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From Hybrid Peace to Human Security: Rethinking EU Strategy towards Conflict

The Berlin Report of the
Human Security Study Group



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SECURITY IN TRANSITION:
AN INTERDISCIPLINARY
INVESTIGATION INTO THE
SECURITY GAP



***From Hybrid Peace to Human Security:
Rethinking EU Strategy towards Conflict***

The Berlin Report of the Human Security Study Group

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Executive Summary

This report proposes that the European Union adopts a second generation human security approach to conflicts, as an alternative to Geo-Politics or the War on Terror. Second generation human security takes forward the principles of human security and adapts them to 21st century realities.

The report argues that the EU is a new type of 21st century political institution in contrast to 20th century nation-states. Twentieth-century nation states were based on a clear distinction between inside and outside. Typical outside instruments were state-to-state diplomacy or economic and military coercion. Typical inside instruments are the rule of law, politics, and policing. In today's complex, contested and connected world, outside instruments do not work; they backfire and make things worse. Human security is about extending the inside beyond the EU.

Hybrid Peace is what happens when 20th century peace-making is applied in contemporary conflicts. Contemporary conflicts have to be understood not as Clausewitzian contests of will between two sides with legitimate goals but as a sort of predatory social condition in which networks of armed groups instrumentalise extremists identities and enrich themselves through violence. Up to now, the EU has focussed on top-down peace-making, humanitarian assistance and post-conflict reconstruction. These policies can easily be subverted because they can end up entrenching criminalised extremist networks.

Second generation human security is about establishing legitimate political authority and legitimate livelihoods to counter this predatory social condition. It encompasses multi-layer, incremental and inclusive peace processes with particular emphasis on support for local ceasefires and civil society; security assistance in establishing safe areas and safe corridors and protecting individuals and their communities; economic measures including justice to undercut the illegal economy. Second generation human security involves continuous engagement so as to combine prevention, early warning, crisis response and reconstruction as intertwined activities, and places emphasis on gender so as to oppose the extreme gender relations that are constructed in contemporary wars.

The instruments of second generation human security include:

- *Creative diplomacy at all levels including smart multilateralism*
- *An emphasis on justice across the entire spectrum of abuse and criminality prevalent in today's conflicts*
- *The use of smart sanctions where they involve engagement with civil society, impact monitoring, and compliance with international law*
- *Conditionality aimed at countering predation, corruption, sectarianism and impunity rather than introducing neo-liberal reforms*
- *Civilian-led missions that include some combination of humanitarian workers, human rights monitors, legal experts, police and where needed military forces, and that involve both men and women*

1. Introduction

1.1 Europe in the twenty-first century finds itself in the midst of interlocking crises – multiplying wars in Africa, the Middle East, central Asia and eastern Europe; the largest mass distress migration since World War Two; terrorism and sectarianism; as well as broader economic, social and environmental disruption. At a global level, the War on Terror (although it is no longer formally called that) has a deadly negative synergy both with myriad conflicts in different places and with a new phase of great power rivalry involving a new wave of militarisation and nuclearisation, and the erosion of the principles of collective security and international rule of law. These crises have to be explained in terms of a mismatch between our policies and tools for addressing and managing problems and the everyday reality of the twenty-first century. Our dominant institutions (nation-states and great powers) were designed for the twentieth century; the current increasingly global war is the catastrophic product of institutional nostalgia. In today's connected, complex and contested world, twentieth-century solutions not only do not work, they make things worse; indeed, they produce the very outcomes which they are supposed to solve.

1.2 This paper puts forwards the case for a second generation human security approach to conflict. It takes forward the principles of human security and adapts them to the realities of the twenty-first century. The EU as a 21st century institution has to put forward an alternative to the War on Terror and realpolitik Geo-politics. Such an alternative is already in the making in the domain of cyber security, where the EU emphasis on fundamental rights and the rule of law contrasts with the practices of other actors, such as the expansion of mass surveillance in the context of the War on Terror. A second generation human security approach uses methods of addressing global challenges that involve politics, law, and economics, and that are both individual and collective, both top down and bottom up, and both global and regional and locally driven. It is a practical strategy for ending wars rather than pursuing ever-elusive victory in war. It involves a new kind of continuous engagement with the world through the promotion of legitimate political authority and legitimate economic and social relations. Such a strategy is not only proposed as a way of tackling contemporary crises but also as way of producing robust and effective European institutions.

1.3 The paper focuses on violent conflict. Armed conflict is the sharp edge of contemporary crises. Identifying ways to address violent conflict could open up strategies for dealing with broader issues. The peacebuilding approaches that characterise current EU policies tend to produce what this paper describes as 'hybrid peace'. Contemporary conflicts are sometimes known as 'hybrid wars' or 'new wars' in which classic distinctions between public and private, government/regular and rebel/irregular, and internal and external break down. They are best understood not as legitimate contest of wills (the twentieth century idea of war) but as a degenerate social condition in which extremist groups mobilise sectarian and fundamentalist sentiments and construct a predatory economy through which they enrich

themselves.¹ Current ways of addressing conflict tend to be caught up in twentieth century conceptions of war and are top-down, collective and nationally-based; the consequence is either a worsening of conflict or a sort of hybrid peace in which extremists groups continue their activities and this risks further conflict.²

1.4 The report starts with the concept of the EU as a 21st century institution. Then it considers existing policies towards conflict and why, despite a very large allocation of resources, they are insufficient. It then outlines what is involved in a second generation human security approach and illustrates what this means for some of the instruments available to the EU.

2. The EU as a Twenty-First Century Institution

2.1 The EU is a new type of polity. It is neither a nation-state nor a classic intergovernmental institution. It is a model of global governance; that is to say, a form of political authority potentially capable of addressing global challenges and opportunities and protecting local autonomy.

