

BALANCING EXTERNAL SUPPORT WITH DOMESTIC IMPERATIVES IN SECURITY AND JUSTICE SECTOR REFORM

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Recent interventions by multiple stakeholders in African states have sought to introduce good practices in security and justice sector reform (SJSR) processes, with widely divergent outcomes. This brief reflects on the questions raised in the session on good practice in SJSR and on participants' responses. It analyses the key challenge of how to balance external support for SJSR processes while responding to domestic imperatives.

DEFINING AND MEASURING GOOD PRACTICE

SJSR is a process-driven, rather than an event-based, activity. Determining what constitutes success and so-called good practices should be based on whether a practice or approach meets certain *minimum* international standards, such as ownership, effectiveness, efficiency, accountability and transparency, and on human rights and the rule of law. These goals and principles define practice and whether it should be up-scaled or replicated in other contexts. The ability to understand and interrogate the success of reforms in the security and justice sector is also a function of measurement, specifically the indicators of success and the extent to which they are standardized across different contexts. Because measurement is influenced by timeframes (the short-, medium- and long-term objectives of the reform process), an incremental and iterative approach is needed to measuring SJSR success.

Ultimately, success should be determined by the extent to which people (society) feel safe in their communities. For instance, deploying more qualified and responsive police officers to increase the police presence and visibility on the streets and in neighbourhoods could achieve the purpose of deterring firearms-related crime in the community. However, if individual police officers harass commercial drivers and extort monies from them, intimidating the people they are supposed to be protecting, they will become a source of insecurity, defeating the object of enhancing safety. Thus, an understanding and the measurement of good practice must take account of its multiple dimensions, including both the intended and unintended consequences of reforms.

After several decades of security and justice sector reform, it has become even more pertinent to question who shapes understandings and discourses of good practice: is it international actors, state representatives, epistemic communities, institutions or individuals? While the discourse regarding whose ideas and approaches matter is ongoing, experts, donors and their partners have thus far assumed this role with regard to SJSR. Once a reform practice conforms to their minimum standards, it is assumed to be good practice. The UN, African Union and the Regional Economic Communities have adopted their own set of 'conditions' and principles, which are enshrined in their policy frameworks that guide how SJSR should be conducted. The 2005 Organisation for Economic Co-operation and Development's Development Assistance Committee security sector reform (SSR) guidelines were the first attempt to identify criteria, standards, principles and indicators for measuring success and identifying good practice. Since then, a number of individual states have adopted their own constitutional, legislative and policy frameworks to guide their SJSR practices.

CONTEXT SPECIFICITY MATTERS

Contextual factors, such as politics, history, culture and local social dynamics, have dominated concerns regarding the success of SJSR to date and whether good practices could be replicated. Context is often assessed from a geographic or developmental perspective in relation to the funder and objective of a given set of reforms (i.e. South–South, North–North, South–North or North–South). There is a tendency to put a premium on a unidirectional North–South support framework while overlooking South–South reform experiences, especially in Africa. Yet, scaling up or replicating good practices in a context that is vastly different from that where the original template was developed runs the risk of failure. It is recommended that some of the underlying assumptions of good practices, on for example effective oversight, capability, authority and attitude, are questioned and contextualized to specific cases before implementation in other contexts.

IMPLICATIONS OF SECTORAL DISTINCTIONS FOR REFORM PRACTICE

SSR and justice sector reform are often conflated. Although they are closely related, the two processes have important differences. For example, security and justice sector reform approaches in most post-conflict and fragile countries incorporate recruiting, training and advising critical security and justice sector actors. This approach often has high levels of international support for reform in both the security and the justice sectors, as in Liberia, Sierra Leone and Côte d’Ivoire. This high degree of international involvement tends to create the impression that the process is externally driven, which means that local ownership and sustainability often suffer in the long term—especially after the external support is withdrawn. By contrast, the prioritization and sequencing of reform processes tend to differ by sector. Typically, judicial and corrections reform come last in order of priority. This can leave in its wake huge human rights deficits relating to ballooning numbers of pre-trial detentions, cases pending in the courts and insufficient rehabilitation efforts in prisons.

