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# **Building the Foundations and Start of Transition Processes in the Security Sector -**

**Overview of International Lessons and Practice**

**Policy Brief**

## **Critical Importance of Local Ownership / Political Commitment**

There is no international standard roadmap or template for undergoing a transition or development process in the security sector. While the steps, mechanics or even core components of transition contexts differ significantly across recent examples of military transitions to civilian rule, a common characteristic or even core objective of durable transition processes is to create a more accountable, representative and responsive security sector that is subject to civilian control. As such, the objectives span beyond simply withdrawing the security sector from political life and back into barracks, but also transforming the overall role and functions of the sector towards the population. These were the defining objectives in the military transition processes in South Africa, Ghana, Eastern Europe after the end of the Cold War, and Chile and Peru in Latin America. Yet, the individual components or elements that contributed to success or failure in one context cannot be extrapolated to assume the same approach will lead to similar outcomes in any other context. Rather, the sequencing and priorities in any transition processes should remain context specific and influenced by the capability of the sector, existing security threats, political willingness and commitment to tackling difficult structural or regulatory issues in the security sector, and ultimately available financing to support reform and development in the sector.

The key to success of any transition, nonetheless, is commonly conditional upon national ownership and political commitment to the process by all key national stakeholders from within the security sector and the broader society. International experiences in Afghanistan, Mali, Burkina Faso, and previously Cambodia, Greece or Bosnia have shown that attempting reforms or transitions without critical buy in from major stakeholders will often lead to unravelling of key transition provisions and agreements over time, if not significantly heighten the risk of potential coups to undo the process. As such, it is critical that key decisions on the structure, pace, and scope of reforms in the security sector are based on national dialogue and a degree of consensus by all stakeholders rather than a strict imposition of demands on any party. Such dialogue should be maintained until the transition process is fully realised. The importance of dialogue is particularly the case if the military elements still retain significant influence and power, with most examples globally showing that they must be offered a dignified solution and voice in the process to avoid the risk that they will remain potential spoilers in the process.

The importance of such buy in from across the sector is highlighted in a number of examples of international experiences. The thin line between failure and success of the transition in many cases comes down to the armed forces or other elements in the State that wield power being unlikely to commit to a process unless they are relatively certain that final outcome will be in their interests. In most transition processes, the military has



retained some degree of influence and remained consulted on key decisions regarding its powers, its resources, and internal affairs. The lone exceptions are when the militaries are significantly weakened after economic or military collapse (e.g. Argentina post Falklands War or Greece following the conflict in Cyprus) or where there has been a decimation of public trust in the armed forces (e.g. Peru), allowing the civilian elements to more strongly dictate terms of the transition. Even in these cases, however, the civilian elements of Government retained some consideration for preserving the dignity of the armed forces in the transition process so as to promote reconciliation and state building.

Ownership of the process needs to be nurtured from within and across the security sector itself. As an example, after decades of authoritarian regimes in Greece a lack of buy in from mid level officers frequently led to short-lived transition attempts. In this case it was not Generals but rather middle officers that failed to see dividends in agreed transition processes and frequently resisted attempts at liberalisation or democratisation.<sup>1</sup> The Greek experience highlights the importance of preventing fragmentation within the security sector during transition, which otherwise creates more unpredictability and increases the number of potential spoilers in the process. Similar risks, of uneven commitment to the transition or reform process has been witnessed in more recent years in Mali, Burkina Faso, or Peru.

Often a key player in security transition processes and SSG/R is the international community and in many recent examples of successful transition processes (eg. Gambia, Niger, Eastern Europe post Cold War, South Africa, Senegal, Tunisia, Sierra Leone, etc) the international community has played an important supporting role. Typically, in such processes the role of the international community is not only to provide financial and technical (advisory or training) support to the implementation of transition , but the presence and influence of the international can be key to facilitating (or even mediating/arbitrating) discussions and providing legitimacy and political support to key peace agreement/reform initiatives. The degree of international involvement in transition processes is often dependent on the extent to which integration with the international or regional community is a key objective of the transition process (e.g. Eastern European countries integration into NATO) or the extent to which the national stakeholders have the capacity (financial or technical) to implement the transition – but should be requested by national stakeholders rather than imposed. Nonetheless, with growing international competition for limited donor funding it is no longer certain that donor funding is made available simply because a transition process is underway. More and more international partners make support contingent on the stated transition process adhering to international policy frameworks/commitments and legal obligations. While there are

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<sup>1</sup> <https://www.degruyter.com/document/doi/10.1515/soeu-2021-0075/html?lang=de>



recent examples of important transition processes in Ethiopia (post 2017 appointment of PM Abiy after departure of TPLF from power, Zimbabwe post 2018 elections after departure of President Mugabe), these processes were not accompanied by increases in international assistance (each received a handful of small scale support projects) due to the processes remaining closed and not satisfying the requirement for inclusiveness of all stakeholders in policy making or the emphasis of the transition not being on governance, management, or oversight issues. In contrast, a lesser geopolitically important country like Gambia (1.2 million people) received significantly more support in its transition process than Ethiopia and Zimbabwe combined largely because its transition planning for the security sector gave strong commitments to international obligations and adhered to the various SSG/R policy frameworks<sup>2</sup> (especially AU SSR Policy Framework). Similar trends are evident in the Sahel whereby international assistance is being withdrawn away from Mali/Burkina Faso in favour of Niger, a country which has been deemed to retain a commitment to international good practice for security sector governance.