2.2 The EU represents a different conception of power. The nation-state was the typical political form of the twentieth century. It could be described as the archetypal example of a 'modern' institution, characterised by binary distinctions and a range of methods for compartmentalising and categorising various aspects of society and geography. Twentieth century nation-states involved a sharp distinction between 'inside' and 'outside' power. Outside power, as International Relations scholars explain, was based on national attributes of power such as economic wealth, military strength, or communicative capabilities – Joseph Nye's notion of 'hard' and 'soft' power.³ Inside power was based on politics, law and legitimacy. In a connected, complex, and contested world, it is no longer possible to sustain that distinction. Indeed attempts to do so will backfire. The EU acts more like an inside power, not only in terms of the relations among its members, but also in its relations with the rest of the world, especially its neighbours.

2.3 What are the (stylised) characteristics of the distinction between 'outside' and 'inside'?

- *Collective versus individual.* Relations between states are about relations among collectivities. Relations within states are about relations among individuals as well as groups and communities. War is between groups of people, in which responsibility is collective. Sanctions (although this is changing with smart or

¹ Mary Kaldor, *New and Old Wars: Organised Violence in a Global Era*, 3rd ed., Polity Press, Cambridge 2012.

² The term 'Hybrid Peace' is used to describe this strange state of neither war nor peace that characterises many conflict affected areas in the aftermath of peace agreements. This understanding differs from the way the term is used in the academic literature. See Oliver Richmond and Audra Mitchell, eds., *Hybrid Forms of Peace: From Everyday Agency to Post-Liberalism*, Palgrave Macmillan, London 2012.

³ Joseph Nye, *The Future of Power*, Basic Books, New York 2011.

targeted sanctions) are directed against entire societies. International law is largely state based although again, this is changing with the growth of human rights and international criminal law – ‘humanity’s law’.⁴

- *Coercion versus arbitration.* By and large the outside instruments available to states, in the event they cannot agree, are coercive – military force, economic pressure, cutting off communications. This again is changing with the establishment of international courts and mechanisms for dispute settlement. Nevertheless most forms of coercive pressure do not require due process. Targeted killings for example are directed against individuals and not collectivities, which is more like inside methods, but nevertheless they are an outside form of action because they lack due process.
- *Horizontal versus vertical or top down versus bottom up.* Relations between states are horizontal and top down; they are between the institutions at the top. Relations inside states are both vertical and horizontal, both top down and bottom up; that is to say they involve a range of individuals, political parties, civil society groups, companies, municipalities and so on. Classic inter-governmental institutions are based on relations among states, that is to say they are horizontal and top down.
- *National and international versus global, regional and local.* The classic outside was between states, the international. Nowadays the inside reaches beyond states and across borders to the global, regional and local. Regionalism is a salient category, representing thicker relations and connections beyond the nation-state. The world is inside.

2.4 In our time, outside instruments are becoming blunt and ineffective. The nation-state was designed to protect society from what were calculated as potential ‘risks’ or ‘threats’. But in a contested, complex and connected world, the very instruments designed to protect us have unintended consequences as Ulrich Beck explicated. They backfire and make things worse – this is what Beck meant by ‘reflexive modernity’.⁵ Treating terrorists as war (outside) rather than crime (inside) merely legitimises terrorism – terrorists are transformed into respectable political enemies like enemy states rather than individual criminals. The use of the war method can be manipulated to justify the recruitment of more terrorists inside our societies. The War on Terror has not reduced terrorism; on the contrary, terrorism is increasing thereby invoking more war like methods. Moreover, instruments developed for the outside start to be used inside: targeted killings against citizens; Afghan-style night raids in the French and Belgian suburbs.

2.5 A parallel example is the dominant European response to the influx of refugees. Ruben Andersson’s paper shows that, despite differences, European nations share

⁴ See Ruti Teitel, *Humanity’s Law*, Oxford University Press, Oxford and New York 2011.

⁵ Ulrich Beck, *World Risk Society*, Polity Press, Cambridge 1999.

the assumption that the way to address the refugee crisis is through ‘border security’.⁶ The focus on ‘border security’ indicates a failure to see the ‘migration crisis’ as a global crisis of the twenty-first century, which plays out not only at European borders but primarily in many of Europe’s neighbouring countries and the developing world. It implies that the influx of refugees represents a temporary threat to Europe that can be eliminated; in other words, this is a short-term external ‘risk’. Instead the problem needs to be understood in systemic terms; it has to do with the unintended consequences of modernisation and economic growth, whether we are talking about global inequality or climate change. The social instabilities, violent conflicts, or extreme deprivations that produce perpetual movement cannot be addressed by the compartmentalised presuppositions of a modern worldview, by the notion that it is possible to manage by dividing the world into ‘insides’ and ‘outsides’.

While EU policies towards the ‘migration crisis’ involve a wide range of tools and instruments, there is an underlying ‘outside’ logic implied in the ‘security’ based approach, in which legal pathways into Europe are increasingly and ‘naturally’ closed off. This, in turn, contributes to the development of irregular and dangerous land and sea entry routes, which also fuel the growth of smuggling networks, which, in turn, further increases the number of arrivals. Andersson’s paper shows how what might be described as a twenty-first century ‘hybridisation’ of methods has been grafted on to the prevailing ‘modern’ approach; this not only fails to deal with the crisis but generates counterproductive dynamics in a downward spiral. Thus, there has been increasing cross-fertilisation of previously ‘fenced-off’ fields generating convergence around a border security model among disparate sectors: for instance, development aid has been instrumentalised for migration control purposes; humanitarian actors (including NGOs and international organisations) have become enrolled in what is at its core a security-based response to boat migration; and transnational collaborations among border agencies, defence companies and other private actors have been actively forged. The ‘demand’ for security is moreover actively encouraged by the security experts, companies and officials involved in ‘securing’ the EU’s external borders. As more and diverse border security practices are applied, including the integration of third states, and as these practices push migrants towards different, ever more hazardous entry methods, more and more measures of a similar type are adopted to deal with the changing situation, sustaining a self-perpetuating market in border security. This approach has spectacularly failed to improve the situation as fatalities rise, chaos and political tensions increase, and arrivals keep mounting. In other words, as scholars of security note, the striving for ‘security’ tends to produce ‘insecurity’ *ad infinitum*. A different systemic approach is needed replacing the current ‘frontline’ security model with a *global and systemic* strategy informed by second generation human security.

