Chapter 3:
Stabilisation, security and justice

- Security and justice issues lie at the heart of stabilisation. They usually form part of both formal peace negotiations and more informal political deals.

- External actors can deliberately take a major role in security provision. But this alone will not achieve stabilisation, and large-scale, overly-securitised interventions can distort the local balance of power.

- Direct and immediate support to security institutions within the formal state sector is the wrong starting point for stabilisation. Instead there should be a focus on security sector stabilisation directed by political oversight to ensure it works to support a stabilising political deal.

- It is important to establish local needs and maintain a pragmatic focus on addressing key obstacles to the emergence of a stabilising political deal.

- In supporting the transition from military to civilian security, a balance between the development of forces able to offer robust security support and an element of civilian police capacity must be found.

- Disarmament, demobilisation and reintegration (DDR) interventions must be timed to avoid upsetting wider political stabilisation objectives, with a focus on integrating individuals rather than units.

Introduction

1. This chapter considers the relationship between security and justice and stabilisation. It explains how security and justice interventions can protect the means of survival, restore basic stability, promote and support a political process to reduce violence, and prepare foundations for longer-term stability. It looks both at direct provision of security by external actors and at indirect external support for security and justice provision. It also discusses particular security and justice interventions which are likely to be relevant during the stabilisation phase, such as transitional justice and DDR. It also identifies many of the challenges and trade-offs involved in this work. Indeed, it should be recognised from the start that addressing security and justice issues is often the most difficult element of stabilisation. Security and justice interventions will inevitably involve engagement with institutions who are parties to the conflict and who may have a poor human rights record. External actors must nonetheless engage with them in order to establish basic security and promote political processes.

2. The chapter is divided into three sections. Each section has prompt questions to inform planning, programme design and implementation and:

    - explore key concepts around security and justice and stabilisation;
    - look at how security and justice provision contributes to stabilisation objectives;
    - consider key issues around sequencing and transition.

Addressing security and justice issues as an essential component of stabilisation

3. Security and justice issues lie at the heart of stabilisation in several ways. Violent conflict generates deep insecurity. It creates an environment in which horrific crimes and other injustices are more likely, and where it can be especially hard to gather evidence to bring perpetrators to justice or provide any sense of redress or resolution. This can fuel vicious cycles of conflict, where **individual experiences of insecurity and injustice drive anger which can erupt into further violence, deepening insecurity and injustice**. The inability of states to protect their citizens from violence (security), or to ensure suitable mechanisms of redress and protection of rights (justice) is characteristic of fragile and conflict-affected contexts.

4. Furthermore, without a basic level of security it is much harder to meet humanitarian needs and it can be nearly impossible to deliver the services that re-establish the foundations of daily life (see Chapter 6, Service Delivery and Stabilisation). Improving security conditions and providing citizens with (at least some hope of) an avenue towards justice are key elements of stabilisation.

5. It should be emphasised from the start that **state security and justice actors are deeply woven into conflict dynamics**. They are usually simultaneously a party to the conflict (i.e. directly involved in the violence), a driver of conflict (through their behaviour), and a necessary part of the solution (because it is highly unlikely that insecurity can be reduced without them playing a constructive role). Violent conflict and extremism are often fuelled by public anger with security and justice provision, whether because the state has failed to ensure adequate security and justice, because security sector institutions are predatory and oppressive, or because those without the right connections have limited access to justice.

6. **Security and justice issues** are also central to stabilisation because they **are at the heart of questions about who holds power and how that power is managed**. Elite bargains are usually underpinned by formal or informal agreements about how security and justice actors will operate. In some circumstances, power sharing extends to these structures or is underpinned by their neutrality, offering a foundation to broaden their inclusivity and accountability, adherence to the rule of law and respect for human rights. More often, security and justice institutions are used to maintain the stability of a more negative status quo, including through misuse of these institutions for political purposes, widespread corruption, and presumed immunity for powerful actors.

    > **Security and justice issues … are at the heart of questions about who holds power and how that power is managed**

7. **Security and justice issues usually form part of both formal peace negotiations and more informal elite bargains and political deals**, whether overtly or not. External actors also influence this process, particularly on the security side, whether by getting directly involved in security provision, offering some form of security guarantees, or by supporting local actors to provide security more effectively. External actors can also play a role on justice, for example by gathering evidence which can be used to prosecute cases of sexual violence in conflict, or by helping to lay the foundations for a transitional justice process. However, such external interventions on security and justice have a mixed record in stabilisation contexts, as discussed later in this chapter.

8. Security and justice interventions in stabilisation contexts also **set the foundations for longer-term stability**. While the early stages of stabilisation may require robust action to establish security (such as direct military operations), as the situation begins to stabilise it will be necessary to transition towards more civilian-led, and ideally more democratic forms of maintaining security. Another part of that transition is often a DDR process, usually aimed at non-state ex-combatants but sometimes also at state security actors. Both processes may extend over a period of years but are likely to begin during stabilisation. Similarly, although full security sector reform (SSR) may not begin until there is greater stability, support provided during stabilisation interventions will influence the longer-term development of the security and justice sectors.[32]

9. In summary, security and justice issues and interventions are closely related to all three stabilisation principles:

   • **Protecting the means of survival and restoring basic security.** A basic level of security is crucial to protect citizens and to break cycles of violent conflict. It is also a precondition for effective service delivery. Similarly, improving access to justice can reassure vulnerable, traumatised populations that a peaceful future is possible.

   • **Promote and support a political process to reduce violence.** A basic level of security is also critical to provide space for political processes to occur. External actors may help to provide security, or support others to provide security. Questions about control and behaviour of security and justice actors are often pivotal elements both of formal peace negotiations and less formal elite deals and political bargains, not least because these actors often are the dominant local political elites.

   • **Prepare a foundation for longer-term stability.** The move towards civilian-led, more democratic security and justice provision is a key element of the transition out of stabilisation towards longer-term building of stability and socio-economic development. Decisions made during stabilisation interventions will have consequences for longer-term reform processes.

