

# Security Sector Reform and the Struggle against Terrorism: State of Affairs, Issues and Challenges

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The changes occurring in the Arab world in 2011 certainly presaged instability, all the more so since the security-based regimes were no longer capable of reacting to the dangers threatening the transitions in the countries of the so-called Arab Spring. Quickly, signs of weakness perceptible in the management of the security situation appeared: waves of refugees, irregular migration flows, crumbling of state structures, in particular security apparatuses, penetration of violent extremist groups, the large quantity of arms in circulation in the region and the porosity of borders – these are some of the indicators of disturbance and dysfunctionality of the systems in place. The political and economic shortcomings of the new political élite and institutions ushered in by the 2011 revolts fuelled a strong sentiment of disaffection and frustration among local populations, in particular among youth. Tunisia and Libya, but also Europe, have become areas of recruitment for the Islamic State (Daesh) and other violent extremist movements. The Libyan and Malian crises and the conflict in Syria have exacerbated insecurity in the Mediterranean Region. Europe itself is no exception. Migratory flows and waves of refugees have doubtless acted as transmitters of the terrorist threat. EU countries have reacted to these threats by strengthening borders and more strictly controlling migration. In any case, the epicentre of terrorism is no longer only in Iraq or Syria, for tragedy has struck in the heart of Paris, Brussels, Nice, Berlin and Manchester. Underlying aspects put factors inhibiting violent extremism also associated with the European context on the agenda.

The ensemble of countries in the Mediterranean region, from North to South, have had to adapt to the new structure of the terrorist threat, attempt to understand the dynamics, factors and actors of its propagation, consider new, effective actions and strategies, and live with them without giving up essential democratic, social and cultural values. In this context, the present text addresses the challenges of the global struggle against terrorism insofar as democracy, peace, human rights and the rule of law in our region. Afterwards, it supplies suggestions and recommendations aiming to place the struggle against terrorism within the framework of the goals of peace and good governance.

## High Cost of the Terrorist Threat

It is difficult to measure the real cost of terrorism, since the human cost is very high for both individuals and societies. There is a direct impact on human rights. But terrorism also aims to destabilize governments, erode civil society, compromise peace and security and threaten social and economic development.

Apart from the social cost, the measures adopted by countries to fight terrorism have often posed serious problems with regard to human rights and the rule of law (summary interrogations, torture, personal data breaches, summary trials, etc.).

New anti-terrorist laws are passed under this pressure. This means that the mandate, means and techniques of intelligence services are strengthened. The operational capabilities of security forces are stepped up, while defence mechanisms are oriented towards direct involvement in the theatre of operations.

The resources normally allocated to social programmes, education and development are thus di-

verted towards the security sector, affecting the population's economic, social and cultural rights, above all in countries whose capacities are already scarce and insufficient.

These practices, in particular when taken together, have a corrosive effect on the rule of law, good governance and human rights. They are likewise counterproductive to national and international efforts to fight terrorism.

### **Corrosive Effect of the Security Sector on the Rule of Law and Good Governance**

In societies experiencing complex, violent security challenges, reform of the security sector no longer corresponds to the concept of developing public policy in the spheres of security, defence and justice, but has become an essential tool used to enhance the operational capabilities of the sector, with no regard to the democratic tension caused by these choices.

Just as the rules of operation of the democratic system are often jeopardized by countries' political and security choices when internal or border security is threatened. For instance, the transparency of defence and security budgets is directly affected.

The theory of the "reserved domain" is another example of democratic tension in the fight against terrorism. Because "the nation is in danger," national solidarity closes ranks around the government. Is it thus justifiable to question the principle of policy-makers' accountability in this domain in particular? There is no doubt that political action and respect for democratic principles are inseparable. The principle of accountability is fundamental.

The executive branch's freedom of action in its political choices is easy to understand, or the need to enhance the operational capabilities of security structures. A case in point is that of the "Train & Equip" programmes aimed at countries undergoing democratic transition or in a post-conflict period. But we all know under what conditions such programmes have been implemented, what their goals have been and above all, their costs in relation to the expected benefits. From Iraq to Mali, including Tunisia, Libya and Egypt, international assistance programmes always raise the same issues, namely to study the implications of security sector reform and evaluate their con-

tribution to preparing altogether fragile security apparatuses for true institutional transformation.