⁶ Ruben Andersson, ‘Why Europe’s Border Security Approach Has Failed – and How to Replace It’, SiT/WP/08/16, February 2016, London.

2.6 There are more positive examples where EU policy is more attuned to the twenty-first century. The paper by Geneviève Schméder and Emmanuel Darmois describes the EU's distinctive approach to cybersecurity as 'legalistic and protective' and emphasise the significance of human rights in that respect: "In the cyber domain, the main difference between the EU and other approaches is the attention paid to respect for civil liberties and the rule of law, including international law, and to the promotion and defence of fundamental rights. While the EU, which cannot depart from the principles of the European Charter of Human Rights, is preoccupied with balancing cyber security with the protection of such rights, individual countries – both outside and inside Europe – are more ready to accept derogations for reasons of national security, particularly with regard to data protection and the right to privacy."⁷ In fact, reassured by developments such as the 'Safe Harbour' decision of the European Court of Justice, the EU is becoming a magnet for digital rights activists and initiatives in search of legal and political openings for challenging uncontrollable mass surveillance and vindicating human rights in cyberspace.

2.7 If the EU follows the modern logic of inside and outside, as in the case of migration policy, it will revert to a collection of twentieth century nation-states unable to adapt to a twenty first century world, with profoundly dangerous consequences. This is why a human security strategy is essential. Human security is what we experience on the inside of rights and law governed states. In cases of dire needs, what Sen calls the 'downside risks' such as fire, floods, crime, terrorism, accidents, shortages, emergency services (firefighters, health services, police) come to the rescue.⁸ A global human security strategy is about bringing the inside outside – this is particularly important in neighbouring regions. Human security is a practical strategy in a twenty-first century world. It is about the individual, it is both horizontal and vertical, it is about justice and due process, and it is multi scalar.

3. Hybrid Peace

3.1 Hybrid Peace is what happens when 20th century methods of peace-making are applied in 21st century conflict contexts. EU policies are mostly directed at stabilisation on classic peace-making lines; they involve the provision of humanitarian assistance, mediation among the warring parties, and 'post-conflict' reconstruction. Where the warring parties are extremist criminalised groups, such policies are easily subverted. Humanitarian assistance is channelled into a predatory war economy; top-down mediation ends up entrenching the positions of the warring parties; and reconstruction provides further opportunities for those parties to enrich themselves at the expense of ordinary citizens. Of course, EU policies do include

⁷ Emmanuel Darmois and Geneviève Schméder, 'Cybersecurity: A Challenge for Democracy and Human Security in Europe', SiT/WP/11/16, February 2016, London.

⁸ *Human Security Now: Commission on Human Security*, Chaired by Sadako Ogata and Amartya Sen, United Nations, New York 2003.

many novel approaches such as state-building, law and order and policing, but they are also prone to subversion because of the way top-down peace agreements structure power relations. The EU has also undertaken civil-military missions aimed at protecting people and upholding human rights; while some of the missions do represent models for human security, they rarely have been sufficient in terms of time and resources. While hybrid peace may be preferable to hybrid war or the War on Terror, nevertheless these situations are characterised by continuing crime, human rights violations and the ever present danger of reverting to war.

3.2 In our background research, we focussed on two regions – the Horn of Africa and the Balkans – and four conflicts – Libya, Syria, Ukraine and DRC. The Balkans and Ukraine are typical examples of hybrid peace. Syria and Libya are in the midst of hybrid or new wars. DRC and the Horn of Africa are a mixture of war and hybrid peace. All our papers show the persistence and spread of the societal condition that characterises contemporary violent conflict. The papers also reach parallel conclusions. Using different terms – conflict networks (Balkans), political marketplace (Horn of Africa), systemic corruption (Ukraine) or neo-patrimonialism (DRC), they describe how failure to take into account underlying power relations leads to flawed policies.

3.3 The EU commitment to the Western Balkans is perhaps more extensive than elsewhere. Major civilian and military missions have been deployed to sustain peace agreements; large amounts of aid have been provided to underpin the ambitious Stabilisation and Association Process; policies have covered the entire gamut of so-called post-conflict issues such as democratic processes, stable institutions, rule of law, free markets, or security sector reform; a range of instruments have been applied including the lure of accession, justice, bilateral negotiations, or political and economic dialogues. While there have been some qualified successes, most notably in the arrest of some war criminals, the paper on the Western Balkans concludes that EU intervention in the Balkans has overlooked the ‘resilience of wartime structures’: “the symbiotic relation among military, security-intelligence agents, political elites and organised crime elements that developed under the cover of war but within thickening webs of relations with official business, diasporas, non-governmental organisations, as well as local religious institutions.”⁹ Particularly in relation to economic development, privatisation, and security, the paper shows how these war-time structures subvert and twist these approaches so as to strengthen their own networks to the detriment of everyday peace and welfare. Thus privatisation has enriched the conflict networks, while, for example, police reforms, which may have increased the capabilities of the police, do not translate into improvements in security because the police are answerable to the conflict networks. The paper also shows that many of the EU tools are unsuited to the problems since they are predominantly state focussed.

⁹ Vesna Bojicic-Dzelilovic, Denisa Kostovicova and Elisa Randazzo, ‘EU in the Western Balkans: Hybrid Development, Hybrid Security and Hybrid Justice’, SiT/WP/03/16, February 2016, London.