---

32 See OECD DAC (2007) *Handbook on Security System Reform – Supporting Security and Justice* and Second Report of the UN Secretary General (S/2013/480) *Securing States and societies: strengthening the United Nations comprehensive support to security sector reform* for further reading and guidance in relation to SSR.

Direct security provision in stabilisation contexts

10. During stabilisation interventions, there are **two interrelated security objectives**. The first is to provide basic security in a way that reduces short-term violence and increases the protection of civilians. The second is to create enough space for political dialogue that a political deal, whether formal or informal, can take shape. External actors may become directly involved in security provision (e.g. through military or police deployments), or they may seek to provide indirect support that helps other actors to provide security. Stabilisation Unit guidance on 'security sector stabilisation' emphasises that security interventions must be fully coordinated with wider political dialogue, and must itself be informed by a political, rather than a technical, mindset.[33] It is important to acknowledge who controls security and political power on the ground. Long-term SSR programmes are likely to challenge the power of non-state armed groups and destabilise political processes. In the absence of a political settlement that reassures them their constituencies interest will be protected, they are likely to at least reject SSR proposals and at worst seek to demonstrate their power by returning to violence or challenging state authority. Before engaging in SSR it is therefore necessary to engage in security sector stabilisation, de-conflicting security actors on the ground and embarking on a process that will give security actors the confidence to engage in an SSR process in due course.

11. **In some cases, external actors deliberately take a major role in security provision**. This happens particularly when their analysis suggests that local actors are unable or unwilling to provide basic security, especially where these externals have their own counter-terrorism interests.[34] NATO and the UK military use the following terms to describe direct military and policing interventions:[35]

   - Security Force Assistance ("an activity to develop or directly support the development of the sustainable capability and capacity of indigenous military security forces and their associated institutions");
   - Stability Policing ("a set of police related activities intended to reinforce or temporarily replace indigenous police in order to contribute to the restoration and/or upholding of the public order and security, rule of law, and the protection of human rights").

---

33 Stabilisation Unit (2014) op. cit.
34 See David Keen with Larry Attree (2015) *Dilemmas of counter-terror, stabilisation and statebuilding* (Saferworld) and Larry Attree, Jordan Street and Luca Venchiarutti (2018) *United Nations peace operations in complex environments: Charting the right course* (Saferworld)
35 NATO Standard, AJP-3.16 (2016) *Allied Joint Doctrine For Security Force Assistance (SFA)* Edition A Version 1, p. IX

12. This chapter does not provide guidance on how to deliver security force assistance or stability policing, as this can be found elsewhere in existing doctrine.[36] From a stabilisation perspective, however, it is important to emphasise that such interventions are not an end in themselves. The **direct provision of security will not in itself achieve stabilisation**. Such interventions are simply ways of restoring security and creating space for political processes. For example, external actors can help elites to address their security dilemmas. In Iraq and Afghanistan, both civilian and military external actors were provided security guarantees as part of political negotiations to facilitate and encourage bargaining between sub-national elites, leading to temporary reductions in violence. At times, external actors may support bargaining processes by forcing violent actors to the negotiating table and/or suppressing actors that aim to use insecurity to prevent a stabilising political deal from emerging. In Sierra Leone, for instance, the UK used its military capacity to bring Revolutionary United Front (RUF) leaders and state-sponsored security elites towards peace negotiations and a political solution (including RUF participation in the national electoral process).

> *In Iraq and Afghanistan, both civilian and military external actors were provided security guarantees as part of political negotiations to facilitate and encourage bargaining between sub-national elites, leading to temporary reductions in violence*

13. However, the Stabilisation Unit's Elite Bargains and Political Deals research project shows that external actors must be wary of **large-scale, overly-securitised interventions** which **can distort the balance of power** and disincentivise national and local elites from engaging in stabilising political processes. This is because elites focus more on securing the support and resources of external actors than on reaching political accommodation among themselves.[37] Such interventions can also create new security elites who profit from the current situation (the 'war economy'). Their ability to operate without the support of the wider population can lead to predatory behaviours. Moreover, while some local actors may see international forces as a guarantor of stability, others may see them more negatively, and this can drive further armed violence against both the external forces themselves and the local actors that work with them.

14. Overall, however, indirect support to security and justice actors is a higher priority than direct security provision. This is not only because there are a limited number of circumstances in which the UK and its partners are likely to back direct military action, but also because, even where external actors are directly providing security, support must be provided to national and local security and justice actors so that they can gradually take over responsibility and international support can be drawn down. The remainder of this chapter looks in more depth at how external actors can support security and justice provision in stabilisation contexts.

---

36 NATO Standard AJP-3.22(A) (2016) *Allied Joint Doctrine for Stability Policing* NATO AJP-3.16
37 C Cheng et al. (2018) op. cit.

Understanding and analysing security and justice in stabilisation contexts

15. We must be **careful not to import our assumptions about what the security and justice sectors should look like.** We should identify who is actually providing security and justice on the ground and the implications of that for the underlying division of power and resources. It is therefore essential to undertake as much analysis as possible right from the start, while recognising that there are likely to be practical and time constraints. This chapter offers some lessons about security and justice in stabilisation contexts. Although these are generalisations, they should provide a useful reference point to external actors, who might otherwise be expecting a more 'classic' constellation of security and justice actors.

16. External actors often start by looking at key institutions within the formal state security sector – police, military, security services, judiciary, courts systems, and the prison and correction systems – and assessing their capacity. This assumes that the main reason that there is violent conflict is because the state has been unable to suppress it, and so if external actors help to strengthen state security institutions it will be possible to end the conflict. Not only does this ignore the many other factors which will be driving conflict (which should be analysed through conflict analysis), but it also tends to downplay or overlook the degree to which state security institutions are themselves parties to the conflict. Furthermore, it pays little attention to the institutions that (should) provide policy direction and accountability, both within and outside the state: line ministries, legislative bodies, the media, academia, civil society organisations and so on.

