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A people-centred approach to security and justice
Recommendations for policy and programming

These recommendations draw on Saferworld's work on security and justice, including research carried out in Myanmar and South Sudan under the Peace Research Partnership (PRP).[1] They aim to help the UK government, other donors and international policymakers consider how they can design and implement security and justice policy and programmes so that they support wider peacebuilding and development goals. They also focus on putting the differing security and justice needs of women, men, young people and different identity groups at the heart of this process.

COVID-19 and its consequences have challenged state capacity and effectiveness across the world. Ensuring compliance with lockdowns and other measures to stem the spread of the virus has put significant pressure on state security services. While this has been peacefully managed in some countries, in others it has led to heavily securitised responses, characterised by repression, discrimination, political manipulation and violence.[2] There has been a rise in gender-based violence (GBV) in many countries with lockdowns and restrictions on movement exacerbating 'the shadow pandemic' of GBV.[3] In fragile and conflict-affected situations, such behaviour and trends may worsen existing grievances and divisions, fuelling instability and conflict. Against this backdrop, there is an urgent need to reinvigorate international support for security and justice provision so that it is more inclusive and accountable and meets the needs of all affected groups.

The securitisation of the response to the pandemic links to a wider pattern of policing by coercion rather than consent, and to more profound dynamics around increasing authoritarianism and the erosion of democratic norms. Sometimes this has been justified by states in the name of countering 'terrorism' and, increasingly, of countering migration. In both cases this has entailed investing in building the capacities of state security forces, often without corresponding attention given to the legitimacy and accountability of these forces.[4] Considerations of citizen rights and inclusion take a back seat. The upheaval of norms and institutions caused by COVID-19 presents an opportunity to re-appraise and transform support to the security and justice sector, with inclusion, legitimacy and accountability reaffirmed as core principles.

The restructuring of the UK government's external engagement and the creation of the Foreign, Commonwealth and Development Office (FCDO) offers an opportunity to reimagine and reinvigorate UK policy on security and justice support. In particular, it enables the integration of the former Department for International Development's (DFID) long-term developmental approach to security and justice with the former Foreign and Commonwealth Office's (FCO) politically informed and agile approach, including the use of its diplomatic influence. On the other hand, there is a risk that security and justice will fall between the cracks of the FCDO's new Conflict, Stabilisation and Mediation and National Security Directorates, be subsumed within other current international policy agendas, or be allocated reduced resources limiting the scope of possible work. Added to this, the delays in the release of the UK's Integrated Review of Security, Defence, Development and Foreign Policy[5] will prolong the security and justice policy vacuum and the risk of ad hoc security and justice interventions – with the consequent erosion of the UK government's long-standing global expertise and reputation on security and justice.

A police officer in Kismayo, Somalia, who is one of three women officers stationed at the central police post, compared to 39 men officers. She is also part of a community action forum group working to improve the community's relationship with the police.
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Police stand guard during a prisoner release in front of Insein Prison in Yangon on 17 April 2020, as part of an annual amnesty to thousands of prisoners to mark Myanmar's April New Year holiday.
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Background

For over two decades, the UK government and other international partners have made significant investments in strengthening security and justice provision in fragile and conflict-affected situations. For such support to be relevant and effective in improving people's security and access to justice, it is important for the UK government and international partners to understand which people and institutions are actually providing these services and the extent to which they are seen as effective, legitimate and accountable by the women, men, young people and different identity groups they purport to serve. Security and justice provision is not the sole preserve of the state. In much of the world, it is often provided not by formal bodies, such as state police services or judiciaries, but by informal, non-state actors. These include customary leaders, religious bodies or non-state authorities, including armed opposition groups; often a hybrid combination exists, with people choosing which system offers the best – or the least bad – outcome.[6] It is important to also consider who dominates these systems and, as a result, who is excluded. Traditionally security and justice decision-making is dominated by men and people in elite positions of power, which excludes women and other marginalised groups and, in turn, affects how such groups are able to access security and justice and the services they receive.

Support for effective and accountable security and justice systems can often be subsumed by countries' national security priorities, driven by a narrow concept of stabilisation that can overlook the political and socio-economic factors underpinning people's insecurity. Pursuing short-term stabilisation based on elite political bargains[7] can entail a trade-off against a more developmental approach to peace and stability in fragile and conflict-affected situations.[8] There is also the additional risk of COVID-19 responses diverting attention and resources away from longer-term issues and priorities, including people's security and justice needs.