3.4 In Ukraine too, the EU played the pivotal role in negotiating the Minsk Agreements and in providing aid and encouraging reform policies. The paper demonstrates, on the basis of quantitative analysis, that it was deprivation and predation rather than ethnic orientation that lie at the root of the conflict. But the preoccupation with top-down stabilisation, the paper argues, has weakened the potential for dealing with these fundamental issues. It treats the confrontation as an ethnic conflict rather than a set of social and economic problems. “Minsk II does not address the fundamental causes that led to the Euromaidan revolution: there is no serious effort to carry out fundamental and systematic reforms, to eradicate corruption and abuse of power by the ruling elites, oligarchs, and entrenched bureaucracy. The old kleptocratic/oligarchic system of power distribution in Ukraine mutated into a more polished and Westernized look. After nearly two years since the start of the Maidan movement, nobody from top echelons of the previous regime responsible for corruption and violence was brought to justice. Furthermore, the people directly responsible for instigating, coordinating, and financing attacks on the Ukrainian public in Kyiv, Odessa, and the East have not been brought to justice. It is unclear whether the criminal and law enforcement networks that were involved in the violence have been dismantled.”¹⁰

3.5 In Syria and Libya, the wars are ongoing despite recent successes in Libyan negotiations. Numerous armed groups control bits of territory – the militias that overthrew Gaddafi in the case of Libya and large numbers of armed groups on all sides in Syria overlaid by the growth of militant Islam in both areas. In Libya, EU policies have focussed on narrow security issues and a technical approach to constitution-making that “failed to see the connections between insecurity, political dynamics and the peculiar Libyan model of a rentier state. Under Gaddafi, Libyans were ‘entitled’ to a share of the oil rent, usually paid as a state salary that did not imply actual work but rather loyalty to the regime. Since individual salaries were disconnected from any constructive output, there was no incentive to create an even moderately functional government bureaucracy.”¹¹ The fragility of the recent agreement among the two main government factions needs to be understood in this context. In Syria, the principle instrument applied by the EU since the start of the war has been sanctions – the main effect has been to contribute to the dismantling of the formal economy and the spread of an accelerating war economy, based on kidnapping, hostage-taking, extortion, and smuggling of oil and antiquities that has enriched and entrenched the various warlords and extremist groups. Even if forthcoming talks in Vienna succeed in reaching some sort of agreement, an extremely arduous task given the sheer numbers of groups involved in fighting, it is difficult to see how any such agreement can avoid rewarding the nefarious gains of war and thereby making permanent the kind of predatory political economy that is

¹⁰ Tymofiy Mylovanov, ‘Review of EU Policy in Ukraine’, SiT/WP/02/16, February 2016, London.

¹¹ Mattia Toaldo, ‘Libya: Security, Economic Development and Political Reform’, SiT/WP/04/16, February 2016, London.

being currently constructed. Meanwhile, the typical ‘outside’ policy of air strikes undertaken by various states including the US, France, and the UK, against IS and by Russia against rebel-held areas has contributed further to destruction and polarisation.

3.6 Finally the DRC and the Horn of Africa have been characterised by a number of peace agreements and associated international missions that co-exist with continuing conflicts especially at local levels – some 70 armed groups in the case of the DRC – and pervasive insecurity. The DRC, like the Western Balkans, has become a ‘laboratory for EU crisis management’, with large amounts of assistance both for humanitarian purposes and for reconstruction, as well as no less than five CSDP missions. However, the fundamental obstacle to these efforts has been the failure to challenge the ‘extractive character of the politico-administrative system.’ Koen Vlassenroot and Valerie Arnould provide a vivid example of security sector reform where “despite EU and other donor strategies, security services continue to exploit their authority to levy unofficial fines, taxes, and fees in part due to the embezzlements of resources by their superiors. In many cases, these services *de facto* constitute a security risk themselves rather than providing protection and security. Because of this complicity of the security forces in the persistence of insecurity, people mistrust and feel increasingly abandoned by the state.”¹²

3.7 The paper by Alex de Waal and Rachel Ibreck on the Horn of Africa shows how the political marketplace is embedded in a set of regional, international and global linkages. The most immediate threats to human security arise from the shifting geopolitical landscape, associated with the drawing down of the U.S. security umbrella in the Middle East, and a newly-assertive Saudi Arabia, which is pursuing its interests both militarily and through the lavish provision of political funds in return for governments within what it regards as its security belt, supporting its war in Yemen and shutting off relations with Iran. This includes African Red Sea littoral states: Sudan, Somalia and Djibouti, while Eritrea has done a volte face and abandoned its erstwhile support for the Houthis and is now enabling and supporting the GCC military effort in Yemen. This represents a substantial shift in the political alignments of the region, with a risk of creating impasse in the regional security mechanisms (AU, IGAD and GCC) or even reciprocal destabilisation between the Arab and African blocs. De Waal and Ibreck conclude that the EU can play a role in facilitating dialogue, with both the African and Arab regional organisations, to promote a smart multilateralism in the Red Sea region, with the goal of creating conditions in which a human security agenda can thrive.¹³

3.8 Most of our papers also indicate different dynamics at local levels and through civil society activities. In Libya and Syria local civil society groups have tried to promote

¹² Valerie Arnould and Koen Vlassenroot, ‘EU Policies in the Democratic Republic of Congo: Try and Fail?’, SiT/WP/06/16, February 2016. London.

¹³ Alex de Waal and Rachel Ibreck, ‘A Human Security Strategy for the European Union in the Horn of Africa’, SiT/WP/07/16, February 2016, London.

security through the negotiation of local ceasefires. In Libya a de facto process of decentralisation is underway. Local ceasefires have spread throughout much of Western Libya ‘greatly improving the region’s security’.¹⁴ Syria in recent months has witnessed the rise of ‘civic power’. Local Administrative Councils and civil society groups often start dialogue and negotiation with the armed groups in order to take over the running of civic affairs so as to deliver public services. As the civic authorities acquire control, they become more powerful: “their effective performance and their response to public needs together with their ability to bring in international donor support give them popular legitimacy.”¹⁵ They also offset the power of armed groups including the extremist groups. According to Rim Turkmani and Mustafa Haid, “the balance of power between armed and civic actors depends on the level of security and stability in the area. The more stable the area, with no active fighting fronts and no aerial bombardment, the more power civic actors have.”¹⁶

3.9 Our background papers also provide examples of regional civil society networks. In the Western Balkans, the civil society network that advocates the creation of a regional commission to establish the facts of war crimes in the former Yugoslavia (RECOM), has grown in response to the perceived failures of the justice system in bringing the conflict networks to account. A quantitative analysis of the impact of RECOM on regional level debates suggests that a regional approach may be critical for coming to terms with the past and resolving contentions.¹⁷ In the Horn of Africa, also regional civil society networks have played a critical role, albeit one that has diminished in recent years as governments have become less hospitable to civil society initiatives.¹⁸

These initiatives suggest openings for a different approach that is less top-down and more focussed on individuals and both local and regional communities.