17. **Instead of focusing on capacity**, we need to start by asking **three key questions**:

    - Who, whether formal (state), traditional/customary or non-state groups, plays a role in providing, or undermining, security and justice?
    - What are the main threats and issues regarding security and justice, not only from the state's perspective, but also from the perspective of different communities (disaggregated by location, gender, age, ethnicity, religion, disability, sexuality, etc.)?
    - What do these communities think about existing security and justice providers? Are they effective? Do they trust them?

18. In stabilisation contexts, there is unlikely to be a neat distinction between the roles of the military and civilian policing, and nor is there likely to be a clear state monopoly over the legitimated use of physical forceThe provision of security is likely to be highly militarised. It may well involve armed forces, paramilitary groups, multiple 'policing' actors, and a mix of non-state actors, some of which are sympathetic to or maintain links with the state and others which are in direct conflict with the state. Security actors are also likely to play a quasi-judicial role in many circumstances. It is also important to look beyond conflict hotspots and assess wider security management, particularly who is responsible for wider policing tasks. There are usually actors beyond the police who are involved in policing tasks such as public order maintenance, protecting life and property, crime prevention, and bringing offenders to justice.

> " *In stabilisation contexts, there is unlikely to be a neat distinction between the roles of the military and civilian policing, and nor is there likely to be a clear state monopoly over the legitimated use of physical force* "

19. We also need to understand **how security sector actors have historically operated** and the implications this has for future security provision. Particular attention must be paid to the traditional role of the police. In many contexts, they will not have previously managed security and justice needs effectively, often acting as a repressive rather than a protective force: "unaccountable and abusive police forces are major perpetrators of human rights violations; they fail to protect communities from crime and violence; and they are associated with corruption".[38]

20. Similarly, **the judiciary is unlikely to be fully independent**. It is more likely that there has historically been limited separation between the judiciary and the ruling elite, and that relationships between them are fuelled by political and financial corruption. In conflict contexts, justice becomes an arena of significant contestation, reinforcing the desire of those in power to control the judiciary. So the justice sector, to the extent it is functioning, is likely to be staffed on the basis of connections and loyalty rather than merit. The grand corruption practiced by major powerbrokers will be replicated at lower levels, compromising judicial independence, impartiality, integrity and accountability and eroding public confidence. Any move, however, to strengthen the judiciary ahead of the more immediate necessity of securing a political agreement to reduce violent conflict may be perceived to be highly partisan and could jeopardise the political process.[39]

21. It is important to **look beyond the state**. For citizens, security and justice is also provided by family, religious, ethnic and group networks (such as traditional or customary courts, elders, and community security groups). These are often more accessible and have greater legitimacy than the formal security and justice system, as they are seen to be rooted in communities and are more reflective of their normative values. State and non-state systems are not necessarily in opposition. They can sit alongside each other and interact in various ways, particularly since the state will usually lack the resources to deliver everything through formal systems alone. It should be noted, however, that while non-state institutions, particularly traditional justice mechanisms, may be quicker to deliver and hold greater local legitimacy, they also have weaknesses. Non-state mechanisms are at least as likely to reinforce discriminatory norms which enable impunity and undermine the transition away from violence. Girls and women may be much more vulnerable to 'negative' decisions, and human rights concerns are less likely to be addressed.

22. **Non-state armed groups** (NSAGs) must also be considered (see Chapter 6 for a further discussion of NSAGs). NSAGs can position themselves in various ways. They could be pro-state militias (with or without the state's informal backing), insurgent groups which are fighting against state authority, or militias which are fighting both the state and other insurgents. External actors need to look carefully at their motivations and support base, rather than simply labelling them as a threat. Local communities (and sometimes local elites) may prefer such groups to a state in which they have little trust. Ignoring the political motivations for non-state armed violence risks overlooking critical conflict drivers and potentially tackling NSAGs in ways that further aggravate the conflict.

---

38 OECD DAC (2007) op. cit., p163
39 Stabilisation Unit (2013) op. cit., see pp.8–9 and 16–18

23. As the questions above make clear, it is not enough to look only at the supply of security and justice provision, but also the demand, in terms of both security and justice challenges and attitudes towards security and justice actors. We must **take account of differences in needs, expectations, barriers and vulnerabilities**, recognising that these are not identical or distributed evenly throughout populations. Women, girls, boys and men play different roles and experience different risks and vulnerabilities in and after conflict. Vulnerable groups, including women and marginalised men, suffer disproportionately in conflict and often face additional risks or barriers when interacting with security and justice actors. Although armed clashes may subside, individuals may continue to experience conflict-related violence and exploitation disproportionately because of gendered vulnerability, including sexual violence or abuse perpetrated by incoming security forces. Young people's attitudes towards and involvement in violence (for example as child soldiers) can be equally complex and resist easy categorisation such as victims and perpetrators.

⚠️ **Key questions**

Steps	Prompt questions	Tools and further reading
Analysing security and justice provision	• Who plays a role in providing, or undermining, security and justice? • What role do formal (state) actors, traditional/customary bodies and non-state groups play in security and justice provision? What role do they play in any violence and conflict, past and present? • How well do we understand how institutions work, and the motivations of their members (political and administrative officials, military, police, justice, etc.)? How are decisions made? Is there a difference between procedure and practice? • What prevents the effective use of existing capacity? • What is already working? Could this be supported or scaled up? • How do different security and justice providers interact? Do they coordinate, cooperate, or compete?	*Joint Analysis of Conflict and Stability Guidance Note* Stabilisation Unit, 2017 *The Beginners Guide to Political Economy Analysis* NSGI, 2017 *Conflict Sensitivity Tools and Guidance* Stabilisation Unit, 2016 *The Good Operation: a handbook for those involved in operational policy and its implementation* Ministry of Defence, 2018
Analysing security and justice threats and issues	• What are the main threats and issues regarding security and justice, not only from the state's perspective, but also from the perspective of different communities? • Have the different perspectives of men, women and marginalised groups been considered? • Have we considered the needs of different communities, disaggregated by location, gender, age, ethnicity, religion, disability, sexuality, etc.?	
Analysing public attitudes towards security and justice providers	• Which providers do different communities consider to be more or less effective? • Which providers (state and non-state) do they trust, and why? • Do people believe that state/non-state security and justice providers operate fairly/in accordance with the law?	
Be realistic about the limits of our knowledge	• How well do we understand the context? • Have we spoken to a wide enough range of interlocutors to get a good picture of the situation? • Have we shared data and analysis with others, internally and externally as appropriate?	