Key to managing international aid/donor assistance, and to ensure that the national stakeholders remain the lead in defining priorities or implementation, is a clear policy and strategy to which donor assistance can be aligned. In the absence of clear policy/strategy framework, one that is seen as both realistic (affordable/feasible) and respecting international commitments and good practice, there is a likelihood that donor assistance will not be forthcoming or donors simply will chose other areas to work on.

### **Timelines for Transition / Affordability**

A fundamental set of lessons from transition and transformation processes in the security sector are to set realistic and affordable timelines and parameters. In a vast majority of circumstances, transition processes in the security sector are usually slow and require long-term commitment and planning to see impactful results. When there is an enabling, if not ideal, contextual factors and environment (political commitment, financial resources, popular support within and outside the security sector) as was the case in South Africa (mid 1990's), Eastern Europe (e.g. first and second wave of NATO accession countries in 1998-2004), Ghana (early 1990's), Ukraine (2014-2021), or Columbia (2010-2020) – some degree of holistic transformation can be achieved in a period of 5-10 years. A more typical timeframe, however, is 10-20 years to see positive results if there is sustained commitment to reform. As an example, in Chile, which after a heavy handed Pinochet led military regime lost power in a 1989 plebiscite and had significant national resources available to support the transition, it was only after three successful election

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<sup>2</sup> Support to Gambia reforms in the security sector post-2017 transition included EU, Turkey, Spain, UK, Germany, France, Netherlands, Nigeria, Senegal,

cycles that in 2005 through Constitutional changes that Chile was able to gradually restore most elements of civilian oversight of the security sector.<sup>3</sup> Challenging processes like integration of forces, modernisation, right-sizing, and capacity building are time consuming processes and there are no short-cuts to achieving quick impacts in a condensed timeframe. Even the most successful cases mentioned above, are still undergoing reforms that aim to undo some legacies of centralisation, inefficiencies and integrity gaps - further reaffirming the notion that development and transition in the security sector requires a long-term perspective.

An honest evaluation of the time and effort required to achieve key transition goals is critical in initial processes to set objectives or to develop rudimentary plans for the transition process. Recent examples of failed transition and reform processes in Central African Republic (CAR), Democratic Republic of the Congo, Lesotho, Somalia, and Guinea are all examples of Governments adopting overly ambitious reform objectives for the sector but quickly abandoning the process after it was seen as unrealistic and unfeasible. Following a peace deal, the CAR in 2008-2009 developed a comprehensive reform and development plan, including transitional justice and integration of militia, that had timeframes of 2-3 years for complex reforms with all reforms being undertaken simultaneously. The plan, however, did not fully consider the full cost implications, capacity to implement the stated reforms, and political resistance to implement certain provisions. While the reform objectives were still gauged as relevant in 2010, the lack of implementation led to most stakeholders being disillusioned with the promises made in the plan and only three years later the plan for reform of the sector was abandoned in full. It is notable that while certain activities could have been implemented in the time-frame, virtually all reforms were collectively branded as unachievable due to the perceived funding issue and the overall disillusionment of key stakeholders with the process. The process in Guinea (Conakry) followed a similar level of ambition in the initial phase of transition (post election period in 2010). In this case, the Government launched a national conference on SSR in 2011 that produced a comprehensive plan for reform of the security sector, DDR, and even some integration of forces. If implemented in full, the plan anticipated that Guinea would be able to fully transform and develop its security sector in a 4-10 year time frame. Despite wide national consultations in its development, the comprehensive plan was quickly set aside as the security sector saw that it was not a feasible plan in the context due to financial and political constraints. The lack of implementation of the plan, despite the initial euphoria for its adoption, was often cited by personnel in the security sector as negatively impacting their morale and trust in the

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<sup>3</sup> <https://oxfordre.com/politics/display/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-1804;jsessionid=4A86CC1A8D32251C7322C2FC9E566629>



transition process due to raised expectations (as reflected in the plan) but few practical steps in implementation coming to fruition.