4. Rethinking EU Strategy towards Conflict

4.1 The key to human security is the establishment of legitimate political authority that can provide the basis for a rule of law and respect for human rights. The contrast between the local examples in Libya and Syria and the experience of security sector reform in the DRC or the Western Balkans show that security is derived from legitimate authority rather than the activities of security forces. Countering the variously described predatory, corrupt, patrimonial, rentier or extractive forms of

¹⁴ Toaldo, *op.cit.*

¹⁵ Rim Turkmani and Mustafa Haid, ‘The Role of the EU in the Syrian Conflict’, SIT/WP/05/16, February 2016, London.

¹⁶ *Ibid.*

¹⁷ Bojicic-Dzelilovic, Kostovicova and Randazzo, *op.cit.*

¹⁸ De Waal and Ibreck, *op.cit.*

political authority is, we argue, the key to human security and this can only be achieved on the basis of a rights based legitimate political authority. This cannot be accomplished merely by replacing the ruler; rather it requires far-reaching changes in the underlying structures of society and politics. We use the term 'political authority' to include authorities beyond the state – municipalities, for example, or regional institutions like the European Union or the African Union. We use the term 'legitimate' to emphasise voluntary compliance based on social rather than merely technical or procedural legitimacy. In conflict affected areas, the state lacks this type of legitimacy and is often both repressive and weak in the sense that it cannot ensure compliance except through direct coercion.

4.2 But how can we construct legitimate authority in the midst of war or even hybrid peace?

- First, it requires an inclusive political settlement to provide public goods and not an elite bargain that divides the spoils among private actors. This means that instead of an overarching top down peace agreement what is needed is an inclusive process that takes time, that is local, regional and global as well as national, and that addresses specific issues concerning the provision of public goods such as security, economic and social conditions, gender, and justice that might help to alleviate human suffering, counter the logic of new wars and provide a basis for the construction of an inclusive political settlement in the future. Peace agreements at local levels are a key component of any such process. Furthermore, peace negotiations at all levels should include economic, social, cultural and humanitarian issues directed at improving the everyday situation as well as the main political issues linked to the conflict. Engagement with civil society, where civil society is understood not as NGOs but as a combination of local leaders, activists, grassroots community groups, women and youth groups, prominent citizens such as teachers and doctors who are concerned with the public interest as opposed to private or sectarian interest, is also critical. In particular, it is important to construct political coalitions involving those who are non-sectarian ('Sushis' – both Sunni and Shi'a – in Bahrain or 'Hutsis' – both Hutus and Tutsis – in Rwanda). It is also critical to include women to counter the extremist gender relations that are constructed in contemporary conflicts.
- Second, it involves a different approach to security. New wars are fragmented – some areas experience high levels of violence while others are relatively secure. Some areas provide exclusive security for specific groups and/or are dominated by 'strong (heavily armed) men' or particular factions. Other areas negotiate localised ceasefires and try to establish inclusive local administrations as described above. A human security approach aims at strengthening those security zones that are more conducive to the construction of inclusive authority, through international presence, assistance with mediation, monitoring and the equal provision of public goods, particularly economic and social rights. Human

security personnel would have the task of dampening down violence, defending people and property, and where possible arresting rather than killing those responsible for criminal acts. They would need to be located on the ground together with regular forces (police and military) at local levels able to participate in the negotiation and monitoring of local ceasefires and, together with civilian counterparts, help to reconstruct legitimate forms of governance and to provide public services at local levels, including justice and social services.

- Third, political and security aspects cannot be disentangled from economic and social phenomena. It is the absence of a legitimate economy that is one of the most important drivers of war, as our Ukraine paper demonstrates. Neo-liberal reforms have been successful along with war in dismantling state dominated economies; but they have been much less successful in stimulating legitimate market economies. The alternative to state dominated economies turns out to be systems of corruption and predation that feed on neo-liberal strategies and processes of liberalisation and privatisation. In conflict zones, every area has a specific and different combination of predatory activities – extortion and kidnapping, smuggling and trafficking of various types, ‘taxation’ of humanitarian assistance. It is possible to identify concrete proposals for addressing the war economy and promoting legitimate livelihoods so as to reduce the incentives for war but these proposals are different in different areas and can only be identified through analysis and communication at local levels, particularly with civil society. It is also in the economic sphere that justice is critical in dealing with corruption and predation.

4.3 A second generation human security approach is both reactive and preventative. It involves continuous long-term engagement. In contemporary conflicts, it is often difficult to distinguish phases of pre-conflict, conflict and post-conflict. Many of the conditions that give rise to conflict are actually exacerbated by violence so the situation is even more fragile after a peace agreement than before the conflicts began.

4.4 All the components of a second generation human security approach have one thing in common: they are not a quick fix. They don’t work properly when implemented in a hurry, in reaction to an already escalating situation. Second generation human security has to be based on profound knowledge of the situation on the ground. It needs to have already identified networks, stakeholders, potential conflict parties and their respective interest and foothold within their societies when violent conflict arises. It needs to have an early warning system that allows a proper assessment of the political, economic and social development not only in the respective states, but also in regions and on a local level, identifying potential risk factors and rising tensions *before* actual violent conflict breaks out. Such a system must be able to trigger an alarm *at the right moment*: early enough for proper, sophisticated and well-prepared steps to effectively help to overcome the tensions and preventing

violent action on the ground; late enough to avoid intrusive actionism for the sake of just doing something, too much, too early, too improvident.