This is particularly salient, given the changes in the security and justice landscape over recent years. The range of policy actors working on security and justice issues has shrunk and resources have diminished (and are likely to continue on a downward trajectory). There has been less of an explicit focus on security and justice sector/system reform in the global policy arena and more of a move towards discourses and frameworks that clearly relate to these issues but approach them from very different perspectives – which vary depending on the context but include stabilisation, migration and countering violent extremism. One consequence is an increasingly polarised sector where state-centric, hard security initiatives are often at odds with community-based, people-centred security and justice approaches.[9]

Saferworld recognises that for international partners, such as the UK government, security and justice support in fragile and conflict-affected situations is extremely challenging, and that engaging with informal or non-state security and justice providers is often difficult in practice (for logistical and/or legal reasons) and politically very problematic. Drawing on research in **Myanmar** and **South Sudan**,[10] as well as Saferworld's wider work on security and justice, these recommendations are intended to help the UK government and other donors and policymakers engage with a range of security and justice providers while recognising the inherent political, cultural and institutional challenges involved. They seek to complement existing security sector reform toolkits and technical handbooks by putting people and their security and justice needs at the centre of security and justice programming, rather than seeing them as abstract 'end-users'.

The recommendations are divided into two sections. The first focuses on policy guidelines targeted primarily at the FCDO headquarters level, which are also likely to be relevant for other international donors and organisations working on security and justice issues. The second section focuses on country-level recommendations; these are pertinent for anyone working on security and/or justice-related programmes in fragile or conflict-affected situations.

Section 1: Policy recommendations

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Too often, we embark on wholesale reform of the security sector when the requisite political pre-conditions do not exist. We train, man and equip security forces, without considering how that will impact the fragile political balance in the country or how those security forces are perceived by the citizens they are entrusted to protect. At times, our eagerness to 'get something done' means we do more harm than good, and contribute to further instability.

UK Ambassador Mark Lyall Grant's statement to the UN Security Council debate on security sector reform, 2014.[11]

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1.1 Deepen the political analysis underpinning security and justice support: UK government staff should consider the political consequences of their interventions and the associated impact on legitimacy in both programme design and the conflict analysis and risk assessments that accompany security and justice programming. Joint analyses of conflict and stability (JACS) and overseas security and justice assessments (OSJAs) can provide important analysis and political insights but they also have flaws. For example, they may give policymakers a false sense of security as they might suggest that mitigating the legal risks of providing security assistance will also mitigate wider political risks. OSJAs also provide no guidance on engaging non-state actors, who often play a major role in security provision in fragile and conflict-affected situations.[12] To fully take into account the political impact of security and justice programmes, OSJA and JACS processes should engage with communities and civil society in countries where programmes are planned. Any security and justice-related programmes should also be embedded within long-term strategies for sustainable peace and development, rather than be seen as an opportunity for a 'quick win'.

1.2 Get the programming model right: Build security and justice capacity and skills in a context-specific way which addresses the identified needs of different population groups, disaggregating by gender, ethnicity and religion as appropriate. Do not just focus on institutional capacities and technical skills, but also on the cultural and attitudinal changes that will be needed if reforms are to take root. Support long-term programmes to have the flexibility to adapt and evolve, and incorporate political analysis into strategy and programme design and adaptation. Develop funding instruments that are accessible for in-country organisations (such as national NGOs and research institutes), maximising local knowledge, networks and legitimacy, as well as value for money. Where large private contractors are judged to be the best delivery and/or value-for-money option, ensure that they incorporate local ownership and engagement into the process, and that they publicly share research evidence and learning so that local organisations and stakeholders can benefit from it too (within the constraints of data security).[13]

1.3 Broaden the design process:[14] Ensure time is built into security and justice projects for gender-sensitive, politically smart analysis to be developed in collaboration with partners and people from the affected context, in order to understand:

■ how women, men, young people and different identity groups experience (in)security; how security and justice is currently accessed; who the key providers are; and how they interact. What solutions do people directly affected by insecurity and injustice propose?

■ how legitimacy is conferred and what incentive systems are in place. Is there a feasible strategy that could be developed to shift behaviour and sustainably improve security and justice outcomes for people? Assistance can often be 'poorly tailored to the country context' and can be 'unsustainable, driven by the skills and knowledge of those implementing programmes rather than by the needs of recipients'.[15] Establish what headway it is feasible to make as an external actor. Be realistic, both politically and programmatically.

■ what the UK government can realistically achieve based on a combination of political economy analysis, gender-sensitive conflict analysis[16] and inclusive community security assessments. If it appears from the analysis that a programme is likely to be undermined – for example by large-scale corruption or a lack of political will – then assess whether it is still appropriate to proceed or whether a different approach is needed.

If there is political will on the part of the partner government, then – taken together – these measures will help to address the exclusion of social and ethnic groups from power structures in the security and justice architecture, and ensure that programming responds to different groups' specific security and justice needs. This will help build confidence in security and justice institutions and reduce the grievances that can generate tension, political unrest and support for violence and violent groups.