Too often the key mistake made in transition contexts, especially those that have sizeable components of integration, demobilization, or reform, is to underestimate or give insufficient consideration from the onset for the affordability of the proposed provisions in peace agreements or cost implications of transition plans. The lack of available funding for key provisions often leads to delays in implementation but also commonly becomes a stumbling block, leading to stakeholders questioning the overall credibility and value of the transition plans. In the initial transition years in DRC, Mali, or Somalia, transition planning was evaluated in public expenditure reviews as being highly unaffordable and already initiated reforms as being financially unsustainable in the medium term. In Mali, for example, in 2018 there was a 40 percent difference between stated reform plans and available funding, despite sizeable financial investments and contributions by the donor community. In Afghanistan, as early as 2010 the integration and training forces and overall spending on the security sector was already seen as exceeding 90 percent of overall funding and highly unsustainable without international support. Similarly, the lack of funding became a key reason for inconsistent commitment by key stakeholders to integration in both Angola and Mozambique despite funds being available for smaller and other important initiatives. Lessons from these contexts show that in certain cases it may be preferable to set less ambitious reform targets at the onset to build confidence in the process or to have a clear prioritisation in place to ensure funds and efforts are channelled to the most important transition issues rather than spread thinly across a number of initiatives. In most transition contexts, donors often play a key role in financing certain elements of the transition costs, including re-training of military personnel, but even in such cases there should not be significant overestimation as to how much donor funding is available and plans should be largely based on national resources available to support the process.

The need to consider affordability is especially acute in integration processes. Integration processes have both significant immediate costs (training, equipment, recruitment, logistics) but also medium to long-term recurrent and capital cost requirements (e.g. pensions, social support, health care, education, military transition, re-training, promotion and salary increases, etc). As such, detailed calculations of what is affordable should precede specific discussions on the size, ranks, and structures for the security sector. In South Africa and Zimbabwe, as an example, there was a need to downsize the security sector significantly (almost by half in both contexts) only a few years after the integration process had finalized so as to fit within the given budget.

## **Planning the Reform Process**

The starting point or even defining elements of transition processes are often significantly different across various contexts. Most recent successful transition processes (e.g. South Africa, Gambia, Ethiopia, Nigeria) have had some combination of activities in their early phases that included:

- Assessments to analyse needs and challenges for capacity enhancement in the security sector
  - This is an important process that in Eastern European countries who declared ambitions for accession to NATO allowed for a detailed and independent assessment of needs, challenges, and provided an objective view of the accountability, efficiency and readiness of the armed forces. In Sub-Saharan Africa recent examples of such assessments (at sector level or for individual security agencies) looked at regulations, management, command, capacity, oversight, and accountability in the security sector and have taken place in CAR, Mali, Gambia, Lesotho, Ethiopia, Liberia, and Guinea Bissau, often with the support of the United Nations and African Union. The benefit of the assessment was that it has often provided the basis for articulation of policies by an objective and evidence based analysis of needs. In some cases such as The Gambia, the initial assessments challenged the overall assumptions of the security sector concerning the needs and priorities of the local communities and was key for developing a more holistic/balanced view of reform priorities. In this example, the assessments focused on understanding experiences of both security personnel (e.g. morale issues, training issues, welfare issues) as well as perceptions and experiences of the local populations across the country.
- Articulation of national security policies (National Security Policy or National Security Strategy) that define priorities and vision for the transformation of the security sector.
  - In the South African post-apartheid period the development of a national Defence White paper created the vision and defined the priorities for building a more inclusive national security architecture. The policy document became a key framework for discussions between the South



African Defence force and the integrating forces, and was cited as a key tool to build unified vision and purpose for the integrated forces. In the case of Gambia, the process of developing the National Security Policy and Strategies was key to articulating a new vision for the values and principles that underpin the security sector and its role in society. In the case of Gambia, these reforms also ushered in a new Office of National Security and National Security Council to help coordinate and manage reform efforts. In Ethiopia, with the election of Prime Minister Abiy Government in 2017, the Government initiated a review of the National Security Strategy to re-define priorities for reforms but also initiated a series of new policy Doctrines (e.g. Policing Doctrine) to help articulate a new vision for a future policing system that is more in line with international standards.

- National consultations and dialogue to build consensus and ensure ownership of the process by all key stakeholders.
  - National consultations and dialogue on security issues and elements of security sector reform often accompany initial processes. Such consultations often include interviews, discussions, townhalls, or focus groups. In most cases, this is accompanied by some degree of mediation and reconciliation efforts too between the population and the security sector so as to encourage open dialogue. In other cases, the purpose of such dialogue and consultations is to provide a voice to the local population in defining strategies policies and priorities for the transition and developments in the security sector. In Liberia, as an example, the Government initiated 14 months of consultations that included dialogue with local communities in all key urban centers. In South Africa, during the formulation of the Defence White Paper and subsequent National Security Strategies the Government earmarked 4 months of the 6 month process to consultations. In this example, civil society, security personnel, academics, women groups, and minorities were extensively consulted in the lead up to drafting these key documents.