Thinking and working politically when delivering security and justice interventions

24. The previous section stresses that our analysis must go far beyond looking at capacity gaps. **Dysfunction often stems not only from weak capacity**: weak or distorted security and justice provision may well be in the political or financial interests of powerful local (and sometimes international) actors. Despite this, external actors have still overwhelmingly focused on capacity building, often through a very technical lens. This leads to an over-emphasis on training and the provision of equipment at the expense of many other issues such as political leadership, accountability, human resource management, budget transparency, and sustainability.[40] The Ministry of Defence's Good Operation handbook provides comprehensive guidance in relation to delivering best practice in these areas.[41]

25. While 'train and equip' programmes – particularly of security forces but also to a lesser extent the formal justice sector – can lead to a short-term reduction in armed conflict,[42] there is considerable evidence that when they are treated as technical rather than political interventions, they are not only likely to fail but may even be counter-productive.

26. One major challenge is that in the early days of an intervention, it can be hard to assess the long-term consequences for conflict dynamics and political stability which arise from favouring certain security actors. The risk is that **external capacity-building support** for these actors **may in fact have created a situation which is superficially stable but which will collapse as soon as support is reduced**, since these actors do not have broader political legitimacy. At times, external support for these actors may even be obstructing the emergence of a credible political deal which could then be underpinned by external security and justice assistance.

🔍 Case study: The political constraints imposed by military alliances with local security forces

In Afghanistan in 2001, US Special Forces entered into partnership with the United Alliance (the Tajik-dominated coalition fighting the Taliban) as a means of generating sufficient military forces to remove the Taliban from power. While this alliance delivered a degree of immediate military success, the long-term consequence was to preclude inclusive political processes involving all local elites necessary to consolidate peace. The necessity of retaining the consent and cooperation of these local security providers locked in an approach that constrained making further substantive political progress, as their cooperation was contingent on the exclusion of their Pashtun opponents from any political agreement.

---

40 Lisa Denney and Craig Valters (2015) *Evidence Synthesis: Security Sector Reform and Organisational Capacity Building* (London: Department for International Development)

41 Ministry of Defence (2018) *The Good Operation: a handbook for those involved in operational policy and its implementation*

42 DFID (2016) Framework on Building Stability Synthesis Paper Effective and Legitimate Institutions. Unpublished

27. Another challenge is that **apolitical approaches tend to deliver the same outputs regardless of context**, meaning that support that may once have been appropriate continues to be provided even when the situation is changing rapidly. For example, US Special Forces were delivering support to the Malian Defence Forces immediately prior to the coup in 2012 while the environment was changing around them. This can be a particular vulnerability for programmes which are delivered by technical security personnel from donor countries and private firms, who are usually not best placed to consider and address the political aspects of security and justice support.

28. At worst, apolitically delivered programmes to train and equip military and police personnel can unwittingly facilitate the criminalisation and factional infiltration of the security sector. In Iraq after 2003, the UK tried to develop police capacity in Basra but did not pay enough attention to the rising political dominance of Shia militias, supported by Iran, so these militias were able to infiltrate the Iraqi police.

**Q Case study: Libya post-Gaddafi –
Capacity-building instead of responding politically**

In the aftermath of the Libyan civil war of 2011 (in which an international coalition undertook air strikes and maintained a no-fly zone), there was a major breakdown in security as a result of inter-militia and inter-tribal warfare. The nascent Libyan government funded militias with local rather than national loyalties and Libyan state capacity broke down completely. Militia groups proliferated and demanded patronage from the state. External actors struggled to respond adequately to the emergence of the armed groups. The UK response in Libya focused on building up weak formal institutions. As Lord Hague described it afterwards, "there was a lot of planning, but lack of ability to implement it because of the condition of Libya and the lack of stable institutions and capabilities there afterwards". Plans were not sufficiently adapted in response to the developing political and conflict dynamics and there was arguably too little engagement with the armed groups, who had become major political actors. A House of Commons inquiry found that while the UK government conducted ample planning for the post-conflict period, "it did not plan effectively in that it relied on plans that were incapable of implementation".

House of Commons, Foreign Affairs Select Committee, Libya: Examination of intervention and collapse and the UK's future policy options, 26 September 2016, HC 119

---

29. Since security and justice provision is inherently political, and never more so than in stabilisation contexts, we must think and work politically (see Chapter 2, Stabilisation in practice – essential elements for effective delivery). The centrality of politics – local, national and regional – must be recognised. The time and resources required to understand what works locally is frequently underestimated. The following paragraphs identify some key issues.

30. **Consider winners and losers**. Security and justice interventions always create winners and losers. Sometimes this is conscious (for example a long-term reform process aimed at broadening inclusivity) but there are also risks of inadvertently creating winners and losers, particularly in early phases of stabilisation. Providing major security and justice support to certain actors will increase their power relative to others, possibly in ways that will be very hard to reverse later. We must be constantly aware of these dynamics and address any emerging imbalances which could undermine longer-term stability.

31. **Consider how interventions will affect elite bargains and political deals**. Linked to the previous point, we must also be conscious of how any support might interact with ongoing formal or informal negotiations and bargaining processes. Used carefully, security and justice support can contribute towards establishing or shoring up a deal, but it can undermine such deals if such support is not suitably politically sensitive. This can include pushing too quickly for deep reform. However desirable they might be, major reforms may challenge the existing balance of power, risking further violence. We may also have to decide whether and how to deal with 'undesirable' individuals, non-state armed groups or predatory security structures in order to facilitate political deals and reduce violence.