1.4 Adopt adaptive programming: Ensure that programmes are designed to evolve and adapt in response to political developments, evidence emerging from the programme, lessons learnt, and what works and doesn't work. Commit to monitoring, evaluation and learning on an ongoing basis and involve communities in monitoring results and in adapting programmes. Resist pressure to scale-up too early or when it is not appropriate – for example when being driven by political pressures rather than evidence of success. Make sure that evidence of what improves people's security drives UK security and justice policy, rather than narrow political interests, and ensure that populations affected by insecurity (including marginalised groups) are the primary beneficiaries, not elite power holders. Evaluate whether programmes are delivering positive security and justice outcomes for the targeted communities or are simply strengthening state security capacities. This should involve working with partners who have specific expertise on monitoring, evaluation and learning and also include feedback and verification processes with the targeted communities.

1.5 Build coalitions across the UK government and the international community, but expand the scope beyond the 'usual actors': The recent UK government commitment to increase defence spending, combined with cuts to the aid budget, suggests a prioritisation of 'hard security' responses. The FCDO should leverage commitments to a developmental vision of security

Ugandan soldiers patrol near the home of opposition presidential candidate Robert Kyagulanyi, also known as Bobi Wine, in Kampala, Uganda, January 2021.
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enshrined both in UK policy frameworks (such as the Building Stability Framework) and in international agreements (such as the Sustainable Development Goals – the SDGs) to promote a more sustainable and inclusive approach to security and justice. In particular, SDG16[17] can serve as the basis for a cross-UK government developmental approach to security and justice, while the upcoming UK National Action Plan on Women, Peace and Security is an excellent opportunity to strengthen the gender dimension of UK security and justice policy.

The UK government should strengthen engagement with international donors and organisations that have a strong track record on security and justice and related debates, including discussions led by the Organization for Security and Co-operation in Europe and the UN.[18] However, the FCDO should also look beyond re-engagement with the 'usual' actors and like-minded donors and consider rebalancing the power and agency between external actors and national ones. Among other things, this could involve widening security and justice policy consultations and related programming to include national and local organisations based in the 'target' country and ensuring that national stakeholders – both governmental and civil society – have a sense of ownership of security and justice reform processes, rather than such processes being imposed from outside.

The FCDO should also consider engaging with regional powers, such as Saudi Arabia, Qatar and Turkey, which have significantly increased their presence in conflict-affected states over the last decade. Their overtly political agendas – as well as significant resources at their disposal, intersecting rivalries and an intensely competitive approach to seeking dominance in the region – risk exacerbating existing conflicts and creating new ones. Although these regional powers are not always open to engagement with 'Western' governments or multilateral organisations, their increasingly influential role in the Middle East and Horn of Africa means they cannot be ignored.[19] Events like the first Saudi-UK stabilisation workshop offer entry points for security and justice partnerships.[20] At a minimum, there should be some attempt to coordinate resources and training to prevent situations such as in Somalia, where – for a time – Turkey, Qatar and the United Arab Emirates all had their own training bases for the Somalia National Army, each with its 'own systems, its own procedures, its own military culture, and indeed its own regional agenda'.[21]

1.6 Put justice back into security and justice: (In)justice is central to people's lives and requires far more than establishing the rule of law. The FCDO should frame justice more broadly and, through policy and programming, seek to understand and address the social justice issues that matter in people's daily lives. People need to be at the heart of the FCDO's justice programmes at every step, from identifying needs to implementation and learning. How people experience the provision (or lack) of justice impacts on peace and stability, and can be a significant driver of violence, conflict and radicalisation. Evidence from Afghanistan, Colombia and Somalia shows that 'the principal drivers of political violence are rooted not in poverty, but in experiences of injustice, discrimination, corruption and abuse by security forces'.[22] If justice issues are not addressed, people can feel compelled to take the law into their own hands, undermining efforts to establish peaceful paths to addressing grievances and potentially triggering negative cycles of violence and revenge.

1.7 Recognise that there are questions of legitimacy: If a security or justice provider doesn't have legitimacy in the eyes of the communities it purports to serve, building its capacity will not address fundamental issues – and may indeed aggravate the situation. Recognise that solely building capacity in such circumstances risks reinforcing and empowering those most responsible for a state's illegitimacy.[23] DFID acknowledged this as far back as 2002, when it pointed out that 'conventional supply-side institution building interventions are unlikely to have much beneficial impact without a social demand for reform'.[24] It is therefore important to understand which service providers are judged to be legitimate and accountable by those seeking their services – as not only may it signpost who to support in the short term, but also because it highlights what values and structures need to be integrated into any attempts to reform or rebuild state services.

