

Security and justice

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Security and justice are priorities for poor people, are core functions of the state, and frequently considered prerequisites for economic and social development and prevention of violent conflict. The creation of spaces where people feel safe and secure are also at the heart of statebuilding. However, approaches to security and justice remain heavily contested, overlapping and complex.

Restoring or constructing security is clearly a priority for international support. However, many actors emphasise different aspects of security and are not clear about whose security is being restored: the security of the international system of states, or the security of the people on the ground (Stern & Ojendal 2010).

Approaches to security and justice

In fragile contexts the provision of security and justice involves multiple overlapping and conflicting actors including state justice systems, police, security organisations, traditional authorities and non-state actors. Typical areas for reform include: security sector reform; constitutional and legal reform; legal aid and assistance; transitional justice mechanisms; and addressing corruption, all of which tend to be placed within broader comprehensive frameworks.

While these comprehensive approaches frequently mention (and the literature emphasises) the need for multi-layered and people-centred approaches, the evidence shows that programme design is overwhelmingly technocratic and top-down, underscoring idealised technical approaches based on state institutional capacity building. Such programmes have demonstrated limited results in improving citizens' safety, security and justice and in contributing to development goals. Further, they are frequently too small or too shallow to make significant changes (Schomerus 2016). A recent ICAI Report (2015) identified a need for critical



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reflection on the realism of goals and objectives in complex environments, a better oversight of implementers and a reduction in the number of standard, technical approaches.

Building on operational experience

Adopting a multi-layered approach has significant implications for security and justice programming. A key element of this is recognition of the explicitly political nature of security and justice; addressing deficits in security provision, including discriminatory practices against women and human rights violations, is a political process, and might not be in the interests of domestic power-holders (Denney & Domingo 2013). At the same time, concerns in donors' home countries that aid may support actors potentially involved in human rights violations can lead donors to be risk averse, limiting their ability to look beyond the state and work with the complex range of providers at the local level (Derks 2012). One of the most intractable issues of security and justice programming is local ownership. There are serious dilemmas in deciding who to work with, and who engaged local stakeholders actually represent, let alone the risk that local concerns might not match donor preferences on such issues as gender (Mobekk 2011).

As a result of this range of issues, there are few proven models for programming, which is worsened by the lack of good quality evidence and data. However, programming is improving and the evidence shows that improvement can be enhanced through understanding of who actually provides safety, security and justice, what works, and what citizens are already using. It is important to develop an understanding of the local political context, taking account of the views of citizens, the roles of different actors, local power dynamics, social norms and linkages. All of this takes time. Balancing long-term goals with short-term results is a core element of security and justice programming, along with pragmatic and flexible approaches to cope with local political change. In the end this makes robust monitoring and evaluation critically important and yet it is frequently a weak point (Corlazzoli & White 2013). Better data collection approaches could also involve building domestic in-country research capacity and directing greater resources towards collection and analysis at a domestic level.

Key readings

Reading 1: Stern, M. and Ojendal, J. (2010). Mapping the security development nexus: Conflict, complexity, cacophony, convergence? *Security Dialogue* 41 (1), 5-30

<http://www.gsdrc.org/document-library/mapping-the-security-development-nexus-conflict-complexity-cacophony-convergence/>

Reference to the security-development nexus has become commonplace, but it remains controversial. There is a growing consensus that security and development are interconnected and that their relationship is growing in significance. The idea of a 'nexus' suggests a possible framework for much needed policies to address complex challenges, but what does this concept actually mean and how should it be addressed?

This article maps these issues and introduces the literature in this area in an accessible way. It shows how current policy approaches show confusion, lack of conceptual clarity and ideological divisions and that academic discourse has not adequately addressed the security-development nexus. The fields of development and security are seen as mutually antagonistic and the field of security-development is comparatively new, which creates opportunities and threats for policy approaches.

Reading 2: Schomerus, M. (2016). *Seeking answers in times of crisis: navigating current pitfalls of conflict research and practice*. London: ODI. <https://www.odi.org/sites/odi.org.uk/files/resource-documents/10394.pdf>

Why, and in what ways, does violence continue in the face of considerable international efforts to stop it? This paper uses the UK's new aid strategy to frame a discussion around the tenuous links between violent extremism and development assistance. It argues that whilst the securitisation of aid is not new, linking development and violence creates new challenges for knowledge and practice. It goes on to identify a series of challenges to the way in which violent conflict is perceived, understood and addressed, and suggests four approaches that researchers and implementers of conflict resolution programmes can use to navigate pitfalls.