4.5 An effective early warning system requires analytical capabilities and constant dialogue, among EU member states as well as with relevant partners (states, international and regional organisations and other players including civil society). Such an early warning system should be based on a more human centered intelligence. Information collected by European member states, including relevant intelligence, needs to be made available not only for all EU members but also to the EU institutions that shape the external relations and action of the European Union. Strengthening the European External Action Service (EEAS) – which is, to date, de facto still alarmingly detached from the EU member states’ resources and decision making – seems therefore imperative. In times where the growing number of challenges to European Foreign and Security Policy require increasingly strong European answers, the member states can no longer afford not to make the EEAS a success story. The different sources of information from the ground and from inside the civil societies of which the EU member states dispose (political foundations, NGOs, media etc.) should facilitate more effective and influential European political decision making.

The next section spells what this means for specific instruments available to the EU.

5. Instruments

5.1 Second generation human security is about implementation; it is a practical strategy for ending violent conflict. The instruments for implementation are shaped by a twenty-first century logic, namely the logic of second generation human security. They are more like inside instruments in that they are directed towards individuals and the communities in which they live rather than states, they involve an emphasis on justice and due process, they are both top down and bottom up and they operate at all levels – local, global, regional as well as national.

5.2 **Creative Diplomacy.** Politics is the key component in the construction of legitimate political authority. One of the main criticisms made in our background papers is that the EU approach is often overly technical and lacks both political will and political action. Thus in the DRC, much of the weakness of EU policies is attributed to the lack of political direction, especially after the role of Special Representative was ended. Yet it can be argued that the very nature of the EU as a “construct of intertwined polities”¹⁹ offers a basis for a new kind of public servant who can engage in, influence, open up or harmonise debates. As the High Representative has put it, an effective public intervention does not necessarily mean speaking with one voice;

¹⁹ ‘The European Union in a Changing Global Environment’ in Antonio Missiroli, ed., *Towards an EU Global Strategy: Background, Process, References*, EUISS, Paris 2015, p. 128.

rather “there is a need for a multitude of voices speaking in unison.”²⁰ In other words, the inside experience of constructing common policies within the European Union can also be applied and, actually, also involves a similar sort of process in conflict zones. This requires imaginative and entrepreneurial diplomats who see their role as understanding and intervening in a range of political issues and who act as networkers bringing different groups and organisations and individuals together both within and beyond the European Union. In many cases courageous individuals try to implement EU policies on the ground but lack high level backing. The Special Representative is especially important in this respect, a key node in a series of overlapping political networks.

The classic diplomat was the intermediary between states in the realm of international relations, usually on matters of war and peace. Nowadays cross border relations involve a whole range of activities (aid, trade, energy, science and culture, and so on) and at different political levels, for example mayors or representatives of regional governments, and engage with business, civil society and other social actors. In so far as classic diplomacy is associated with mediation, this needs to happen at different levels not just between states and warring parties but at local levels and involving as wide as possible range of people. A good example can be found in the Libya case, where the Association of Netherlands Municipalities has an assistance programme in place for local municipalities and the EU’s External Action Service has been at the forefront of the municipal dialogue, a specific track of the UN-led process.

An important element of creative diplomacy is *Smart Multilateralism*. The EU is a multilateral organisation that has the potential to forge a new, ‘smart’ form of multilateralism, based on collective security, rule of international law, and the resolution of disputes by dialogue. A smart multilateralism is both broad and deep. It consists of engaging with, and promoting, other multilateral organisations such as the African Union, and encouraging them to become more inclusive, consultative and transparent, making it broader. It is deeper in that it engages both with political and security organisations but also with economic and technical ones, including the Bretton Woods Institutions and international fora engaged with key matters such as climate change and intellectual property rights. A smart multilateralism would bridge existing gaps in the international peace and security architecture – for example, it would create a forum enabling the resolution of conflicts spanning Africa and the Arab world, across the Red Sea and across the Sahara. It would seek to augment existing hard security regional mechanisms, such as the Gulf Cooperation Council or the AU Peace and Security Council, with more inclusive and democratic mechanisms, which enable civil society engagement. The same principle applies even more strongly to multilateral institutions such as UN or regional peace operations. By the same token, smart multilateralism would help promote the security and justice elements of international financial institutions. By these means, the ‘outside’

²⁰ *Ibid.* p.147

mechanisms that empower states can be made consistent with a human security agenda.

The EU must be able to offer a more inclusive and legitimate alternative to traditional diplomacy between states and parties to the conflict, as in classic peace negotiations. Creative diplomacy and smart multilateralism entail both political and economic diplomacy, addressing both political and economic dimensions and drivers of conflict, but also bringing together top-down and bottom-up approaches and actors, for example by aligning political negotiations with local ceasefires or socio-economic demands. In the Syrian case, for example, talks could focus on specific conditions on the ground, such as lifting sieges or the price of diesel oil in rebel-held areas.²¹ Such diplomacy also requires a different type of more human centred intelligence in place of the top-down technologically driven intelligence that is currently typical.

5.3 Justice. Justice is critical for addressing the criminalised nature of both the violence and the war economy in contemporary conflicts. Justice is probably the most significant policy that makes a human security approach different from current stabilisation approaches. The EU is one of the few international actors that gives emphasis to justice mechanisms but it does so very unevenly and we have come across many instances where the demands of hybrid peace trump justice; where war criminals are considered necessary partners for sustaining top-down peace agreements. Yet they may be the obstacles to sustainable peace.

Few issues galvanise civil society debate and activism in conflict zones as justice for international crimes and gross human rights violations. This is partly because of the prevalence of human rights violations in contemporary conflicts but also because civil society actors are aware that the perpetrators of such violations are linked into the networks driving a spectrum of abuse and criminality – human rights abuse, organised crime, corruption – at the heart of the conflict. Engaging with and strengthening the justice networks could be seen as one way of weakening and marginalising the conflict networks, as an instrument for addressing pervasive abuse and criminality but also for building an alternative source of legitimate political authority and a constituency for EU policy objectives.