1.8 Recognise the need for trade-offs and priorities: It is not possible to address all security and justice challenges at once, so it will always be necessary to prioritise, especially as budgets become tighter and value-for-money considerations increasingly shape programming. Difficult decisions will therefore need to be made about what can be achieved, and what will 'suffer' when one element is prioritised over another. For example, should

investing in national security institutions as part of a long-term statebuilding approach take precedence over peacebuilding support for more trusted and effective non-state security and justice providers – or vice versa? What are the wider consequences and possible negative impacts of these trade-offs, and can they be mitigated against? And how conflict sensitive is the prioritisation process? (see 1.10 below). Officials should be given clear guidance on how to make decisions regarding such trade-offs, and the process should be as transparent as possible.

1.9 Integrate conflict sensitivity: Conflict sensitivity must be embedded in any security and justice intervention if it is to achieve sustainable outcomes. This entails, among other things, understanding the underlying conflict drivers and dynamics and ensuring that programmes are based on a thorough understanding of these and the impact they may have, both positively and negatively.[25] Failure to do this risks exacerbating existing tensions and may result in the implementer being seen as a conflict actor. This also addresses a recommendation by the National Audit Office and the Independent Commission for Aid Impact (ICAI) that 'HMG departments strengthen conflict sensitivity across their engagement in fragile and affected states'.[26] FCDO officials who are familiar with conflict sensitivity should make sure that others involved in the programme cycle – including embassy colleagues, international NGOs, and national and local partners – also understand the concept and integrate it into their work. If a conflict-sensitive approach is not used at all levels, then the 'weakest link' could derail the whole programme.[27]

1.10 Ensure gender sensitivity: All security and justice policies and programmes should, at a minimum, be gender sensitive – they should identify different gendered needs and experiences of insecurity and injustice, and consequently be designed so that they can respond to any identified gender-specific needs. Policymakers and staff implementing programmes should ensure these are a standard requirement, including for policies and programmes that are not specifically responding to women's and men's different security and justice needs or addressing gendered

root causes of violence and insecurity. A gender-sensitive conflict analysis to inform all security and justice programmes should be carried out as a first step to enabling this.[28] Care should also be taken to ensure that the security and justice intervention itself does not exacerbate gender inequality.

1.11 Strengthen UK government in-house expertise on security and justice: There are, inevitably, political and economic challenges involved in implementing the recommendations set out here. As a result it is important to (re)invest in the UK government's in-house security and justice capacity. The UK government used to be considered a leading authority on security and justice sector reform. Over the past 15 years, there has been a trend to outsource the design, implementation and management of large government-funded security and justice programmes to private sector firms such as management consultants.[29] This has contributed to a technocratic, output-based approach with little incentive for learning, adaptation and innovation, and with sectoral experts including local partners reduced to the role of sub-contracted service providers.[30] Specialist security and justice organisations are not in a position to lead such programmes because they do not have the resources to fund work upfront,[31] or to work to the scale deemed necessary. This undermines the government's ability to carry out the kind of locally grounded, community-driven programming recommended by ICAI. It also means there is little build-up of institutional knowledge and expertise on security and justice issues within the UK government. By strengthening in-house expertise both at the headquarters and country level, the UK government will be better able to support sustained security and justice outcomes rather than short-term outputs. By proactively engaging with sectoral experts, including local partners, in the process of delivering on these recommendations, the UK would be investing in security and justice expertise and the application of gender expertise in fragile and conflict-affected situations. It would also be reaffirming its role as a convener, networker and funder of local expertise and capacity.

A police officer in Gharm, Tajikistan, distributes masks to community members as part of a campaign to reduce the spread of COVID-19.
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Section 2:
Country programming recommendations

While the principles laid out in section 1 also apply at the country level, this section specifically focuses on programming support for security and/or justice provision. It provides practical recommendations to ensure programmes are people-centred and take into account the reality within a specific context. These recommendations are applicable to various fragile and conflict-affected situations and are intended to complement country-specific knowledge.

2.1 Carry out – or access where available – assessments of security and justice provision: These should focus on security and justice provision at the local level and on mechanisms and providers that affected people judge to be accessible and legitimate,[32] in order to ensure a sound understanding of people-centred security and justice concerns. Assessments must take into account the differing needs of all relevant groups, including women and men and different ethnicities or clans. Care must also be taken to give equal weighting to both security and justice needs, rather than treating justice as an afterthought, and it is important to bear in mind that the concept of 'justice' goes far beyond a narrow criminal justice definition (as discussed in 1.6).

2.2 Build on what is already working: Based on the assessments outlined in 2.1, focus on improving and strengthening inclusion (including gender sensitivity, responsiveness and transformation) and accountability. The most effective approach, at least in the short term, is often to strengthen provision at the local level rather than focusing on ambitious, national-level reform processes. Both approaches are sensitive and inherently political, nationally and internationally – particularly where non-state armed groups are involved; however, the former is more likely to have a positive impact on immediate security and justice needs.