No one is entitled to further the dividends of peace to the detriment of those of democracy.

### **Anti-Terrorism as a Support for Processes of Security Systems Reform**

State structures are more involved than ever in the struggle against terrorism. The institutions most involved are the armed forces, internal security forces, intelligence services and the judicial branch. Due to political and security changes occurring over the past few years, the roles and responsibilities of the authorities, enforcement agencies and other structures must be redefined to respond to emergencies and adapt to new needs in terms of security.

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In this context, the issues associated with security sector reform (SSR) should be given very concrete applications within the framework of developing and implementing national or regional anti-terrorism strategies. This entails integrating all structures, mechanisms, laws, procedures and resources at the disposal of the security forces and the justice administration into a global approach and not go about it in a piecemeal logic, as is unfortunately often the case in recent experience.

In considering the necessarily long time needed to attain the changes in mindset essential for reform to take root in institutional culture and regulations, reform of the security sector should thus **be placed in the perspective of respect or enhancement of the will for harmonious coexistence, clearly expressed in the values of democracy and**

**freedom, more important today than ever.** The struggle against terrorism should meet these expectations, not only on the national but also on the regional scale, since collective action in this sphere is of capital importance.

Of course, action in this framework should revolve around spheres of complimentary intervention, such as enhancement of operational capacity and support for personal data protection or for the judicial system. However, policies and strategies cannot be effective unless they address the root of vulnerabilities, weaknesses and shortcomings of governance in security systems.

Strengthening institutions of the rule of law and maintaining all measures of struggle against the progression of the terrorist threat within legality should remain the primary pillar of the rule of law in democracies.

### Priority Actions and Spheres for Reform

*First of all*, countries facing threats with a complex structure should keep their responses within a **clear and coherent** legal framework. Action by defence and security forces involved in the anti-terrorist struggle should be subject to requirements that are both ethical and legal. Measures should be adopted to ensure that defence and security forces eliminate arbitrary arrests, interference in people's private lives and extra-legal judiciary procedures from their methods of intervention.

*Secondly*, intelligence service activities should be strictly controlled. These structures play too central a role in the struggle against criminal and terrorist organizations to be subject to only closed controls with very little transparency. Coordination and exchange of information are the key to transforming intelligence services. It is therefore essential to urge states to ensure their activities are strictly defined. Special investigation techniques should be the principal concern in this context, considering their intrusive nature, as well as the risks of abuse of their security purpose to serve interests incompatible with democratic principles.

*Thirdly*, the main challenge for the security forces in the fight against terrorism is effective border management and control. It is thus essential to step up their capacity to manage borders and entry points professionally in order to struggle effectively, not only against terrorist activities, but also the circula-

tion of other threats. Let us note, however, that border control improvement does not justify the tension arising with regard to migration and mobility policy expressed by EU Member States. It is this same tension that has led in the past to closing off Southern populations, whereas Europe, for its culture and economy, has always represented a door to a better world.

### The consolidation of peace in the Mediterranean requires the establishment of a programme for shared governance of peace and security. Populations should have their say in the conception of a new model for development, peace and security in the region

These three points for reform action remain identical for any other change in the security apparatus: a civil and democratic constitutional order, institutions governed by law and a firm political will capable of directing the reform process. All of these challenges are in fact associated with the construction and consolidation of any rule of law.

There is one last factor that should not be overlooked in the struggle against terrorism: the need to strengthen **legal and judicial cooperation between countries** by fostering regulatory development within the states concerned. The fight against terrorism is not an individual responsibility, nor a residual problem to be handled by threat-exporting countries to the benefit of the others. On the contrary, it is a shared responsibility whose terms should be defined through frank agreements and acknowledgement of mutual responsibilities.

The consolidation of peace in the Mediterranean requires the establishment of a programme for shared governance of peace and security. Populations should have their say in the conception of a new model for development, peace and security in the region, as well as its implementation. It is simply a matter of being consistent with the commitments undertaken as part of the Sustainable Development Goals, in this case, renewing the terms of human security.