32. **Recognise the risks of further entrenching unjust power structures**. A key challenge is to develop operational mechanisms which will not reinforce governance and rule of law problems that contributed to the causes of the original conflict. For example, security and justice interventions in Iraq after 2003 had failed to address the politicisation and sectarian dominance of state justice and security institutions. These grievances, alongside wider public dissatisfaction with justice and accountability measures, first let to public protests and were later part of the narrative utilised by Daesh as it rose to prominence.

33. **Recognise the risk of external support being instrumentalised**. It is highly likely that powerful actors will attempt to instrumentalise external support so that it reinforces their own power and undermines their rivals. For example, ruling elites may manipulate assistance programmes so that the benefits flow predominantly to their supporters and patronage networks. Similarly, transitional justice programmes, anti-corruption initiatives and other such activities may be manipulated so that they are largely targeted against the opponents of ruling elites.

34. **Build political support for longer-term reform**. While we should not rush into long-term reforms, stabilisation interventions can be used both directly and indirectly to build political support for longer-term reform efforts. This may partly be about using programming and other resources to start to create incentives for change. However, it is also about engaging with the political dialogue around security and justice issues and institutions. Wherever possible, external actors should aim to persuade local actors of the benefits for long-term reform. Equally, they should outline the longer-term risks to deals that freeze an unsatisfactory status quo.

35. **Focus on problems, not institutions**. With the above points in mind, it is most useful to maintain a pragmatic focus on addressing key short-to-medium term problems which are obstacles to the emergence of a stabilising political deal, rather than trying to build the capacity and effectiveness of individual providers of security and justice. External actors should assess immediate local security and justice needs and assess how to work with existing security and justice providers (state and/or non-state), given that they are already politically enmeshed within local society and adapted to local realities.

> *maintain a pragmatic focus on addressing key short-to-medium term problems which are obstacles to the emergence of a stabilising political deal, rather than trying to build the capacity*

⚠️ **Key questions**

Steps	Prompt questions	Tools and further reading
Consider winners and losers	• Whose security and justice are we supporting? Who gains and who loses from any (planned) intervention? • Are some groups or constituencies likely to be excluded from security and justice interventions? How might they react? • How will we engage with potential losers or spoilers to mitigate any risks that arise?	*Evidence synthesis: security sector reform and organisational capacity building* ODI, 2016
Consider how interventions will affect elite bargains and political deals	• How will security and justice interventions support or undermine political deal-making processes? • What is the potential impact of failure on political processes?	*JDP05 Shaping a Stable World: The Military Contribution* Ministry of Defence, 2016
Recognise the risks of further entrenching unjust power structures	• What injustices are fuelling conflict and violence? Will the (planned) intervention address such injustices? • What are the risks of inadvertently contributing to a further entrenchment of unjust power structures?	
Recognise the risk of external support being instrumentalised	• How could unscrupulous local actors use external support to reinforce their power and undermine rivals? • What can we do to reduce the risks of our support being instrumentalised?	
Build political support for longer-term reform	• Are we relying on pre-existing 'political will', or do we have a political engagement strategy that will maintain and broaden political support for reform?	
Focus on problems, not institutions	• What specific security and/or justice challenges are we seeking to address? What would progress look like? • Does our support help to address the most important security and justice problems that are inhibiting the emergence of a political deal? Or have we become drawn into long-term capacity building?	

Specific types of security and justice interventions in stabilisation contexts

36. Although every situation is different, there are certain types of security and justice interventions which are very likely to be considered in stabilisation contexts. These include transitional justice, transitioning from military to civilian-led security provision, and DDR.

Transitional justice

37. During external interventions in conflict or immediate post conflict contexts, it is likely that external actors will seek to address transitional justice issues. Transitional justice is defined by the UN system as the "full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation".[43]

38. **Mechanisms for promoting transitional justice** can include truth-telling initiatives, traditional justice systems, reconciliation, reparations processes, memorialisation and institutional reforms. However, there are no blueprints for what works in undertaking transitional justice interventions, since they must be culturally appropriate, based on local needs, and consider language and outreach strategies.

39. **Transitional justice is of course a highly political process** and does not occur in a political vacuum. Rushed transitional justice interventions can jeopardise the buy-in of key elites to an initial deal or bargain that may reduce levels of conflict and violence. At the same time, a failure to acknowledge and address legacies of mass violence will leave key drivers of conflict unaddressed, risking a return to conflict in future.

40. Criminal prosecutions or truth commissions are often proposed as measures for 'dealing with the past'. However, they are unlikely to be successful if they ignore the local context. Crucially, it must be recognised that **local actors will be involved in framing the issue as part of political bargaining dynamics**. Such informal processes are likely to take place before formal peace talks but will be an integral (but often unspoken) part of deal-making between key elites, as they negotiate the extent to which 'the past' will be dealt with as part of any peace agreement. This poses difficult trade-offs for external actors, who must choose between working with the grain of what is being proposed or pushing harder for a more robust transitional justice process that fully holds those responsible for abuses committed during the conflict to account. In this regard, it should be noted that societies' attitudes towards justice sometimes shift over the long term. In Chile and Argentina, members of military juntas who had originally been granted amnesties were later indicted. Similarly, criminal prosecutions of senior members of the Khmer Rouge in Cambodia only truly began more than two decades after the fall of Pol Pot's regime.

---

43 UN Security Council. See S/2004/616

Preparing for a transition from military security to civilian security

41. As noted above, security provision during 'hot' conflict is usually primarily delivered by military and paramilitary actors. The military may also perform internal security functions which might normally be the responsibility of the police. As the situation stabilises, therefore, policy makers often seek to **transfer security or policing tasks away from the military and onto the police**. This can free up (expensive) military resources and provide a tangible sign that the situation is gradually improving. It also allows for greater engagement with communities in identifying their justice priorities.

42. In practice, however, this transition can be very difficult to manage. For a start, the police may have limited capacity and little history of acting as a positive security actor rather than an oppressive force, so may have limited capacity to step into this role. Secondly, policing in recently 'stabilised' areas is still likely to require a more muscular approach than would be expected under democratic civilian policing (not presuming that the UK's community policing is the sole or best way of delivering this, European gendarmerie-based models of policing may offer equally useful insights). Genuinely civilian police may be fearful of putting themselves in harm's way. Policy makers must therefore find a way of delivering policing in a way which both offers robust policing in still somewhat insecure areas and instils elements of civilian-led policing, ideally as the first step towards longer-term police reform.