- Security sector expenditure review to determine affordability of reform options.
  - To gauge and analyse the extent to which reforms are affordable and financially sustainable countries in transition have more commonly undergone a formal security sector expenditure review. This process, which is based on a World Bank methodology, looks at current spending and projects based on economic growth, commitments in reforms, and expected growth projections for the sector during transition so as to determine the extent to which there could be an emerging funding gap or possible gains in efficiency of spending. Such reviews have occurred in recent years in Colombia, Somalia, Mali, Gambia, Liberia, Guinea Bissau, Chile, and Afghanistan.
- Other measures often include: revision of laws and regulations that define mandates, functions and powers of security institutions and definition of strategies on how to promote reform or development in the sector.

The above mentioned elements are often referenced or even suggested in key international policy documents on security sector governance (SSG)<sup>4</sup> and are specifically recommended in the African Union SSR Policy Framework (2012). While ideally the sequence should be to first undertake an assessment and define policies before implementation starts, in practice given the time-frame needed to undertake an assessment or to change the legal framework it is possible to work concurrently on all elements. Lessons from the transition process in Gambia (2017 - 2020) or Ethiopia (2017-2019), for example, even suggest that only working on assessments and policies at the beginning, without starting some capacity building and implementation of reforms, can result in stakeholders quickly losing confidence in the process by not seeing any practical implementation in the initial years of transition. It is thus important to work at both strategic and operational levels from the onset and not delay reform processes simply because policy or legal frameworks are not in place. If possible, quick wins and early dividends in the process should be visible for all stakeholders to gain trust and confidence in the process. Nonetheless, it is critical to focus on the foundational work (policies and laws) early on in the process to help provide strategic direction to the process.

A key additional process, namely to aid in the initial steps towards civilian control of armed forces, is to develop a National Security Advisor and Office of National Security (ONS). This half-way mechanism, which includes both civilian and uniformed staff,

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<sup>4</sup> UN Security Council Resolution 2151 on Security Sector Reform (2014), OECD DAC Handbook on Security Sector Reform (2007)



coordinates national security policy and is a key mechanism for bridging relations between the civilian and security sector elements in Government. The establishment or strengthening of the ONS was one of the initial reforms during transition in Sierra Leone, Liberia, South Africa, Gambia, and Nigeria.

***Indicative timeframes for some key processes based on international examples:***

- National Security Strategy: Gambia (2020 - 14 months), Liberia (2007 - 26 months), Ukraine (9 months), South Africa (National Defence White Paper - 6 months)
- National Security Sector Assessment: Gambia (8 months), Guinea Bissau (11 months), Ukraine (police only - 4 months),
- Integration: Philippines (16 months design, 12-18 months training, 24 month transition period = 56 months); Mozambique (2-4 year design, 2 year training = 4-6 years)
- Civilian Control of Armed Forces: Chile (15 years), South Africa (4-5 years), Slovakia (3 years)

## **Sequencing**

The sequencing in transition processes is often very different, yet there are some important lessons and good practice which should be considered. Virtually all successful transitions (e.g. South Africa, Nigeria, Chile, Nepal, Czechoslovakia, Ukraine post-2014) started with a clear set of policy objectives and goals for the security sector that would both define intended values/principles that underpin the purpose of the transition but also guide all elements of policymaking, law reform, and strategy development in both the short and medium term. These values and objectives were reflected or documented in the Constitution, National Security Policy (or Defence White Paper and then subsidiary documents such as policing/military doctrine). In the absence of clear policy and goals (which outline what type of security sector the country aspired to transition to) in the initial steps of the transition, it is possible that the wrong set of tools or approach will be used and the focus will overly emphasize form (structure, institutions) rather than what those institutions should deliver or how they should be managed. The clear definition of policy objectives and values ensures consistency in approach and implementation thereafter. A good lesson, however, is not to focus initially on structures, capacity building, or form of the security sector – rather initially starting with defining the desired



purpose, functions, and principles that guide how the security sector should function. These then should inform the form (structures, size) of the security sector.

As an example, the initial phases of the transition process in Liberia were largely inefficient because there was a lack of clarity as to what policing institutions should look like or what the future purpose of the armed forces will be in national or internal security – rather the focus was on training and building new structures. After several years (8 years after the start of transition) it was clear that the lack of vision and clarity in the initial stages of reform on the core functions of the security sector contributed to building a sector that was not fit for purpose and was not well adapted to the security challenges in Liberia. Similar experiences were seen in Greece whereby the first attempts at transition were simply on keeping the military in barracks (reducing internal security functions) rather than looking more holistically at the purpose, role, and functions of the armed forces in the democratisation process. A failure to address some of the system issues as part of the transition eventually led to a return of military influence in politics in Greece. On the other hand, a clear end goal (democratic control of armed forces, lessening the role of armed forces in internal security, and lack of military interference in political processes) allowed Chile to have a gradual and steady reform and transformation process spanning almost two decades.

