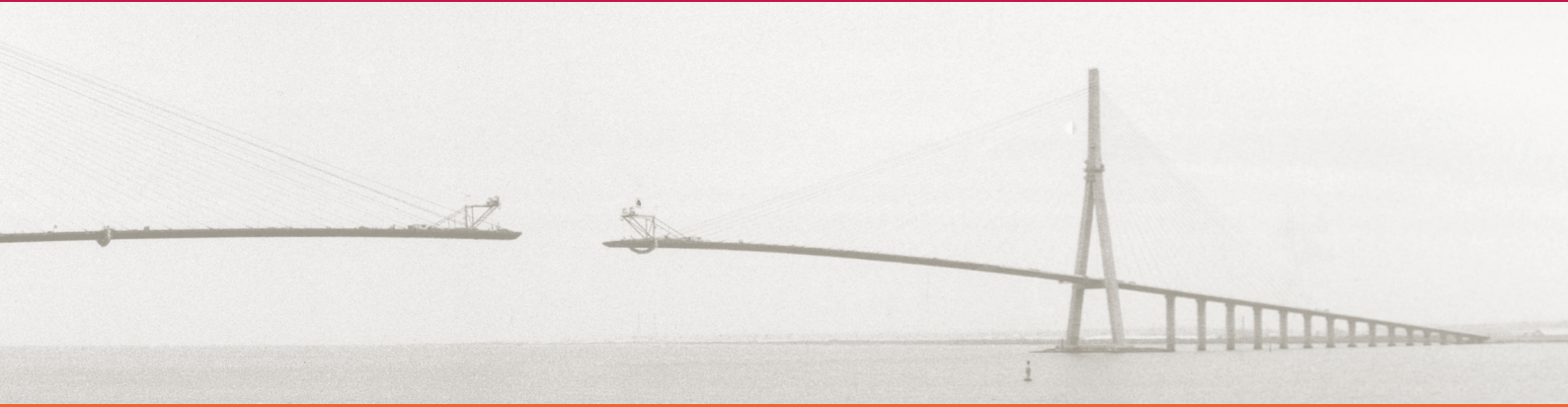
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Capacity Building in Support of Security and Development (CBSD): Securitising EU Development Policy?

Summary

Security sector reform (SSR) is a core element of the European Union's (EU) efforts to prevent violent conflicts and stabilise post-conflict situations. The existing legal framework excludes the use of EU budgetary sources to finance assistance to the armed forces of partner countries. Under the umbrella of Capacity Building in Support of Security and Development (CBSD), the EU seeks to address this funding gap and enable the financing of training, equipment and infrastructure to military actors. The main rationale behind CBSD is the assumption that security is a precondition for development, and that sustainable development can only be achieved when state institutions – including the military – acquire adequate capacities.

To implement the CBSD initiative, the European Commission in July 2016 proposed to adapt the Regulation establishing the Instrument contributing to Stability and Peace (IcSP). The IcSP is the EU's main instrument to fund conflict prevention and peacebuilding activities. The Commission's proposal to amend the IcSP Regulation envisages the introduction of new types of assistance measures that address CBSD demands. Both EU institutions and the wider development community have controversially discussed the Commission's proposal. This Briefing Paper engages this debate and discusses the possible implications of the IcSP reform.

The main argument of the paper is that the implementation of CBSD, as proposed by the European Commission, is likely to contribute to the securitisation of EU development

policy. The provision of training and equipment to military actors is needed to preserve the EU's credibility and effectiveness as a security provider in countries such as Somalia and Mali. However, the use of the IcSP for funding CBSD activities sets a precedent for using development instruments within the EU's budget for financing assistance to military actors. Without a precise justification for the link between the proposed activities and EU development objectives, CBSD risks subordinating development policy to EU security goals.

One key problem of the debate over CBSD is a lack of clarity concerning the scope of the envisaged assistance measures. Moreover, there is considerable uncertainty regarding EU development policy forming the legal basis of the Commission's proposal. Finally, civil society organisations fear that the proposed IcSP reform marks the beginning of a trend of shifting EU priorities from civilian to military instruments to address crises and violent conflicts.