The marginalisation of justice in EU foreign policies often reflects perceived tensions between justice/human rights and stability/peace but also the experience of the member states. With the partial exception of the Holocaust, the member states have done little reckoning with their own legacies of abuse and injustice inherited from war and repressive rule in Europe and the former colonies. As the authors of the justice paper emphasise, this suggests that a stronger EU role externally would depend on the EU taking a proactive role internally: encouraging the member states

²¹ Rim Turkmani with Ali A. K. Ali, Mary Kaldor and Vesna Bojicic-Dzelilovic, 'Countering the Logic of the War Economy in Syria: Evidence from Three Local Areas', LSE CSHSRU, July 2015, London.

to deal with their own past and creating space for civil society actors, ideas, and initiatives for justice both inside and outside the EU.²²

A similarly calibrated approach is needed to address the challenge of illicit financial flows from developing countries and conflict zones, estimated at more than USD 1 trillion a year. Violent conflict serves as a key mechanism in this predatory form of global redistribution by generating profits from illegal arms sales, smuggling and other organised criminal activities, bribery and embezzlement. Money laundering of the criminal proceeds exacerbates inequality both at their origin and destination. It fuels the monetization of politics and creates major incentives for political leaders to connect to criminal networks. It affects European citizens directly, for example by turning the financial sector and real estate in cities like London and Paris into drivers of inequality: inflated house prices serve as a tax paid by residents to banks, a regressive debt-fuelled income redistribution disguised as widened private property ownership. An effective justice response needs to take seriously these linkages and to tackle the problem from both ends.

The EU can unlock the productive potential of justice in conflict zones by advancing an approach that is regional and bottom-up in character and reinforced by sustained efforts within the EU – that is, encouraging the emergence and engagement of justice networks both externally and internally. The RECOM initiative for the establishment of a regional truth commission in the Balkans represents an example of how a bottom-up and regional approach can be combined.²³ A human security approach to justice also depends on the ability of the EU to provide financial and other assistance to a range of internal and external actors and a designated Instrument for Justice, complementing the Instrument for Stability, might be necessary to address the challenges of supporting justice networks and initiatives in today's conflict zones.

5.4 Sanctions. The EU uses a range of sanctions in its foreign policy, including arms embargoes, travel bans, financial restrictions including asset freezes and preventing payments and financial services, and trade restrictions. Sanctions have an exceptionally poor record of delivering the desired results. A key risk is that sanctions may contribute to further criminalisation of economies in situations of conflict and fragility, encouraging a range of illicit activities and strengthening the conflict networks. There is also a risk that sanctions may strengthen and legitimate repressive regimes as they become adept at harnessing sanctions-generated grievances of the population. The Iran nuclear deal reached in 2015, for example, is seen by some as evidence that sanctions work. Yet for a long time these sanctions were exploited politically to sustain the status quo and the beneficiaries of sanctions-driven criminalisation of Iran's economy continue to pose a threat to the

²² Iavor Rangelov, Marika Theros and Nataša Kandić, 'EU Approaches to Justice in Conflict and Transition', SiT/WP/09/16, February 2016, London.

²³ *Ibid.*

deal. The EU is shifting to targeted sanctions, but while these are expected to address some of the negative impacts of general sanctions, there is little evidence of positive impact, partly because it is difficult to disaggregate the effects of sanctions from other factors. A comprehensive review of sanctions indicates that they are most successful when they are aimed at allies, not adversaries, are tied to specific and realisable policy changes, and are implemented only for a short time.

The legitimacy of EU sanctions depends on engagement and consultation with local civil society and compliance with international human rights law. With respect to the former, EU practice varies as in some cases (e.g. Myanmar, post-Arab Spring Egypt and Tunisia) the EU has pursued sanctions in response to demands from local civil society actors and opposition movements, whereas in other cases (Russia, Syria) sanctions have been imposed without such engagement and consultation.²⁴ The paper on Syria shows how EU sanctions can be counterproductive without robust ongoing assessment of their impact on the humanitarian situation, levels of violence and the war economy, highlighting the need for continuous monitoring of the effects of specific sanctions on the ground and for maintaining flexibility to adapt EU policies accordingly. As for international law, the European Court of Justice (ECJ) has started to review EU sanctions and has established that they must comply with the general principles of the EU, including respect for fundamental rights, notably in the *Kadi* case. The main concern from a human rights perspective is due process, in particular the rights of defense and the right to effective judicial review of those rights. Considerations as to whether specific EU sanctions would pass ECJ review are already influencing EU practice. However, a human security approach to sanctions would involve proactive engagement with civil society in the pre-assessment, design, and monitoring the impact of EU sanctions, and would be based on international human rights principles rather than seeing them as a constraint or relying on the ECJ for remedial action.

5.5 Conditionality. The EU uses conditionality across a range of policy areas relevant to conflict, including development assistance, trade, accession and neighbourhood policies. Conditionality is often a feature of the hybrid peace in conflict-affected societies where the EU is engaged, instead of helping to address and overcome it, as conflict networks and politico-economic elites become adept at subverting EU conditionality. Particularly problematic is the emphasis on conditionality tied to a set of neoliberal policies, such as privatisation or welfare reform, which may end up exacerbating key characteristics of human insecurity in conflict-affected environments.

A human security approach to conditionality needs to be related to corruption, justice, the provision of public services, and to be shaped by engagement with civil society actors who often advocate such measures. In Ukraine, for example,

²⁴ Francesco Giumelli, 'Human Security and Sanctions, from Security to Governance: Strengthening EU Capacities and Involving the Locals', SiT/WP/10/16, February 2016, London.

insistence on bringing those responsible for large-scale corruption to justice would be a more effective way of tackling the conflict than say privatisation. Moreover, the use of conditionality externally has to be coupled with sustained action internally. Consider, for instance, corruption. In places like Afghanistan and Bosnia, rampant corruption is a key factor in subverting EU policies. At the same time, EU peacebuilding and statebuilding assistance often exacerbates the problem by fuelling corruption. This has led some Afghan and Bosnian activists to demand even suspension of some forms of external assistance until effective anti-corruption measures are enforced. But corruption has also mobilised protest movements across the EU, where the European Commission estimates that corruption costs at least EUR 120 billion a year, contributing to the erosion of citizens' trust in democratic institutions and depriving states of much-needed tax revenue.