Following the initial step of defining policies/doctrine, typically a multi-annual and cross sector development strategy and action plan is needed to outline how the doctrine/policy will be implemented. In this regard, it is critical not to have too many competing or overlapping strategic frameworks and ensure coherence to the initial policy.

It is only once the foundational work is completed (policy and strategy) should a security sector begin discussions on the form (structures) and capacity building requirements for the sector. This ensures that the priorities reflect the actual needs in country (security threats and needs of the population and State). Following this process, once the principles and functions of the security sector are defined, can the process begin to codifying this vision through legal reforms that reflect the strategic intent and principles defined in policies. Thereafter key decisions on integration, training, and other reforms can be made.



Gambia, as an example, followed to some extent the ideal model for transition. In the initial 8 months of transition a detailed needs assessment was completed that defined the challenges and issues that need to be addressed. Based on the needs assessment, the country developed a National Security Policy that defines the purpose of the future security sector and how it will function (and what security challenges it needs to address). This was then followed by a series of legal reforms to help implement the policy. After this process was completed, three years after the initial start of transition, Gambia finally made steps in deciding on future revisions of structures and mandates of security institutions and defined its training priorities.

## **Integration of Forces**

International experience with integration of forces has shown relatively mixed, if not commonly poor, results. Due to its technical complexity, financial resource requirements, political considerations, and time requirements – integration of forces does not often produce the desired results and the processes usually have significant associated risks. Nonetheless, there are a number of positive examples of integration that can serve to outline the key characteristics that inform a successful integration process.

Usually, forces are integrated into the largest security element of the armed forces or whoever was the victor in the conflict. Integration into existing dominant security structures is the most common approach applied in transition processes (e.g. Nigeria, South Africa, Philippines, Ukraine) as it is the simplest, most cost-effective, and quickest approach to ensuring effective integration. In some cases (e.g. South Africa) preserving the institutions was seen as crucial for preserving the capacity of the State to continue to deliver critical security services and to continue to benefit from the capacity of the sector. Nonetheless, as was the case in South Africa, Colombia and Nigeria – often the decision to integrate into a single armed forces was made with knowledge and understanding that in the short-term the efficiency (if not the capability) of the receiving institution may deteriorate, with the key dividends/benefits (improved legitimacy, possible intelligence and access gains, etc) emerging only after several years. As such, the perception that the quality or integrity of the receiving institution may suffer is often a key stumbling block in the acceptance or commitment of the institutions to integration. This risk, however, can be overcome with a robust system of training, improved logistics (to support growth), and eventually offering additional incentives linked to effective transition (e.g. training, international peacekeeping, new equipment, etc).

A “1+1=3” formula is also possible in a situation where neither security force is dominant whereby a country seeks to create an entirely new third force into which to integrate the various militia or armed forces. This new force would not have a dominance or replication of structures, command, or even composition of any of the previous forces but rather seek to create a more adapted and compromising structure fit for the new force strength and composition. Such a process occurred in Mozambique, whereby both the Mozambican National Resistance (RENAMO) and Armed Forces integrated into a new institution – the Mozambican Democratic Armed Forces.

### **Purpose of Integration**

Integration of forces is arguably one of the most difficult tasks in transition processes and if the integration process is simply driven by social or power considerations (e.g. employment for militia members or a means to dilute power of certain groups), it often fails. Rather, it is important to approach integration from a security perspective, first mapping the possible positive outcomes on the effectiveness of security institutions that integration can offer and what security provision gaps it can address. The approach of understanding the benefits of integration can provide better indication of the size and type of integration that is ideal for particular countries. As an example, the success of integration of militia into the armed forces in South Africa and Ukraine, which arguably are two of the most recent successful integration models, were primarily driven by security/operational requirements and served to support broader security policy objectives. Namely, in South Africa integration of militia was not seen as an economic/social process to reward militia but rather as a critical national security process to improve the accessibility, trust, representation and responsiveness of the security sector towards the local population. As such, integration was driven by a need to have a more inclusive and representative security sector rather than to simply appease the interests of the militia. South Africa initially did not create a stringent cap on the total number of new members that could be included in the future force, rather encouraging non-statutory groups (militia) to apply and join. In the end 10 percent of the total integrated personnel were women, further strengthening the diversity of the new SANDF.<sup>5</sup>

In Ukraine on the other hand, the volunteer battalions which were active in combat in the East Donbas were formally integrated under the Ministry of Interior (under the National Guard) and preserved because Ukraine needed their capacities/capabilities in either combat operations or in reinforcing border security operations. Similarly, the handful of successful examples of militia integrating into the Iraq armed forces were also linked to

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<sup>5</sup> <https://www.ictj.org/sites/default/files/ICTJ-DDR-South-Africa-CaseStudy-2009-English.pdf>

clear security and operational added value of the militia in the armed forces. In comparison, the post 2019 attempts at militia integration in Iraq which was driven primarily by political consideration (need for amalgamation of competing militia) was less successful as some militia did not have any clear value to the effectiveness of the Iraqi armed forces. More broadly, integration can aid security sector by providing access to certain regions, improving intelligence, or even helping to build more inclusive and legitimate security institutions.