The main challenge is to address these concerns and find a suitable, permanent arrangement for funding CBSD activities within the EU's next Multiannual Financial Framework (MFF) between 2021 and 2027. In the short term, greater transparency of the envisaged CBSD activities and a substantive debate about their links to EU development policy objectives are needed. In the medium term, the EU should create a dedicated instrument that separates CBSD activities from funding for civilian conflict prevention and peacebuilding efforts.

Capacity Building in Support of Security and Development

The EU has established a considerable track record as an international security provider in various conflict contexts around the globe. Building the capacities of partners' security forces is a core element of the EU's engagement to prevent violent conflicts and stabilise post-conflict situations. These capacity-building efforts involve different instruments, including civilian missions and military operations under the Common Security and Defence Policy (CSDP), the IcSP and the African Peace Facility (APF) (see Table 1). Although these instruments cover a broad range of activities and address different beneficiaries, the existing institutional framework does not allow the EU to use budgetary resources to provide equipment and infrastructure to military actors in partner countries.

To address this gap, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy issued a Joint Communication on "Capacity Building in Support of Security and Development" in April 2015. Under the framework of CBSD, the EU seeks to provide more effective assistance to security sector actors – including military actors – in partner countries. The Communication signalled that the provision of training and equipment to military actors is understood to be a core component of the EU's efforts to address the interface of security and development.

The argument for strengthening the EU's profile as a security provider is based on the experiences of the CSDP military training missions in Mali (EUTM Mali) and Somalia (EUTM Somalia). In both countries, the EU's training efforts have been undermined by a lack of funding for communications equipment, adequate training facilities and other kinds of infrastructure.

To implement the CBSD initiative, the European Commission proposed to introduce new types of assistance measures targeted at military actors under the IcSP. These assistance measures may include projects in support of training and advice, the provision of non-lethal equipment, and infrastructure. The proposed activities shall be financed with an additional sum of €100 million until the end of the current

MFF (2020). To generate these funds, the Commission proposed redeploying money from the budgets of the Development Cooperation Instrument (DCI), the European Neighbourhood Instrument and the Common Foreign and Security Policy (CFSP) as well as the reserves of Heading IV of the MFF, with a share of 25 per cent for each funding source.

The proposal foresees that the new assistance measures will only be provided on the condition that EU objectives not be attainable through recourse to non-military actors or in cases where there is a serious threat to the functioning of state institutions, human rights and fundamental freedoms. The financing of recurrent military expenditures, the procurement of ammunition and weapons, and the provision of training to increase the fighting capacities of armies remain excluded from EU funding.

Using the appropriate instrument?

The proposal to amend the IcSP has spurred a heated debate among EU institutions and within the wider development community. The IcSP Regulation rests upon Articles 209 and 212 of the Treaty on the Functioning of the European Union, which refer to EU development policy. A key question in this debate is whether the IcSP is the right instrument to implement CBSD. To justify choosing the IcSP, the Commission's legislative proposal establishes a link between CBSD and the EU's commitment to the 2030 Agenda and the Sustainable Development Goals (SDGs). The Commission argues that supporting partner countries' security institutions contributes to the achievement of SDG 16, which is dedicated to the promotion of peaceful and inclusive societies for sustainable development.

Opponents of the Commission's proposal argue that CBSD falls within the domain of the Common Security and Defence Policy and should not be funded through a development instrument. Moreover, critics argue that building the capacities of military actors contributes towards boosting authoritarian structures in partner countries. Another main reason why the Commission's proposal is met with great scepticism by policy-makers and practitioners in the development community is related to the perception of the IcSP as being the EU's main instrument for *civilian* conflict prevention and crisis response activities (Bergmann, in press).