The differing approaches also have implications for states implementing reforms. Prioritization and sequencing have impeded the establishment of fair criminal justice systems in many contexts, but whole-of-government approaches require huge budgetary resources. International partners often ‘cherry pick’, however, supporting certain favoured tasks as part of police reform, justice reform or penal reform, rather than supporting a systemic reform process.

Since patriarchal norms are prevalent in many of the developing states subject to programme interventions, reform efforts must also address the unique challenges associated with the inclusion of minority groups. Interventions that seek to recognize and take cognizance of minority issues raise critical and ethical questions relating to levels of inclusivity of women, youth, minority groups, rural residents, displaced communities and others, and the extent to which such inclusiveness is considered and incorporated into good practices relating to security and justice sector reforms.

The Liberian national security architecture provides one example. Liberia’s national security strategy was developed inclusively through nationwide consultations. This led to the creation of decentralized county-level, district and chiefdom Security Council committees. These committees are composed of chiefs, civil society organizations and, most importantly, issue-led representatives such as of youth, sande and poro groups, and women. They identify, analyse and respond to their security and justice needs at the local level and provide early warning to the National Security Council of impending problems or tensions. All this has been framed in national legislation on enhancing acceptance, legitimacy and authority.

SJSR AND THE SUSTAINING PEACE FRAMEWORK

Good practice in SJSR reflects a main theme of the sustaining peace agenda. According to the dual UN resolutions, sustaining peace means ‘activities aimed at preventing the outbreak, escalation, continuation and recurrence of



conflict, addressing root causes, assisting parties to conflict to end hostilities, ensuring national reconciliation, and moving towards recovery, reconstruction and development'. The sustaining peace framework is an inherently political process that encompasses prevention, mediation, conflict management and resolution. As a result, when local ownership is built into reform processes from the outset, there is a greater likelihood that participation in and engagement with identifying, analysing and responding to local security and justice issues will be broadly based. This is the reason why stakeholder analysis is pivotal to the SJSR process. Similarly, it is crucial that the political authorities demonstrate leadership and commitment to the reform process in order to ensure its sustainability.

Several factors can impede inclusivity and, by extension, wider stakeholder buy-in:

- A narrow interpretation of security that allows military actors, rather than civilians, to lead the reform process;
- Skewed transitional justice processes;
- Inadequate national reconciliation activities and/or a lack of political consensus among the political actors that represent different segments of society; and
- Reforms that are driven by technical considerations.

These potential impediments should be addressed by SJSR practitioners and policymakers when designing reform initiatives. Discussion of how to increase inclusivity and ownership throughout SJSR processes must also assess whether and, if so, how to address the provision of security and justice by non-state actors. Policymakers and donors need to confront the reality that in resource-constrained states, security and justice services are not just provided by statutory institutions. When looking to engage non-state security and justice providers, reformers and capacity building practitioners must take into account differences in the former's professionalism and skill levels, areas of influence and control, networks with other non-state and trans-border actors, and interest in and motivations for participating in the SJSR processes and political agendas. There is no doubt that more nuanced contextual analyses are necessary to tease out what lessons can be learned from such processes, and even more importantly how such lessons can be applied to improve the effectiveness, success and buy-in of critical stakeholders.

CONCLUDING THOUGHTS

SJSR processes have been implemented in several weak and post-conflict societies. While in many instances these interventions have contributed to the development of more effective and responsive security and justice sectors, two critical factors must be addressed if such interventions are to be successful more widely. First, there is the need for greater recognition and inclusion of large segments of minority groups, the involvement and roles of which have been overlooked. Second, there is a need to be cognizant of the fact that in many resource-constrained states, the provision of security and justice goes beyond the remit of the formal state. As a result, processes must be instituted that acknowledge and incorporate the roles of non-state security providers and justice services.