### **Integration - Standards, Qualifications**

The primary impediment to integration of divergent forces is reconciliation between different cultures, training standards, doctrine, command practices, and even ethnic or linguistic issues. Nonetheless, the cases of South Africa and Philippines outline that even very stark differences in the training, culture and even command systems between the various integrating institutions (e.g. armed forces and militia) can be overcome through a dedicated and robust training system. In the Philippines, as an example, a 12 month officer training programme and 6 month training for militia members recruited at the ranks of NCO and soldiers could for a large percentage of integrating forces produce sufficient standards and competence to allow for integration (namely the Moro militia in Philippines). It is notable that due to a lack of national capacity to develop and operationalise the necessary training programmes, there was a high degree of reliance on international training teams to supplement national training capacities (in the case of the Philippines it was largely the US and in South African the UK BMAT teams). Both examples, however, highlight the importance of not compromising on standards for qualification at certain ranks but rather appointment to a new rank being contingent on a high degree of equivalence of skills and command competence so as to develop an effective security institution that would still be able to fulfil its core defence and security mandates/functions. In both examples, only those officers or soldiers that passed the necessary tests after training would be accepted into the combined force.

In cases of dispute regarding qualifications, a neutral or dedicated committee could consider the merits of individual candidates if necessary (in South Africa the external BMATT – British Military Advisory Training Team team could provide neutral views on individual candidates). In those circumstances where soldiers or officers were not deemed ready, further training could be offered (even individually) or in cases where the candidate was viewed as unable to meet the requirements even if certain training support was offered they would be given social packages that would allow them to be demobilized altogether. In the case of Bosnia – whereby three distinct armed forces were combined into a single chain of command – to encourage a fair process of judging qualifications of officers and soldiers, only numbers (rather than names) were used to



keep track of performance and during testing of soldiers – limited the influence bias in the recruitment based on ethnicity.

In contrast, DRC, Iraq and Angola offer negative examples whereby accelerating the process of integration – without sufficient training offered to the newly merged forces – can over time have negative impacts on the chain of command, integrity of the institution and eventually its ability to efficiently undergo key operations of the recipient institution. In both Iraq and DRC, expediency of integration was seen as a means of achieving peace, but over time the newly integrated forces were not culturally accepted in the armed forces due to lack of training and senior commanders from the militia were unable to garner the respect of their peers or command effectively. This eventually led to their gradual withdrawal from the armed forces and encouraged them to re-join the initial militia they left. In the case of the Philippines the cultural differences between militia and the armed forces required special cultural and mediation programmes to accompany the integration process (the training components) to otherwise facilitate integration. A key lesson from South Africa was that the process of integration should consider language, ethnicity, culture and even location of instruction (neutral grounds) to help facilitate and encourage integration.

### **Integration – Defence Reform and Development**

The scale, complexity and scope of integration typically creates significant strains on the new receiving security architecture and comes with significant associated risks. Virtually in all cases of integration, even involving mature and well-developed armed forces (e.g. South African Defence Force), the command systems, management regulation and processes (e.g. recruitment, promotion), support structures (e.g. training), and logistics (e.g. mobility, barracks, etc) need to be reformed and further enhanced to be able to cope with the integration process. In particular integration processes need usually are accompanied by substantive changes to human resource management policies (recruitment, promotion, discrimination and gender policies), command (a degree of decentralisation is required), training systems, and internal oversight (especially if there is mistrust of new recruits) to manage the associated risks and challenges of integration. A failure to develop the institution in parallel often has a negative consequence on exposing further accountability deficits, fuelling potential inefficiencies, and potentially leading to undermining the overall image of the wider organisation.

In the DRC, the lack of positive policies to discourage and prevent discrimination meant that over time the ethnic cleavages that existed between the militia and armed forces were re-created within the armed forces once more even after successful initial integration. Commanders and soldiers would often seek transfers to units that had their former combatants and thus created a split within the organisation along the original

lines.<sup>6</sup> In the Philippines a cultural awareness and dialogue mechanism accompanied the integration process to aid merging of different cultures between the various groups but also to address past grievances in what were otherwise competing or combatting forces in previous years.<sup>7</sup>

### **Phases of Integration**

There are usually three distinct phases to integration processes: design/selection (development of training and setting procedures/structures for selection), training (soldier, NCO, officer training), and phased integration into operational and command roles. The final part often includes some degree of transition as well. As such, following the training it is common, as was the case in the Philippines or Ukraine, for the newly merged elements of the armed forces to work as distinct units. Through interoperable and joint trainings slowly the units were accustomed to working within the structure and with their new peers. After this in the final phase both countries applied mixed command or fully integration into regular units. In these cases, as well as in South Africa, the detailed plans and description of these phases provided confidence and clarity in the medium term to all involved parties to the process.