	EU missions/operations under the Common Security and Defence Policy (CSDP)	Instrument contributing to Stability and Peace (IcSP)	African Peace Facility (APF)
Range of activities	Training/advice	Training/advice and equipment	Training/advice, equipment and staff salaries
Beneficiaries	Civilian and military security forces	Civilian security forces	Civilian and military security forces
Scope	Global	Global	Regional (Africa)
Limitations	<ul style="list-style-type: none"> Provision of equipment and infrastructure to partner countries is not possible 	<ul style="list-style-type: none"> Assistance to partner countries' armed forces is not possible 	<ul style="list-style-type: none"> Assistance can only be provided in support of regional operations Exclusive geographical focus on Africa

Source: Author; based on EU public sources and Furness (2011)

In general, IcSP-funded activities address a great variety of themes (see Figure 1). Priorities in terms of project funds are confidence-building, mediation and dialogue, security sector reform, assistance to migrants and host populations, followed by a couple of other themes such as rehabilitation, transitional justice and gender. The capacity-building of civilian security actors in the context of SSR is thus only one small element in a wide range of activities financed through the IcSP.

To implement IcSP-funded actions, the EU relies on external partners. Almost two-thirds of the projects are implemented by international and local non-governmental and international organisations. This is a clear sign that the IcSP is an important instrument for providing funding to civil society actors and international institutions. Adding new types of assistance measures targeting the armed forces of fragile states thus raises general concerns about the relationship between security and development objectives in the EU's external policy.

Towards a securitisation of EU development policy

It seems undisputable that the EU risks its credibility and effectiveness as a security provider if it trains Malian and Somali soldiers but does not provide them with the necessary equipment to fulfil their tasks of stabilising national and regional security situations. However, the choice by the IcSP to fund the proposed activities also comes with the risk of subordinating EU development policy instruments to EU security objectives, thus leading to a securitisation of EU development cooperation.

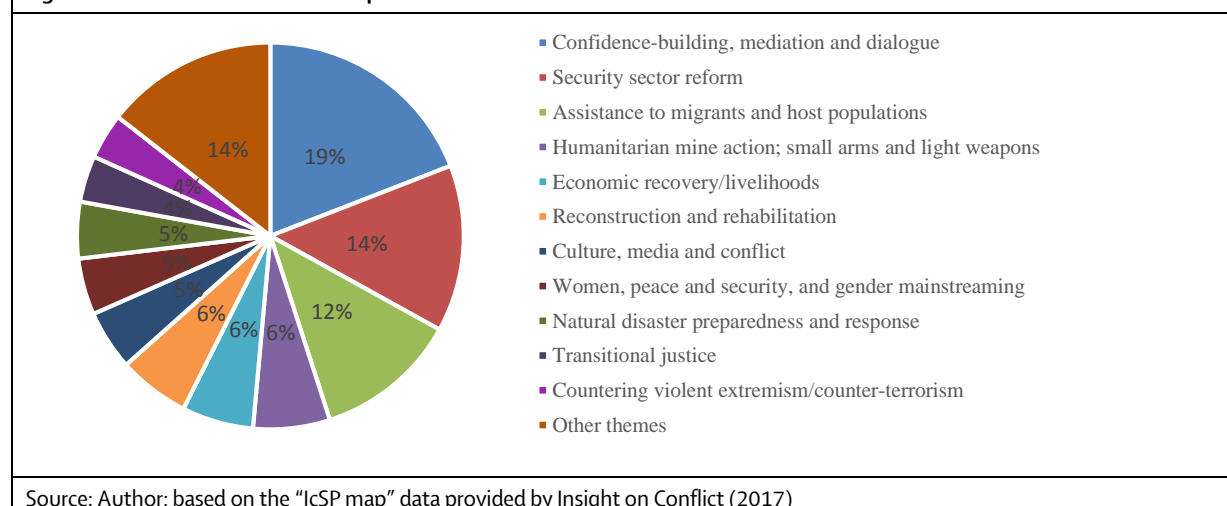
Indeed, the use of EU budgetary resources to train and equip military actors can be interpreted as a further step towards the "creeping securitisation" of EU development policy (Furness & Gänzle, 2016, p. 138). A main reason for the great scepticism towards the Commission's proposal has been the weak justification of the links between CBDSD and development objectives. Referencing Agenda 2030 and the EU's discourse on the "security-development nexus"

alone is not sufficient to define and clarify how the proposed activities contribute to the EU achieving its development objectives and implementing the SDGs. Without further substantiating the relationship between security and development in EU external policy, the security-development nexus risks becoming a buzzword that is used to justify the expansion of security-related activities financed with development funds.

