STOCKHOLM FORUM
on Peace and
Development 2017

GOOD PRACTICES IN SECURITY AND JUSTICE REFORM

CONTRIBUTOR: MARINA CAPARINI (SIPRI)

OVERVIEW

The establishment of effective, legitimate and accountable security and justice institutions is a core objective of peacebuilding and development that responds to the fundamental needs for safety, security and access to justice. Comprehensive reform faces significant challenges linked to its complexity, financial and political cost, and protracted timeframes. Nonetheless, the session sought to learn lessons and identify good practices.

KEY TAKEAWAYS

The relationship between the security and justice sectors is one of complex interdependence. This necessitates a holistic perspective and a coordinated approach when undertaking reform. Security and justice institutions in post-conflict and transitional contexts typically face the common challenge of rebuilding trust and legitimacy in the eyes of the public. Both often suffer from high rates of personnel turnover during periods of transition, which depletes institutional memory, knowledge and capacity. Despite their many interlinkages, there are also important differences: security system reform (SSR) seeks to establish democratic civilian control over military and security institutions while justice system reform (JSR) is primarily concerned with establishing the independence of the judiciary.

A recent United Nations (UN) and World Bank study has shown that spending on police reform without reciprocal spending on the courts can reduce crime but may result in bloated and jammed courts. It found that a system-wide public expenditure review is needed when planning and implementing reform.[1] The Latin American experience illustrates that police reform alone is insufficient to deliver security and justice if judicial systems are underfunded, ineffective, corrupt or subject to political interference. Successful JSR can be achieved narrowly, as in the case of the Chilean criminal justice reform, but broader reform requires sustained political commitment, financial resources and coordination. A spectrum of actors such as judges, prosecutors and lawyers should play a role in pushing reform agendas across the entire chain of justice. In Tunisia, for example, the efforts of the police and judges were needed to effect systemic transformation. Similarly, the UN recognizes that building police capacity to combat organized crime must be preceded by the political will to tackle the problem and followed up by bringing the judiciary and the entire penal chain into the reform process. Close coordination and cooperation have therefore emerged between two key external actors supporting reform—the UN Department of Peacekeeping Operations' standing police capacity unit and the UN's justice and corrections standing capacity.

The 'chain of justice' is broadly inclusive, and can comprise not only police, judges and prison officials, but also psychologists, the military and the executive. Tunisia's concept of democratic governance and planned constitutional reforms included subjecting the military courts to fair trial rights. In Rwanda, military reform included the ability of police to arrest senior military officers. In other cases reform has been undermined by lack of confidence in or cooperation between the security and justice sector actors. In Somaliland, for example, despite

---

[1] Harbone, B., Dorotinsky, W. and Bisca, P. M. (eds), *Securing Development: Public Finance and the Security Sector* (World Bank: Washington, DC, 2017), p. 403. See also the Forum session 'Guns vs butter: security and public finance' discussed on p. 19 of this report.

the increasing confidence of the public in the formal courts, the continuing failure of the security institutions to cooperate with the justice sector has impeded successful reform.

Setting priorities and sequencing reforms is also necessary because of limits on resources, and because the effectiveness of some reforms hinges on prior reforms. Training is not merely a technical issue, but one where success is linked to a framework of governance. Police training was seen to be of little value in the absence of institutional transformation, a human rights framework and functioning accountability mechanisms. Funding put into training and equipping without governance reform is unlikely to achieve an effective, accountable and legitimate security sector—as demonstrated in Iraq and Afghanistan. In Kenya, the new constitution and democratization reforms frame security and justice reform. In contrast, the lack of governance reforms in Guinea-Bissau led to the training of soldiers who subsequently participated in a coup d'état. In addition, despite much donor investment in South Sudan, problems continue due to the lack of effective governance reforms. An assessment of earlier training should be conducted before new training is implemented. The effectiveness of human rights training, for example, may be affected by prior training in counterinsurgency tactics. There is also a need to train not only security sector personnel but also civilians and civil society in order to truly achieve local ownership. Civil society should not just contribute to oversight of the security sector, but help set the security and SSR agendas. Participants saw civil society actors as accelerants of social change.

At the same time as bridging institutional silos was seen as good practice, taking individual security sector actors 'out of their comfort zone' was also seen as beneficial. One example was provided by a European Commission programme run in Myanmar and Ukraine. It took police who did not habitually go on patrols out into the community on a regular basis, resulting in positive outcomes.

Participants recognized that security and justice reform generally takes a minimum of 15–20 years, and the need for a long-term approach that includes cultural transformation, particularly with regard to attitudes about sexual and gender-based violence. In South Sudan, police tend to blame the victims of sexual assault; in Ghana such blame-the-victim attitudes can often be found at the executive and judicial levels.

Improving evidence collection is important to support SSR and transitional justice processes, but measuring two main objectives of SSR, effectiveness and accountability, can skew implementation. Effectiveness is more straightforward and measurable but accountability is difficult to capture and requires a long-term approach.

RECOMMENDATIONS

1. A system-wide public expenditure review will be needed that encompasses the security and justice systems and informs long-term planning and implementation.

2. Reform must be holistic, coordinated, sequenced and measured—and bridge institutional silos.

3. An appropriate governance framework must precede SSR and JSR; cultural attitudes must be addressed.

4. Actors across the security and justice systems and civil society must be mobilized in support of reform.