### **Integration - Policing**

Given the large number of combatants and militia to integrate into the security sector, many integration processes include some degree of transfer of militants to policing agencies. This both ensures that these integrating forces are included in all security agencies but also helps to reduce the strain on the armed forces having to integrate all militia members. In practice, however, there is often a significant associated risk of harming policing practice/culture and militarising policing in the process of integrating militia or military personnel into the police. In this case, the best practice is to be more selective of the type and number of personnel to be integrated into the police but also to limit the units and roles of those personnel until they are fully trained - with equivalent training and skills to other police officers of similar rank.

## **Transitional Justice / Security Transition Processes / Dealing with the Past**

In any military transition context a transitional justice process is critical to ensuring the restoration of the legitimacy of the armed forces and building public trust in the institutions. There are numerous models for approaching transitional justice in post-

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<sup>6</sup> <http://www.eprpinformation.org/files/peaceprocesses/ssr/post-conflict-integration-of-security-forces.pdf>

<sup>7</sup> <http://www.eprpinformation.org/files/peaceprocesses/ssr/post-conflict-integration-of-security-forces.pdf>



military regimes or post-conflict contexts. This ranges from formal tribunals (e.g. International Criminal Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda ) which deal with individual gross violations of human rights, national trials of senior commanders (e.g. Greece or Argentina), truth and reconciliation processes (e.g. Sierra Leone, South Africa, Peru, etc) that support dialogue and healing (often also accompanied by reparations), a form of vetting or lustration process to limit further opportunities for those that have involved in abuses (e.g. Eastern European countries post-cold war), or a less structured mechanism of dealing with the past that seeks to focus on strengthen democratisation and peace processes as a form of transition (e.g Spain or Turkey).

The chosen model for each country depends largely on which party has been victorious, the remaining threats to peace and stability, and the ideal model for promoting stability during the transition – as such the recommended approach is highlight contextual. In certain cases criminal prosecution of human rights violators are foregone for the sake of peace, reconciliation – in such scenarios though there is a greater focus on prevention through truth telling and institutional reform (or vetting).

In some cases, such as Chile or Colombia, there may be a hybrid model of transitional justice that seeks to apply one form of transitional justice in the early phases of transition and adapt the process over time, even decades later, if there is opportunity or need to do so (e.g. revisit criminal prosecutions, such as was the case in Argentina even 40 years after – with the latest prosecutions occurring in 2022 for a conflict that ended in 1982).<sup>8</sup>

Latin America (namely Argentina) has been the most impacted by military regimes (e.g. Brazil, Chile, Peru, etc) but has also had arguably the most extensive processes of transitional justice. Argentina, in particular, following a truth and reconciliation process tried several hundred officers and soldiers for human rights violations. While an initial amnesty was given, several decades later courts ruled that individuals could be tried for violations that occurred even 50 years ago. On the other hand, Brazil applied an amnesty approach to ensure that the military remained supportive of the democratisation processes. In Chile, they also applied a TRC process followed by limited prosecutions of only the senior leadership, with the understanding that further efforts were not possible in the given environment considering the power of the military and the need to retain peace by ensuring support for the democratic institutions by the armed forces. The range of examples from Latin America show that the transitional justice process is often shaped

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[https://www.tandfonline.com/doi/abs/10.1080/01436599913316?casa\\_token=epF1zd86214AAAAA%3APbaFd eDdH2et\\_rpDDw1DQ\\_Lr-MZMBXSaz0EI4qq9vfbzjvWRCGpOQ2fzZxfLkXIFSAjgYi74w&journalCode=ctwq20](https://www.tandfonline.com/doi/abs/10.1080/01436599913316?casa_token=epF1zd86214AAAAA%3APbaFd eDdH2et_rpDDw1DQ_Lr-MZMBXSaz0EI4qq9vfbzjvWRCGpOQ2fzZxfLkXIFSAjgYi74w&journalCode=ctwq20)



and adapted to the national power dynamics and contingent on the existing leadership of armed forces and civilian Government being able to agree an appropriate framework.

### **Non-Recurrence**

Transitional justice in the security sector should include a strong focus on non-recurrence of violations, or instituting reforms that would prevent similar abuses or violations to take place once more. Typically this process studies the reason why certain abuses took place or what had enabled the security sector to take certain measures (e.g. lack of training, lack of clear legal framework, poor chain of command), and then target certain reforms that help address those gaps. As an example, in Nigeria the transformation process post military regime focus on limiting the political capture of the military by limiting the number of possible political appointments in the system (e.g. only security service chiefs are political appointments), creating oversight safeguards (e.g. inspector general in the armed forces), and integrating IHL into senior officer training courses.

