Security Sector Reform and the future of the Code of Conduct

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Introduction
In 1994, the Conference on Security and Cooperation in Europe (CSCE) completed negotiations on the world’s first — and to this day, only — inter-governmentally agreed, and politically binding set of norms for civil-military relations, the Code of Conduct on Politico-Military Aspects of Security (CoC). Entering into force in January the following year, the Code was the most significant norm-setting exercise that the organisation had undertaken since elaborating the Helsinki Final Act (HFA) some two decades earlier. In addition to reaffirming the Helsinki Decalogue,² it formulated a series of new standards for inter-state and intra-state behaviour. As a result, the Code would go on to play a key role in shaping the post-Cold War reform agenda in the Euro-Atlantic area.³

This article looks at the Code's legacy and its future, and makes a number of observations about its relationship with security sector reform (SSR). The Code and SSR, while different in terms of status, content and objectives, have several common and complementary elements. Indeed, the main argument of this article is that SSR could be used to develop an updated version of the Code. In particular, I will suggest that SSR can be a vehicle for reconceptualising and modernising the Code, and rendering it more pertinent to the security concerns of OSCE member states and their populations — and beyond, to communities in non-OSCE countries and regions.

In the second section, I will review what I see as the principal accomplishments of the Code. In the following section, I will describe the main attributes of SSR and how they relate to the Code. The fourth section will focus on how, from an SSR perspective, the Code might be expanded upon and its implementation enhanced. The paper will conclude with some thoughts on a strategy for putting such improvements into effect under existing political circumstances.

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² For a summary of the norms of the Decalogue and the Code, see Table 1. The Helsinki Decalogue, referred to in the Helsinki Final Act (1975), is a set of ten politically-binding principles governing the behaviour of OSCE members toward other OSCE participating states and toward their own citizens.
The Significance of the Code of Conduct

Although the Code entered into force two decades after the HFA, in what was a radically different security landscape, it is in many respects its ideological heir. The Code builds on the Helsinki Decalogue and formulates a number of new interstate norms. In its chapters six and seven, which are generally seen to be the most innovative and relevant to the security sector, it puts forward several groundbreaking principles for intra-state behaviour.

While the Helsinki document is mainly concerned with the external behaviour of states, the Code acknowledges that there is an organic relationship between the comportment of armed forces within a country’s borders and their behaviour abroad. For the Code, the democratic control of armed forces is the precondition for a state to meet its security responsibilities in both theatres. Of course, the HFA is not oblivious to the impact of internal matters on the international behaviour of states, as attested to most notably by its championship of fundamental human rights and freedoms. The Code, however, takes this concern a step further with its insistence on domestic oversight mechanisms for the range of security forces and on the importance of such mechanisms for a state's trustworthiness and viability as a security partner. In view of its emphasis on what happens both within states and among them, the Code has proved to be a trailblazing document that has inspired similar undertakings in other parts of the world.4

The Code addresses one of the major dilemmas of the twentieth century (but one that really only came into full focus in the Euro-Atlantic world with the passing of the Cold War environment): public security concerns rose significantly through the century, with more and more casualties being civilians. With its attention on not solely the military but also other security jurisdictions with primarily an internal role, the Code joined hands with the human security approach, which in the first part of the 1990s had begun to enter the security discourse in a serious way.5
