



Security and Justice Assistance in Active Conflict: Can It Be Done?

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Framework for Reflections

- **Security sector reform (SSR)**
 - **People-centred** security & justice
 - **Systemic** approach
 - Core goals: **effectiveness & accountability**
 - **Local** and **inclusive** process
 - **Contextual** approach
- **Practitioners' perspectives**



S&J Rhetoric vs. Practice

- Needs of the service rather than the people
- Stove pipe rather than systemic
- Capacity rather than accountability
- One-off rather than sustainability
- Externally driven rather than locally owned
- Government-led rather than inclusive
- Templates rather than contextual



Challenges of S&J Assistance

- S&J is challenging in developed contexts
- S&J record in development is patchy
- S&J assistance in conflict is high risk



Characteristics of Conflict

General

- Uncertainty: Little is known
- Fluidity: Situations change rapidly
- Messiness: Outcomes are unpredictable
- Social Complexity: Many actors, different values

Institutional

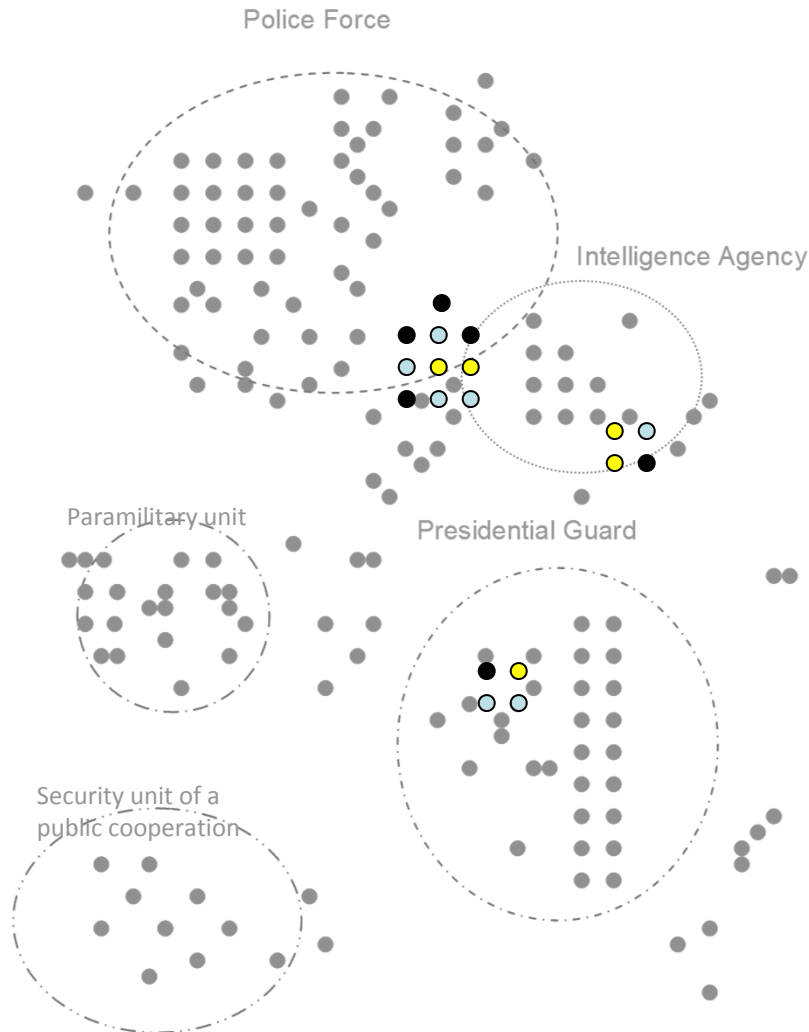
- Dysfunctional and collapsed state institutions
- Porous institutional boundaries
- Informal processes and arrangements
- Legacies of abuse, trust deficits
- Militarization of security
- Securitization of politics



Risks of S&J Assistance in Conflict

- **Capacities cannot be sustained**
- **Capacities dissipate in fluid context**
- **Capacities are abused**
 - Capacities are used for other purposes
 - Capacities are re-directed
 - Institutions are converted, officers are re-hatted
- **Capacities cannot be used – restricted space**
- **Wrong capacities were built**
 - Other actor emerges and takes over
 - And the fighters return home

Dissipating Capacities...



- **A common approach**
 - Training to build urgently needed capacity
 - E.g. emergency response, VIP protection, election security...
- **A common outcome**
 - A few trained officers in...
 - A few units with capacity...
 - Dissolving back into a dysfunctional context

Restricted Capacities



S&J Assistance in Conflict?

- State-building in conflict is high-risk
- Traditional S&J not always applicable
- LFA of limited use
- Political, military and humanitarian assistance only?

S&J Assistance in Conflict!

- **Armed actors that provide comprehensive government services**
 - Legitimacy surplus
 - Comparative advantage
 - Post-conflict capacities
- **Goals of S&J assistance in conflict**
 - Support overall political and military strategy
 - Prepare for post-conflict state-building
- **Risks of engagement vs. risks of non-engagement**



Elements of Conflict-Sensitive S&J

- **Continuously reassess and adapt**
- **Set modest, short-term goals**
 - Address security and justice now
 - Adopt easily adjustable measures
- **Start with realities, not ideal futures**
 - Adopt best-fit approaches (not best practice)
 - Build flexibly and upwards
 - Latch onto constants: AGs
 - Provide compelling counter-narrative



Conflict-Sensitive S&J Approaches

- **Assist AGs to do policing a little better**
 - Separate military from policing functions, build police units within AGs
 - Make “police” identifiable (blue uniform, badge)
 - Strengthen institutional culture & identity
 - Join emergency response with policing
 - References: IHL (Common Art. 3), gendarmerie, detention regimes of peacekeepers/ military
- **Assist AGs to do justice a little better**
 - Understand existing systems, identify “least bad”...
 - Set up mobile courts, build legal aid systems
 - Codification of procedures and decisions