Reading 3: Denney, L. & Domingo, P. (2013). *A problem-focused approach to violence against women: The political-economy of justice and security programming*. London: ODI <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8325.pdf>

Gender remains a critical element of, and a key challenge to, security and development. This paper takes the 2013 UN approach on eliminating violence against women (VAW) as its starting point, and argues that persistent challenges of achieving a global consensus for action highlight the continuing struggle to gain a serious global commitment to address VAW as a breach of women's fundamental human rights. It discusses reasons for uneven and slow progress, despite VAW being a high priority for donors. It further argues that effectively addressing VAW needs to come from the perspective of the concrete socio-political and cultural conditions that shape its particular features and the relevant context-specific dynamics of conflict, post-conflict patterns of violence and fragility.

Reading 4: Derks, M. (2012). *Improving security and justice through local/non-state actors: The challenges of donor support to local/non-state security and justice providers*. The Hague: Clingendael Institute. http://www.clingendael.nl/sites/default/files/20120400_derks_improving_security.pdf

This paper outlines the main arguments and challenges of working across multiple layers of security and justice provision, including approaches to the core issues of degrees of compromise; support for state, linking local and non-state actors; and improving local service delivery and efforts to improve state functioning. It discusses the key issue of human rights and whether engaging with non-state actors will strengthen the overall protection of human rights, as part of a gradual process of change. It also explores the pitfalls of donors being seen to interfere in local political networks and domestic matters, as well as how donor support for non-state actors may risk duplication of efforts or intensifying power struggles

Reading 5: Mobekk, E. (2011). Security sector reform and the challenges of ownership. In: *The Future of Security Sector Reform* (ed. M. Sedra). Ontario: The Centre for International Governance

Innovation

<https://www.cigionline.org/sites/default/files/The%20Future%20of%20Security%20Sector%20Reform.pdf>

This e-book chapter looks at the difficult issue of local ownership that appears in most donor guidance, but is frequently one of the least successful elements of reform. It remains a deeply contested term at all layers of security and justice provision (state, non-state and local) and can be both contradictory and complementary. While a 'maximalist' approach of including civil society and citizens as stakeholders is usually advocated by the literature, this paper argues that a 'minimalist' view of making bargains with local elites is the approach most frequently taken. It goes on to outline why this might be important for approaches to SSR.

Reading 6: Corlazzoli, V. and White, J. (2013). *Back to basics: A compilation of best practices in design, monitoring and evaluation in fragile and conflict-affected environments*. A Conflict, Crime and Violence Results Initiative (CCVRI) product. London, UK: DFID.

<http://cdacollaborative.org/publication/back-to-basics-a-compilation-of-best-practices-in-design-monitoring-and-evaluation-in-fragile-and-conflict-affected-environments/>

Monitoring and evaluation of security and justice programmes remains a critical and yet difficult issue. Key challenges that complicate the fundamental issue of causality are numerous and include lack of stakeholder participation, the risk of violence, and intangible results. This paper provides a useful introduction to most of the core issues and advocates for the good design of M&E activities based on up-to-date contextual analysis, conflict sensitivity, and realistic ambitions. It provides some practical guidance about what this might look like in practice.

Questions to guide the reading

1. Does the need for lasting peace outweigh the requirement for justice?
2. Which security providers enjoy some level of legitimacy?
3. How far can international support work with local systems, if they exist at all?
4. How far should international law compromise with local customary systems?
5. Is there an inevitable drift from customary systems based on social cohesion towards liberal law based on responsibility of the individual?
6. Political reality will require working with less than perfect partners: who are they; how can any risks be mitigated; and what should the expectations of these partners realistically be?
7. In what ways can programmes balance more holistic approaches to security and justice reform with problem-based, realistic and achievable activities?

Further reading

Albrecht, P. et al. (eds). (2011). *Perspectives on involving non-state and customary actors in Justice and Security reform*. Rome: IDLO/DIIS.

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<http://www.dcaf.ch/Publications/Armed-Non-State-Actors-Current-Trends-Future-Challenges>