- Focus on functioning mechanisms and services that are seen as legitimate in the community and then identify areas for improvement, rather than establishing new bodies. The latter can undermine existing mechanisms, and are less likely to be sustained once a project ends – creating additional tensions.

- Aim to ensure that existing systems are accessible to all who need them. For example, establish whether vulnerable and marginalised groups feel excluded, and whether existing systems are dominated by men – which can mean that women feel they will not get a fair hearing, don't feel comfortable approaching them, or are unable to seek help without the accompaniment of a man family member. Work with those who feel excluded to understand why, and to identify what steps could be taken to make systems more accessible for them.

- Support the development of transparent, community-owned procedures, guidelines and rules for the handling of security and justice issues. These could be written down so there is an official record of them, but options such as representing them through illustrations should also be explored.

Engagement with non-state, informal justice mechanisms is key to supporting improvements to people's lived experiences of fairness and justice in the short to medium term, and contributes significantly to longer-term objectives for peace. It is important to navigate these complex dynamics by drawing on the inclusively developed, gender-sensitive, politically smart analysis outlined in 1.4.

Plural service provision in Myanmar[33]

Myanmar's Nationwide Ceasefire Agreement intended to provide acknowledgement of the plurality of service provision, including on 'matters regarding peace and stability, and the maintenance of rule of law', allowing for ethnic armed organisation (EAO) signatories and customary actors to be engaged in service provision through technical interventions and programming.[34] In the long run, more formal recognition of ethnic-based justice providers could create opportunities to promote compatibility across justice systems and strengthen the foundations for a federal governance system, which is central to the country's transition towards peace.

2.3 Support gender-responsive and transformative security and justice programming: Addressing gender issues is sensitive as it cuts across cultural and social norms and, as an external actor, it can be difficult to understand and address these. However, failing to do so will ultimately undermine any security and justice programming. It is vital to ensure the specific rights and differing security and justice needs or concerns of women, men, girls, boys and marginalised groups are addressed, and ensure that these groups participate meaningfully in leading responses. In the majority of fragile and conflict-affected situations, women's experiences of safety and security are not prioritised and addressed by most security and justice actors and mechanisms, and inclusive access is one of the main gaps in existing systems.[35] To improve this and the quality of programming, it is important to:

- Carry out a gender-sensitive analysis: identify gendered drivers of violence and insecurity at different levels (structural, societal, community, family and interpersonal), and develop programmes to respond to these, including initiatives to tackle and transform violent masculinities. Women's, girls' and marginalised groups' experiences of safety and security are often not addressed by most security and justice actors and mechanisms, and in some situations are not even recognised as an issue. Carrying out a gender analysis of conflict could offer one way of identifying some of these problems.[36]

- Recognise that gendered roles and norms are often so deeply entrenched that programmes designed to improve gendered security can, in themselves, create tensions – so they must be done sensitively and over time. They could include making issues and concepts more accessible to communities, as well as working with both men and women to create safe spaces where they can constructively reflect on how gender dynamics shape violence and insecurity in their areas, and jointly come up with practical measures to address this.

■ Integrate gender-responsive methods and tools throughout the programme cycle. These could include:

□ Providing safe and separate spaces for women and young people to discuss their priorities, and increasing support to women and youth-led organisations working on security and justice. Investment is also needed in gender-transformative security and justice programmes that seek to challenge and transform the gendered root causes of insecurity and violence. These should include innovative programmes to better understand and pilot intersections between security and justice and other sectors, such as prevention and response to GBV.

□ Ensuring security and justice actors have better awareness of GBV and the referral pathways available, and improving the gender sensitivity of responses to enhance women's safety and security – including establishing special protection units (with women officers focusing largely on GBV) in more police stations and investing in the formal justice system so that it has sufficient resources to respond to GBV cases.

□ Increasing women's meaningful participation in security and justice decision-making at all levels, including within the formal security and justice system – this will not only ensure that women are participating in and influencing decision-making, but will also help make the system more accessible to women. This will require recruiting women to all levels of state institutions, supporting women to articulate their security and justice needs, and holding the system accountable.

2.4 Strengthen coordination between the peacebuilding and security and justice sectors: These sectors are often siloed within aid agencies operating in fragile and conflict-affected situations, and coordination between them is therefore limited. This means opportunities are missed to build on the analysis and expertise found within the wider peacebuilding sector and on the links between security and justice and broader conflict dynamics. For partner organisations and communities, the distinctions between these sectors are, understandably, often unclear. Improving coordination and collaboration – including, where possible, shared analysis – will ensure that the needs of conflict-affected populations are clearly identified and are central to efforts to improve security and justice systems. This approach can also strengthen the stability of ceasefires, while contributing to long-term institutional development necessary for building peace. Setting up donor coordination meetings and multi-donor funding strategies are two ways to help this process.