Moreover, the legal basis of the legislative proposal is disputed. The main point of contention is whether the envisaged activities fall under the realm of development policy or CFSP, and thus they require the corresponding Treaty articles as a legal basis (Articles 209/212 TEU vs. Article 28 TEU). The legal services of the Council, the Commission and the Parliament have come to different assessments on the question of whether development policy provides the correct legal basis for CBDSD. This demonstrates that there is considerable legal uncertainty concerning activities operating at the interface of security and development policy.

This uncertainty has been further fuelled by the fact that both the Commission and the Council have rejected linking the legislative proposal to the criteria of the Organisation for Economic Co-operation and Development/ Development Assistance Committee for official development assistance. Paradoxically, the Parliament's mandate for the negotiations with the European Commission and the Council – adopted in September 2017 – confirms development policy as being the legal basis of the legislative proposal, but demands that no "development money" (i.e. funds of the DCI and European Development Fund) shall be used for that purpose. In the end, the Commission, the Council and the EP have come to the agreement that DCI funds shall not be used to finance CBDSD activities, which will instead be funded by the other three financing sources mentioned earlier. Regardless of this outcome, it should be emphasised that the underlying issue of how – and through what instruments – the EU addresses the security-development nexus remains unresolved. In fact, CBDSD has spurred considerable political and legal uncertainty,

Figure 1: Distribution of IcSP funds per theme of activities



Source: Author; based on the "IcSP map" data provided by Insight on Conflict (2017)

which risks being further exploited by blurring the lines between development and security policy.

Finally, there is an implicit risk that the CBSD initiative marks the beginning of a trend of shifting EU priorities from civilian to military instruments to address crises and violent conflicts. Given the limited financial envelope for CBSD activities and the non-lethal character of the equipment to be provided, this risk seems to be relatively small, at first glance. However, in light of the EU's current strong focus on security and defence matters and the establishment of a European Defence Union, concerns about shifting priorities from civilian to military means should not be discarded right away.

Policy recommendations

To address the concerns related to CBSD in the short term and find a permanent solution for closing the EU's funding gap in the medium term, policy-makers should consider the following three recommendations.

1) Clarify the links between CBSD/SSR and EU development policy

EU policy-makers should invest more effort in defining how CBSD/SSR contributes to the EU achieving its development objectives in conflict contexts and situations of fragility. On a general note, the security-development nexus, which has become a key mantra in the EU's policy discourse, needs to be filled with further substance. Clarifying the conceptual relationship and boundaries of EU security and development instruments is a key issue that the EU needs to address in implementing its "integrated approach" to conflicts and crises, as spelt out in the EU Global Strategy (2016). A follow-up document to the EU Global Strategy focussing specifically on conflict prevention and the security-development nexus could serve this purpose.

2) Provide greater transparency about CBSD activities

To alleviate concerns about the militarisation of EU conflict prevention and peacebuilding efforts, greater transparency is needed concerning the scope of actions to be funded under the new CBSD component of the IcSP. In particular, the European Commission should provide more information on the concrete types of equipment to be funded and how it seeks to ensure that the equipment will not be used to harm the populations of partner countries or infringe on human rights standards.

3) Create a dedicated instrument for the capacity-building of military actors

The adaptation of the IcSP will only be a temporary measure, valid until the end of the current MFF in 2020. Therefore, the EU should create a dedicated instrument to fund the capacity-building of military actors in the next Multiannual Financial Framework 2021-2027. A dedicated instrument that is distinct from development cooperation instruments could ease concerns about a securitisation of EU development policy and restore a certain boundary between security and development policy. The question of whether this instrument should be placed inside or outside the EU's budget will both depend on its envisaged scope and the interpretation of Article 41(2) TEU, which excludes expenditures arising from operations having military or defence implications. The most viable option could be an EU peace and security trust fund outside the EU's budget, to which EU member states and third parties could contribute. Creating such a fund, however, should not come at the expense of funding for civilian conflict prevention and peacebuilding activities. Moreover, creating a trust fund outside the EU's budget would imply the loss of oversight by the European Parliament on CBSD activities.

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