5.6 **Missions.** There are already some examples of EU missions whose mandates and operations have promoted successfully a human security approach. These have been missions with a policing rather than a war-fighting mandate, even if they are carried out by military personnel, or human rights monitoring missions. Examples of the former are the Artemis operation in Congo, which was designed to protect people in Eastern Congo from massacres or the EUNAVFOR anti-piracy mission. The former was too short-lived to have a sustained impact. The latter has represented an effective example of multilateral and international law enforcement co-operation, even though the inability to address wider issues of fishing stocks may make gains difficult to sustain. Arguably, success in reducing maritime piracy was closely linked to the high financial incentives provided for fishing communities to participate in anti-piracy security operations. It can be argued that human rights monitoring missions, such as the EU mission in Aceh and the OSCE missions in Kosovo and Ukraine, have been at least as effective as peace-keeping missions in reducing human rights violations and providing momentum for investigation and documentation activities by civil society groups, offering a model for EU human security missions. Data from the Kosovo Human Losses Database of the Humanitarian Law Centre, Belgrade and Pristina, suggests that the level of casualties in Kosovo decreased from around 200 per month on average prior to the deployment to the Kosovo Verification Mission (January-October 1998) to around 130 per month during its deployment (October 1998-March 1999).

There have also been more long-term rule of law and policing missions but these have often been weakened or subverted by the dominant hybrid peace approach. EULEX Kosovo, for example, has a mandate that is consistent with a human security approach, but it encounters the entrenched power and interests of conflict networks, in this case the KLA, who also serve as partners in EU-led peacebuilding and statebuilding. The inability of EULEX to implement its mandate to prosecute war crimes committed by members of the KLA, for example, has prompted efforts to create a new special internationalised court in Kosovo.

The EU financial and technical support to the AU Mission in Somalia (AMISOM) consists of monetary and political endorsement of a counterinsurgency, disguised as a peace support mission. It is important that the EU critically assesses this operation, and how the goal of stabilizing Somalia could best be pursued by political, diplomatic, economic and military means, in such a way that the current excesses and shortcomings of the Somalia strategy are remedied.

What is needed is a much greater commitment of resources, especially people and time, and an imaginative rethinking that builds on best practice and emphasises a law enforcement approach (as in the case of Artemis or the anti-piracy mission) even if the military need to be involved, as well as human rights monitoring, and how these relate to broader economic, social and political measures. Human security missions are civilian-led and involve police, legal experts, human rights monitors, humanitarian aid workers, and sometimes military forces. Women play an important role in both human security missions and in creative diplomacy as a contribution to countering the gender stereotypes established in wartime.

6. Conclusion

- 6.1 Security is not the same as defence. For too long, nation-states have relied on military forces as the main tool of security harking back to an era when territory changed hands through military force. In the twenty-first century, the use of military force in places like Syria tends to exacerbate the everyday insecurity of individuals and their communities.
- 6.2 Second generation human security is civilian-led. It involves a whole gamut of tools and instruments including military force where necessary. It is first and foremost a political strategy where the aim is the security of people not states or regimes, whether they are Africans, Arabs, or Europeans. It operates at all levels – international, regional, national, but especially local, applying a form of peace-making that is both bottom-up and top-down. It builds and maintains safe areas and safe corridors in the midst of conflict. It addresses the underlying structures of society and politics and not just those who rule. It aims to counter the logic of contemporary conflicts including the interrelated nature of the war economy and extremists religious and ethnic politics. It places particular emphasis on civil society and on justice. It encompasses the construction of legitimate political authority and legitimate livelihoods. It involves continuous and long-term engagement with a range of partners, stakeholders and other actors, fostering simultaneously prevention and early warning, crisis management and reconstruction.
- 6.3 The European Union is facing an existential crisis with growing economic inequality and social precariousness, an increasing gap between debtors and creditors, the spread of violent conflicts in its neighbourhood with knock-on effects inside Europe through organised crime, refugees, and polarisation, the rise of xenophobia and

racism, more extreme weather events, as well as terrorist attacks. Yet the EU is the only answer to these mounting dangers. A reversion to nation-states will only make things worse. An effective second generation human security policy that would actually improve everyday security both in conflict zones and in Europe is critical for the very survival of the EU.

Papers commissioned by the Study Group

Available at www.securityintransition.org and www.feslondon.org.uk

Background paper:

The Construction of 'European Security' in the European Union in a Changing Global Environment: A Systematic Analysis

Sabine Selchow

Conflict papers:

Review of EU Policy for Ukraine

Tymofiy Mylovanov, Yuriy Zhukov and Yuriy Gorodnichenko

EU in the Western Balkans: Hybrid Development, Hybrid Security and Hybrid Justice

Vesna Bojicic-Dzelilovic, Denisa Kostovicova and Elisa Randazzo

Libya: Security, Economic Development and Political Reform

Mattia Toaldo

The Role of the EU in the Syrian Conflict

Rim Turkmani and Mustafa Haid

EU Policies in the Democratic Republic of Congo: Try and Fail?

Valerie Arnould and Koen Vlassenroot

A Human Security Strategy for the European Union in the Horn of Africa

Alex de Waal and Rachel Ibreck

Thematic papers:

Why Europe's Border Security Approach Has Failed – and How to Replace It

Ruben Andersson

EU Approaches to Justice in Conflict and Transition

Iavor Rangelov, Marika Theros and Nataša Kandić

Human Security and Sanctions, from Security to Governance: Strengthening EU Capacities and Involving the Locals

Francesco Giumelli

Cybersecurity: A Challenge for Democracy and Human Security in Europe

Emmanuel Darmois and Geneviève Schméder

What Role for the Private Sector in European Foreign and Security Policy?

Mary Martin

Members of the Human Security Study Group

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