2.5 Develop a strategy to strengthen the state formal sector over the medium term: Reforming the security sector is usually high on donors' priority lists and current practices often focus on rapidly training and equipping the state formal sector in response to real or perceived security threats. However, these strategies are riven with pitfalls and there is substantial evidence that they can fuel corruption, repression and violence.[37] Given that in fragile and conflict-affected situations there is often a high level of mistrust between the security sector and large sections of the population and that many people use alternative providers, any strategy also needs to take a longer-term approach. This could include building coalitions between state and non-state service providers in order to benefit from the latter's legitimacy among communities.
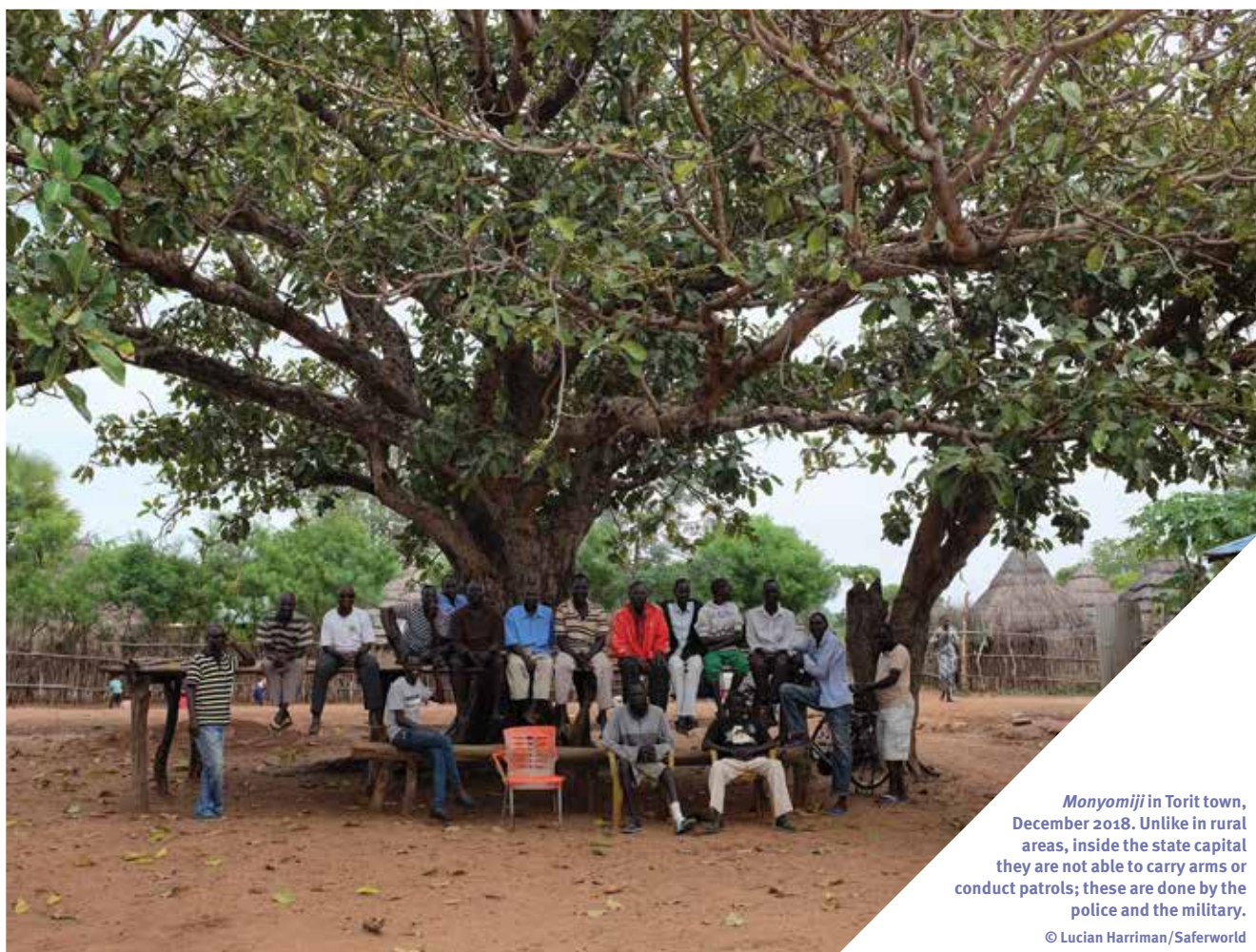
Monyomiji in Torit town, December 2018. Unlike in rural areas, inside the state capital they are not able to carry arms or conduct patrols; these are done by the police and the military.
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The Monyomiji Support Group in Torit, South Sudan

The Monyomiji Support Group and a coalition of NGOs and church organisations[38] initiated a process to 'bridge the governance gap' by including members of the *monyomiji*[39] – community defence groups – in official local forums known as 'Boma councils'. This approach acknowledged the *monyomiji*'s role and legitimacy in their communities, while involving them in a more inclusive local governance process in which both women and young people are included. Government authorities can also benefit from the *monyomiji*'s legitimacy among communities. This is obviously a sensitive area, especially where (armed) non-state actors are involved, but working through international NGOs can help bridge this gap and also strengthen confidence in the formal system.