> *policing in recently 'stabilised' areas is still likely to require a more muscular approach than would be expected under democratic civilian policing*

43. Externally-backed **efforts to restructure police services in fragile, post-conflict or war-affected contexts have a mixed record**. Significant efforts by UNMIL to rebuild the Liberian National Police led to a reduction in predatory behaviour, but had less effect on the local police capacity for crime prevention and follow up.[44] In Afghanistan, the generation of the Afghan National Police faced major challenges in a country with no real history of a formal police force, especially as they were drawn into a counter-insurgency role. External engagement focused mainly on recruiting, training and equipping the force to fight, and the building of a professional force, responsive to communities, was neglected.

Disarmament, demobilisation and reintegration

44. While DDR is often a long process which may stretch well beyond the stabilisation phase, it is likely to begin during stabilisation. There is a risk, however, that enacting DDR prematurely in the absence of a political agreement may prove highly destabilising. Instead, it is better to privilege a security sector stabilisation approach and consider what interim steps might be taken to support the wider political process to reduce violent conflict. These may include weapons caching, the commitment not to use heavy weapons and combatants entering into cantonments. It is therefore important to understand the purpose of DDR programmes and how these relate to stabilisation principles and objectives.

---

44 M Malan (2008) *Security sector reform in Liberia: Mixed results from humble beginnings*

45. According to the UN: **Disarmament** is the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilian population … **Demobilization** is the formal and controlled discharge of active combatants from armed forces or other armed groups … **Reintegration** is the process by which ex-combatants acquire civilian status and gain sustainable employment and income.[45]

46. DDR is often seen as a way of taking NSAGs out of the equation. However, like other security interventions, it must be recognised that DDR is a highly political process and it must be treated as such. It is vital to understand and possibly tailor approaches to the interests of various security actors.

47. DDR is sometimes linked to an agreement to **integrate NSAGs into the state military forces**. This can work if the political deal that underpins it is robust enough and truly reflects a compromise between different actors. In the absence of such conditions, however, bringing militias into formal state security organs can upset the balance of power within the armed forces. It can also lead to a situation where former 'rebels' have two masters, formally following their commanding officer within state forces, but in fact retaining loyalty to their NSAG. In situations where there has been no real resolution of the conflict, physically or psychologically, bringing NSAGs into state forces also risks fuelling tensions between groups who are supposedly on the same side but were fighting each other mere months ago.

48. To reduce these risks, it is often **recommended that any such integration happens at the level of individuals, rather than units**, to reduce the likelihood of militia members retaining their previous loyalties and organisational structures. External actors can provide support so that individual former combatants can secure opportunities to transition to civilian work or further education. This was the model adopted successfully in Sierra Leone following the 2002 peace agreement. Individual members of the Revolutionary United Front (RUF) were given choices about integration or demobilisation, while the RUF as a whole was offered the opportunity to transform into a political body and contest nationwide elections.

49. Recently, external actors have also prioritised 'defector programmes' which aim to entice individuals to defect from NSAGs, in theory laying out a stark choice between defecting 'peacefully' or facing military defeat. When launching such programmes, there are many factors to consider. These can include sustainable offers to integrate combatants into communities, transitional justice requirements, the impact on communities, the legal basis of any offer for defectors, and the impact on any longer-term peace agreement. To avoid the image of rewarding those who joined armed groups, defector programmes should take account of community needs as well as the needs of defectors themselves. Joint UK and US guidance on processing defectors and disengaged fighters has more detail.[46]

> *To avoid the image of rewarding those who joined armed groups, defector programmes should take account of community needs as well as the needs of defectors themselves*

---

45   United Nations (2014) *Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards*

46   Joint analysis of the Bureau of Conflict and Stabilization; US Department of State and the UK Government Stabilisation Unit (2018) A Pathway to Defections: An Assessment Framework for Processing Defectors and Disengaged Fighters

⚠️ **Key questions**

Steps	Prompt questions	Tools and further reading
Transitional justice	• What mechanisms might help society to come to terms with conflict-related abuses, including conflict-related sexual violence? Is there a role for justice providers (including customary, statutory and religious)? • How will any transitional justice process affect elite deals and political bargaining processes? How will they affect security and justice institutions? • If there is an emerging, locally-owned proposal for transitional justice, how far should external actors work with the grain or push harder for a more robust process?	*FCO toolkit on transitional justice programming* FCO, 2015 *Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards* UN, 2014 *A Pathway to Defections: An Assessment Framework for Processing Defectors and Disengaged Fighters*. Stabilisation Unit, forthcoming
Preparing for a transition from military security to civilian security	• Do the police, or any other policing or paramilitary body, have the capacity to take over security provision from the military? • How can policing in recently 'stabilised' areas maintain security while instilling elements of civilian-led policing? • What kind of training do the police require in order to prepare for any handover?	
Disarmament, demobilisation and reintegration (DDR)	• Which groups are (not) being targeted by DDR processes? What are the implications of this for political deal-making processes and for longer-term stability? What rents will conflict actors and elites accrue from DDR and is this being taken into account? • Can ex-combatants be integrated into state security institutions without generating internal tensions? (How) can DDR processes ensure that they do not maintain their previous loyalties? • How can DDR programmes provide wider benefits to communities as well as to former combatants? Are communities and community leaders being consulted? Are the particular needs of marginalised and vulnerable groups being catered for and is the process and design gender and conflict sensitive? • Is there a role for defector programmes? How can they be designed to be conflict-sensitive, particularly to avoid the image of rewarding those who joined armed groups?	

Delivering effective security and justice interventions in stabilisation contexts

50. This chapter concludes with a series of observations on how to deliver effective security and justice interventions in stabilisation contexts, drawing on lessons and experiences from the past 20 years. These are consistent with the essential elements of effective delivery described in Chapter 2. This chapter relates these elements more specifically to security and justice interventions.