In Gambia, the SSR process was shaped largely by considerations to address political interference in operational decision making to ensure a President could no longer utilise or manipulate security agencies for personal gain. As such, the recommendations in the transitional justice process focused on creating bureaucracy and chain of command layers that would prevent individuals from directly instructing individual units outside of the regular chain of command or through written instruction. In Liberia, the transitional justice process focused on composition (gender, geographic balance) to help ensure that a more national security sector was developed that would be more responsive to the wider population.

In the case of South Africa, a key trade off for amnesty of the armed forces and other security agencies for human rights violations was that unconditionally they would be subject to scrupulous oversight and accountability mechanisms (from Parliament but also Ministries) without delay. As a result South Africa in the late 1990's grew the number and size of external state civilian institutions with mandates to oversee conduct and performance of the security sector (e.g. Independent Military Ombudsman, Police Complaints Commission, South African National Security Secretariat), increasing transparency and scrutiny of the operations and internal working of the security sector.

In most cases, TRC reports are key to dissecting what went wrong, but there is a need to dig deeper (through dedicated security sector assessments) into the institutional factors that contributed to the abuses in the first place.

Peru, which in 1999 started a transitional process to overcome the historic legacies of the Fujimori regime which took power through a military coup in 1992, took several steps in the initial part of the transition process to re-establish public trust in the armed forces.



This included dismissing the top 50 senior members of the armed forces involved in the coup and other elements of the senior command signing a declaration acknowledging involvement in the wrongful activities leading to the coup. In addition, the armed forces openly backed the formation of a Truth and Reconciliation Commission. The TRC in Peru was formed with the purpose to “recommend institutional, legal, educational and other reforms, as a guarantee of prevention, in order for them to be processed and implemented through legislative, political or administrative initiatives”. To ensure cooperation and support for the TRC, the armed forces formed special committees in each element of the armed forces to liaise with and support the work of the TRC.<sup>9</sup> The Gambia, similarly, also set up a TRRC mechanism to study the extent of the armed forces abuses but to also make recommendations at reforms that can prevent such abuses from occurring. In this example, senior officers from across the security sector detailed in the TRRC process weaknesses in chains of command, protocols, remuneration, training, procedures, and the legal framework that had contributed to particular abuses or human rights violations.

### **Vetting**

In Eastern Europe, following the end of the Cold War, while there was a recognition that security actors were often involved in human rights abuses to protect the previous regime, there was a conscious political decision not to undertake a potentially lengthy and destabilising transitional justice process. Rather, in Poland and Czechoslovakia the focus was on vetting and lustration of staff to remove from the system through early retirement (or outright dismissal) those security personnel to be found of grave violations of human rights under the previous regime. This would prohibit them from also applying to any other civil service function or even limiting their social benefits/pensions that were otherwise due.

In the case of Ukraine (post-2014) the process of vetting was extended to include a requalification test for all police, prosecutors and judges. This process was aimed to ensure that all personnel had the necessary skills and training for their qualification – leading to outright dismissal of those found to be poorly qualified or lacked integrity for their respective position (e.g. some degree of financial checks accompanied the vetting process).

In 2006, Georgia virtually overnight even dismissed an entire police force (traffic police) and thousands of others in the intelligence and armed forces. This measure was aimed to tackle corruption and improve public trust towards the security sector. This was accompanied by measures to re-train remaining officers and install stronger internal and

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<sup>9</sup> <https://sur.conectas.org/en/armed-forces-truth-commission-transitional-justice-peru/>

external oversight standards for the police. Ukraine attempted a similar robust change in police but found that due to legal loopholes and lack of available manpower, most police were brought back into the service within a year of being dismissed.

Liberia in its attempts to reconstruct its police and armed forces following the civil war underwent a similar vetting process whereby it disqualified from service (or from applying in the future) any personnel found to have instigated human rights violations during the civil conflict. While initially this led to staff shortages, in the long-term Liberia was able to gradually develop institutions that no longer had historical links to the atrocities of the civil war. This step was key in restoring the legitimacy of the security sector within the state structures.

### **TJ vs. Democratisation**

Spain (and to some extent Brazil and Turkey) remains amongst the few examples of a context whereby little formal transitional justice mechanisms were applied. Rather, after the fall of the long-standing Franco regime, all parties condemned the past but agreed that no formal investigations or prosecutions for past wrongdoings would occur so as to help the democratisation process. The application of this model, however, was largely enabled by a strong political process whereby reform and transformation of the security sector was a secondary or even lesser priority or issue in the transition. As such, the focus was far more on the political parties as convenors of violence rather than simply the security sector.