2.6 Ensure public oversight: For people to trust state security and justice providers, they need to be confident they are acting in their best interests, and that abuse, fraud and corruption will not be tolerated. This is particularly pertinent in the context of COVID-19 where, in many places, state security providers have been granted additional powers and have in certain cases abused them.

- Develop mechanisms that enable people to report unacceptable actions or behaviour by formal state security and justice services, including physical or mental abuse, extortion and corruption. These mechanisms need to be anonymous and accessible by all members of the public regardless of their age or gender, which means exploring what kind of platforms and media people use and feel comfortable with. They should contain adequate protection for whistle-blowers and measures for oversight from various constituencies within the community. There must also be the capacity, resources and political will to address complaints, otherwise the reporting mechanism will be worthless.

- The process of developing complaint mechanisms should involve consultations with communities and security providers to establish what they feel an appropriate complaint mechanism would look like in their context.

- Support the establishment of independent civilian oversight mechanisms with civil society participation. In many fragile and conflict-affected situations, the activities of security services are deemed to be the preserve of the military, and civilian views and voices are excluded. This lack of transparency fosters mistrust but also obscures activities. It is essential that any oversight body is given sufficient power to carry out its mandate, otherwise it risks lacking the commitment and authority it needs to do its job.

- Support civil society organisations, the media, academics and independent lawyers – among others – to play a role in demanding that security agencies serve the public and take the needs of everyone in society into account.

Kenya's Independent Policing Oversight Authority – a 'watchdog that fails to bite'?

Police brutality in Kenya has long been a serious and entrenched issue. Historical police excesses culminating in post-election violence in 2007/2008 led to increased demands for police accountability. In 2011 the Independent Police Oversight Authority (IPOA) was established to provide robust civilian oversight over the work of the police in Kenya in a way that would promote public trust and confidence in the National Police Service. The mission of the IPOA is to 'conduct independent and impartial investigations, inspections, audits and monitoring of the National Police Service to enhance professionalism and discipline of the Service'.[40]

Unfortunately the IPOA has often struggled to bring the police to justice and fulfil its mandate. A Reuters audit found that challenges included 'lack of police cooperation and court delays that drag on for years. The case files show police frequently refuse to give evidence to investigators and repeatedly fail to show up to court.'[41] Between 2014–2018, over 10,000 complaints were lodged with the IPOA but to date only 790 investigations of cases of deaths and serious injuries occasioned by the police have been completed; and, of the 105 cases that were forwarded to the Director of Public Prosecutions, only 53 cases were filed in court for prosecution and only three convictions obtained.[42]

Numerous complaints of police violence were made to the IPOA after the imposition of a COVID-19-related curfew in March 2020. Of these, 'some 15 deaths and "31 incidents where victims sustained injuries" have been "directly linked to actions of police officers during the curfew and enforcement"',[43] and the IPOA is investigating an additional six deaths.[44] It remains to be seen what the outcome of these findings will be.

The UK has a long, and ongoing, history of supporting security and policing-related activities in Kenya, so the fact that the IPOA has been labelled a 'watchdog that fails to bite'[45] should be of concern – especially given the recent signing of the UK-Kenya Strategic Partnership 2020–2025.[46] One of the five pillars of this partnership is security and stability, with a specific focus on 'joint efforts to tackle global terrorism, violent extremism, organised crime and corruption'. The UK is also currently funding a £20 million project in Kenya, 'Reducing Insecurity and Violent Extremism in the Northern Territories (Re-INVENT)'.[47] Given the UK's longstanding involvement – and the fact that the annual review of the REINVENT project flagged how a transition in the leadership of IPOA 'created renewed opportunities for engagement on police reforms'[48] – questions do need to be asked about how effective UK support has been and continues to be.

A man holds a placard as he celebrates the signing of a peace agreement between Sudan's transitional government and Sudanese revolutionary movements, Juba, South Sudan, 2020.
© Reuters/Samir Bol

Conclusion

COVID-19 and the responses to it have had a profound impact on the provision of security and justice in many countries around the world. In some contexts, these functions have become more politicised and less accountable. This underlines the need for renewed engagement by international partners with long-term support for the systemic transformation of security and justice institutions, with an emphasis on legitimacy, inclusion and accountability. With its strong track record of promoting security and justice sector reform, the UK government can play a leading role in this process.