51. **Understand and adapt to the context**. The section above on 'understanding and analysing security and justice in stabilisation contexts' explains the importance of looking beyond capacity at wider security and justice issues, needs and perceptions. Interventions must be politically sensitive and contextually relevant, which cannot be achieved unless we invest in continuously improving our understanding and adapting interventions as we learn.

52. **Be flexible and iterative**. It will only be possible to adapt our interventions if we have designed them to be flexible and iterative. Moreover, we often do not have enough knowledge of exactly what will work in the early stages of a stabilisation intervention, and so an "iterative, stepping stone approach" to achieving specific security and political objectives is essential so that we can test 'what works' and adapt as the intervention progresses.[47] This fits naturally with an approach that focuses on problems, not institutions.

53. **Coordinate across sectors**. There are many areas of overlap and interdependency across the security and justice sector. Most obviously, problems in one part of the criminal justice chain (investigation, charging, prosecution, sentencing, through to prisons and corrections) will affect other parts of the chain. There will be grey areas in the relationships between military and policing actors in stabilisation contexts. And there will likely be other, non-state, informal and quasi-state actors who will also affect security and justice in various ways. Because of the interdependencies, security and justice challenges cannot be treated as standalone issues or addressed in separate silos. This does not mean that we must undertake complex, 'holistic' programmes that work on multiple issues simultaneously, but it does mean that we must coordinate well enough that we understand how specific interventions fit within the wider context and with other local and external interventions.

54. Similarly, internal coordination, and ideally coordination with other externals, is crucial to situate our security and justice support within a wider political strategy and to identify potential risks. There will likely be several UK government departments with security and justice interests in-country, possibly even working independently with the same actors. Sharing information, perspectives and analyses will help to develop more robust programmes and adapt them around a changing situation. Aligning UK government support can be difficult but is essential if security and justice programming is to generate strategic effect.[48]

---

47 Stabilisation Unit (2013) op. cit. p6
48 ICAI (2015) *Development Assistance for Security and Justice*

55. **Think carefully about local ownership**. 'Local ownership' of security and justice interventions is often held up as the ideal, and indeed it is essential that local actors feel ownership, and responsibility for the success, of such interventions. Otherwise, they will be seen as externally imposed interventions which are unlikely to take root and may become a lightning rod for local discontent. Yet local ownership is not a fix-all solution and it must be carefully calibrated. It can be difficult to determine who does or should 'own' the security and justice process. In many cases, external actors are drawn into working with Western-oriented elites (or those best able to 'speak our language', irrespective of their real affinities), producing results that match their preferences and interests but do not represent local concerns. At the same, we should not be naïve about local actors and their motivations. In post-conflict situations, local actors may have objectives which stand in opposition to any longer-term goals around democratic security and justice sectors and accountability for past actions. Rather than viewing ownership of security and justice sector reform in either/or terms, it should be an essential ingredient for negotiation resulting in political agreements which explicitly determine how force can be employed and who controls it. External actors may have to back initiatives that are less than ideal but have local traction.

56. **Think carefully about sustainability**. In the early phases of stabilisation interventions, externally-backed security and justice interventions have often been ramped up without any serious consideration of their longer-term sustainability. Capacity-building programmes often create capacities which cannot feasibly be maintained by the host nation state, given financial, management and human resources limitations. This means the original problems and threat of further conflict will resurface as soon as external support is reduced. Much greater thought needs to be given to sustainability and eventual exit strategies, right from the very start of any intervention.

> " *Capacity-building programmes often create capacities which cannot feasibly be maintained by the host nation state, given financial, management and human resources limitations* "

57. **Consider conflict sensitivity and human rights**. Security and justice assistance can negatively affect conflict dynamics and can carry human rights risks, particularly if donor countries are also providing training or material assistance to tackle security threats which reach back to their homeland. Given the nature of security and justice assistance, 'do no harm' might not be a feasible outcome. This only increases the importance of conflict-sensitive approaches which identify and mitigate such risks as far as possible and consider how security and justice can play a positive role in building peace. Similarly, policy makers must proactively assess potential human rights risks and mitigate them wherever possible, but also engage in frank conversation, internally and with partner governments, about the potential consequences of any serious human rights abuses linked to the security and justice sectors. This includes undertaking a Human Rights and Overseas Security and Justice Assessment.

Human rights and Overseas Security and Justice Assessments (OSJAs)

Security and justice interventions in stabilisation contexts very often involves working with actors and institutions that have a poor human rights record. Indeed, part of the rationale for engagement is often to reduce the frequency and severity of human rights violations. At the same time, however, we must be very careful that our support does not inadvertently facilitate human rights violations, which could have legal, policy or reputational risks. Therefore, an OSJA is mandatory for all UK government programmes involving security and justice. The tool helps policy makers to identify human rights risks and consider options for mitigation. Keeping these risks under active review, investing in information collection, and implementing mitigation measures are essential aspects of security and justice interventions.

Overseas Security and Justice Assessment Guidance. HMG. 2017.

58. **Consider gender sensitivity**. All security and justice interventions must account for the different needs, opportunities, and vulnerabilities of women and men. Conflict may substantially shift gender roles, and international interventions must be aware of the local history of gender to avoid retrenching additional discriminations which may have been driven by instability or occupying forces, including increased restriction on mobility. Accountability to civilian populations is also increased when actors are required to pay attention to the specific vulnerabilities of different groups. This includes a recognition of the additional burden of harm that conflict imposes on girls and women, such as the risk of sexual and gender-based violence, the existence of gendered barriers to services, and the risk of secondary victimisation by security and justice actors.