These recommendations are intended to assist the UK government, other donors and international policymakers to design and implement security and justice policy and programmes that fulfil these criteria. The recommendations are by no means comprehensive and it is acknowledged that international partners will face institutional, political and cultural challenges in putting them into practice. However, while some may see these as idealistic given the realities in many fragile and conflict-affected situations, it is important that the UK and other champions of inclusivity and accountability constantly question and challenge the notions of 'what is possible', 'what is good enough' and 'what is realistic' in relation to security and justice.

Some will argue that promoting UK values (including human rights and democracy) needs to be balanced against the pursuit of UK strategic interests. In reality these are inextricably linked given that security in the UK depends on peace and stability overseas. The consolidation of a rules-based international system in which human rights are respected and short-term security is not pursued at the expense of sustainable peace and justice is in the UK's strategic interest. It is therefore central to UK strategic interests to focus on security and justice in fragile and conflict-affected situations. For progress to be made, both directly on security and justice but also more broadly to building stability overseas, programmes need to be people-centred, inclusive and accountable.

The creation of the FCDO offers an opportunity to rethink and revitalise the UK's security and justice work. There is enough evidence to show that the approaches outlined in this briefing can work and have positive outcomes, and this will be key to maximising the impact of security and justice policy and programmes in an era of complex challenges and diminishing resources.

Notes

1 Saferworld, Conciliation Resources and International Alert are collaborating on a four-year research programme, the Peace Research Partnership, which generates evidence and lessons for policymakers and practitioners on how to support peaceful, inclusive change in conflict-affected areas. Funded by UK aid from the UK government, the research focuses on economic development, peace processes, institutions and gender drivers of conflict.

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6 In sub-Saharan Africa, it is estimated that non-state actors provide more than 80 per cent of security and justice services. Organisation for Economic Co-operation and Development (2007), *The OECD DAC Handbook on Security System Reform: Supporting Security and Justice* (Paris: OECD Publishing), p 11 (https://issat.dcaf.ch/content/download/478/3015/file/OECD%20DAC%20Handbook%20on%20SSR.pdf)

7 Elite bargains are defined as 'discrete agreements, or a series of agreements, that explicitly re-negotiate the distribution of power and allocation of resources between elites. Such agreements play a crucial role in managing violence and shaping post-war transitions.' Cheng C, Goodhand J, Meehan P (2018), 'Elite Bargains and Political Deals Project. Synthesis Paper: Securing and Sustaining Elite Bargains that Reduce Violent Conflict', Stabilisation Unit, p 1 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765882/Elite_Bargains_and_Political_Deals_Project_-_Synthesis_Paper.pdf)

8 World Politics Review (2018), 'Talking to "Bad People": How Much Realpolitik is Too Much for Peacemakers?', 6 August (https://www.worldpoliticsreview.com/articles/25405/talking-to-bad-people-how-much-realpolitik-is-too-much-for-peacemakers). In Somalia for example, it has been noted that 'The political cartels involved in reaching these understandings share a common desire to perpetuate chronic state weakness and insecurity rather than work towards consolidated peace and good governance…Thus, the very local actors who are expected to play the role of brokers of political settlements and peace accords have in fact been serving as silent spoilers.' Menkhaus K (2018), 'Elite Bargains and Political Deals Project: Somalia Case Study', Stabilisation Unit, p 4 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766049/Somalia_case_study.pdf)

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15 Denney L, Valters C (2016), 'Does SSR improve security in developing countries?' (http://secgovcentre.org/2016/07/does-ssr-improve-security-in-developing-countries/)

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32 Legitimacy is a difficult concept as, in the context of security and justice in fragile and conflict-affected situations, local norms, cultural beliefs and particular socio-political conditions influence how legitimacy is understood and experienced across different contexts. It is perhaps best assessed through the perceptions and acts of consent of the authorities and citizens in a given context, which recognise the influence of local norms.

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About Saferworld

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe in a world where everyone can lead peaceful, fulfilling lives, free from fear and insecurity. We are a not-for-profit organisation working in 12 countries and territories across Africa, Asia and the Middle East.

Cover photo – A community dialogue in Hariharpur, Surkhet District, Nepal, 2016.
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About the Peace Research Partnership

Saferworld, Conciliation Resources and International Alert are collaborating on a four-year research programme, the Peace Research Partnership, which generates evidence and lessons for policymakers and practitioners on how to support peaceful, inclusive change in conflict-affected areas. Funded by UK aid from the UK government, the research focuses on economic development, peace processes, institutions and gender drivers of conflict.

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