59. **Consider how short-term interventions will affect the longer term**. Decisions made in early stages of stabilisation interventions can have a significant impact on the long-term trajectory. This is particularly important for security and justice interventions as there can be fundamental tensions between immediate stabilisation priorities and longer-term reform objectives. As discussed above, external actors may believe that they have little choice but to work with existing security and justice actors to address critical security problems, even though they are aware of their weaknesses (such as a lack of accountability). There is often no easy solution to this dilemma, but the trade-offs between short-term responses and longer-term approaches must be consciously acknowledged and debated. Linked to the question of sustainability, stabilisation planners must also consider how to ensure a gradual transition from short-term engagement in support of stabilisation objectives towards longer-term engagement around building stability and more fundamental reforms. This is rarely a linear process. In reality, stabilisation interventions and longer-term security and justice programmes tend to overlap, which only reinforces the need to consider their compatibility and how to transition from one to the other.

> *This is particularly important for security and justice interventions as there can be fundamental tensions between immediate stabilisation priorities and longer-term reform objectives*

60. **Monitor, evaluate and learn**. Monitoring evaluation and learning (MEL) processes must be integrated into the design and delivery of interventions from the start. Without appropriate and proportionate attention to ongoing data collection, collation and analysis, there is little chance of getting the right information at the right time to shape decision-making and adapt to changing circumstances. This starts by thinking carefully about the theory of change which underpins the intervention. It also gathering the right types of data. Since security and justice interventions are highly political, our MEL processes must be attuned to collect useful data about what is really changing (or not), rather than simply reporting on activities and their immediate outputs. For example, rather than simply measuring the number of troops or police trained, we need to assess the extent to which trained individuals are or are not doing things differently or better in their everyday practice, why this is the case, the effects of this, and any unintended or unexpected effects. Where our interventions also have clear political goals, these also need to be monitored in an appropriate fashion, rather than simply being assumed. A 2018 review of the UK's Conflict, Stability and Security Fund by the Independent Commission on Aid Impact stated that where interventions are implicitly intended to support political access and influence host governments, we should monitor this more explicitly.[49]

---

49 ICAI (2018) *Performance review of the Conflict, Stability and Security Fund's aid spending*, p. iv

⚠️ **Key questions**

Steps	Prompt questions	Tools and further reading
Understand and adapt to the context	• See the prompt questions in 'Understanding and analysing security and justice in stabilisation contexts' above.	*What works in international security and justice programming?* ISSAT, 2015
Be flexible and iterative	• How flexible are (planned) interventions? How easily can they adapt to changing circumstances? • Can interventions be scaled up or down as required? • What delivery mechanisms will the intervention use (state-to-state support, multilateral engagement, private sector contracting, deliver through international or local civil society organisations, etc.) and how can we ensure that these mechanisms are flexible?	*Building Stability Framework* DFID, 2016 *OECD DAC Handbook on Security System Reform* OECD, 2007
Coordinate across sectors	• How do interventions in one part of the security and justice system influence the wider situation, and how do they interact with other security and justice interventions? • Are all UK government actors working to the same plan? What mechanisms are there for review, challenge and deconfliction? • How do UK interventions link with those of other external actors? What is the role of international, regional actors and bodies in this context (including the ICC and UN)? How does external support link with processes led by the host nation itself? • What sequencing is needed to ensure that interventions are coherent and build upon each other? • How is political engagement being coordinated? Who takes the lead politically, both within the UK government and across the international community? What support do they need?	*Safety, security and access to justice: Topic guide* GSDRC University of Birmingham, 2016 *Conflict Sensitivity Tools and Guidance* Stabilisation Unit, 2016 *Overseas Security and Justice Assessment Guidance* UK government, 2017

Steps	Prompt questions	Tools and further reading
Think carefully about local ownership	• What kind of support do the host nation government and local communities want or expect? What demand is there for external interventions? • How far does an intervention represent local interests, and how far does it correspond to international agendas (recognising that these points need not be mutually exclusive)? • How likely are external interventions to deliver the outcomes most sought by local communities?	*Gender and Security Sector Reform Toolkit* DCAF, 2008 *UK National Action Plan on Women, Peace and Security, 2018 – 2022* UK government, 2018 *Monitoring and Evaluation of Conflict and Stabilisation Interventions* Stabilisation Unit, 2014
Think carefully about sustainability	• Is what we are trying to achieve clear and realistic? How big is the anticipated scale of change? How long would it need to take root and become sustainable? • What resources would the host nation require to sustain changes brought about through our interventions? Are they likely to have such resources in the near future? • Have we considered sustainability and exit strategies from the very start of designing our interventions?	
Consider conflict sensitivity and human rights	• Have we assessed how our interventions will interact with conflict dynamics, and vice versa? • How will we mitigate any potential negative impacts of our interventions on conflict dynamics? How will we maximise potential impact on peace and stability? • How well is the human rights environment understood? • How will human rights risks be managed? Are there robust processes for review and mitigation? Has an OSJA been undertaken? • Do external and local actors have the same understanding of the scale, importance and impact of violations on different groups? Are some violations 'hidden' or seen as socially acceptable? • How can human rights situations be monitored without endangering ourselves and those we work with?	

Steps	Prompt questions	Tools and further reading
Consider gender sensitivity	• Have we consistently considered the different needs and perspectives of men, women, boys and girls? • Have we assessed how our interventions will affect men, women, boys and girls? Have we considered the opportunities and challenges around promoting gender equality through security and justice institutions? • Have gender sensitivity and inclusion been sufficiently integrated throughout all elements of our analysis, planning and delivery?	
Consider how short-term interventions affect the longer term	• Have immediate decisions been made in a way that aligns them as far as possible with longer-term trajectories for security and justice reform? • What are the potential trade-offs and long-term impacts of decisions made during the stabilisation phase? Have these trade-offs been debated and documented? • For example, are interim actions to tackle armed groups creating future imbalances in the security sector? What might be the long-term effect of specific justice approaches, such as amnesties, prosecutions, or reconciliation measures?	
Monitor, evaluate and learn	• How will the programme learn – is there a MEL plan in place? Is this plan appropriately resourced? • What are the theories of change and the assumptions underpinning our interventions? How well have they been documented? Are we testing and learning as we go along? • Is there a baseline in place? Can one be constructed? • What are we doing to strengthen the evidence base? What data and analysis are we generating? How are we sharing this information?	