SECURITY AND JUSTICE OVERVIEW
SECURITY AND JUSTICE THEMATIC PAPER

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March 2010

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**Introduction**

The central theme of the 2011 WDR is that violent conflict remains a constant threat to human rights, peace and sustainable development. While the nature of violent conflict may be changing its negative impact on poor people in terms of rights violations, public health, forced displacement and diminution of life chances is the same. Critical to establishing peace and the necessary confidence between state and citizen is providing a sense of security, freedom from fear, and the protection of basic rights and entitlements. In that context, accountability to law and international norms and standards by governments, often themselves implicated in perpetrating violence, as well as non-state actors is fundamental to supporting those conditions for peace. Conflict can only be ‘managed’ peacefully if there exist capable institutions that can define and enforce rights and obligations. It is the norms and standards that underpin these institutions that ultimately define whether a particular system, intervention or mechanism is ‘just’ or not. Security and justice are therefore inseparable - security efforts should be aimed at securing just outcomes through just processes, justice efforts should see human security as a basic human right. More importantly, security and justice initiatives need to be located within – and informed by – an overall institutional and normative context, where the ultimate aim is the promotion of a rule of law system over governance.

Despite their clear interdependency, security and justice tend to be seen as separate spheres within international development discourse - two concepts that do not easily co-habit. Thus the tendency can be to emphasize the institutional and project aspects of how to address violence in the immediacy, under a security rubric, in which justice objectives are relegated to the medium to longer term. When the state itself is associated with violence, the international community can tend to hide behind a technocratic approach to such interventions - security and justice are treated as simple sub-components of a development strategy along with basic social services such as education and health. Yet, this can mean that the inevitable tensions, frictions and trade-offs encountered when working in a highly charged and violent context are not being addressed. Further, as discussed below, the absence of a broader conceptual framework can result in certain ‘technical’ aspects predominating over others which can then undermine the balance in authority and power that is at the core of a rule of law system.

This perspective does not take away from the need for governments to deal quickly and pragmatically with serious issues of violence - the prevalence of weapons, militias, and organized

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crime. Yet, in the fog of both violence and development, the focus on immediate operational priorities requires a starting point that is theoretically and legally clear. Without such clarity there can be a lack of consensus on the necessary strategic and operational choices that follow in any given context and indeed what could lead to success. A simple focus on ‘what works’ may result in the kind of legal and moral compromises that in fact do further harm. Commentators argue that there continues to be a focus on containment of violence and conflict, with an emphasis upon the use of coercive measures in security and criminal justice. They argue that this approach, what has been termed ‘liddism’, is not conducive to the (re)-establishment of the rule of law after large-scale violence has taken place and further undermines the legitimacy of governments, and their international partners. This critique sits within a broader set of concerns focusing on what has been called the ‘securitization of aid’ - which at the strategic level has resulted in an imbalance of financing and at the operational level has led to a distortion of results in many cases.

The purpose of this paper is to analyze the relationship, overlapping and sometimes contradictory, between a range of approaches to security and justice in conflict affected contexts, and to place these efforts within a broader rule of law framework. This, it will be argued, greatly assists in addressing the kind of frictions and blind-spots that commonly exist in making the transition from violence to peace. The paper will then examine some of the instruments and approaches adopted by governments and international partners in addressing the kinds of stresses which result in violent conflict. Finally, it will examine the gaps in the international arena which continue to persist in this area of support. A series of security and justice-themed papers produced for the WDR 2011 outline in more detail the issues, approaches and lessons of the key components including: security, public security in peacekeeping settings, criminal justice, justice and administrative law, and transitional justice.

**Conceptual Framework and Definitions**

Articulating a clear framework and language is vital in ensuring that issues around sequencing and priority setting to achieve peace and security are addressed. In establishing such a framework we argue that primacy is given to the rule of law and international norms and standards as expounded in the Universal Declaration. We understand that such concepts and definitions are often highly contested, however one of our key assertions is that often the lack of articulation of the norms and assumptions underpinning any given reform can distort or undermine efforts in the security-justice arena.

We understand rule of law in a maximalist but also pragmatic sense to describe a situation in which “all persons, institutions, entities public and private including the state itself are accountable to laws

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5 Paul Rogers, *Security in 21st Century* (ref)  
6 Andrew Wilder, *Losing Hearts and Minds in Afghanistan*, December 2009, Middle East Institute
that are publicly promulgated, equally enforced and independently adjudicated and which are consistent with international human rights norms and standards.”

We understand justice to mean ‘an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs. Justice implies regard for the rights of the accused, for the interests of victims and for the well being of society at large.’ The tendency has been to focus on the legal and operational aspects of criminal justice including key components such as police, courts and prisons. However, an often ignored aspect of justice is equal treatment of key civil rights such as use and ownership of land, property and labor rights, as well as administrative rights that are key to holding governments and other impositions of authority accountable.

We take the term security based upon a number of different concepts. First, we mean human security in its narrower sense of ensuring freedom from violence and fear. Second we mean group protection, particularly where violence has been associated with the decimation of particular ethnic groups or where one sector of society has been particularly harmed as in the increasing use of rape and torture upon women. And lastly we mean national security, particularly in fragile transitions, whereby the security of a capital city, a national election, borders and ports, or indeed key political figures, are critical to the credibility and confidence in a transitional process.

The increasing moral hazard encountered in extremely violent contexts – ranging from rural insurgencies to urban slums – is that security as an instrument to achieve a security outcome has become paramount. The quest is for stabilization: “the process by which underlying tensions that might lead to resurgence in violence and a break-down in law and order are managed and reduced, whilst efforts are made to support preconditions for successful longer term development”. Most security instruments therefore in the short and medium term support negative peace in other words the absence of active armed conflict, as opposed to supporting positive peace – i.e. addressing the structural conditions which give rise to violence are addressed and capable institutions to manage ongoing contestation in a peaceful way are promoted. This tension between negative and positive peace lies at the heart of the apparent tension between security and justice. What is really at question here is the balance between social control and freedom – or put another way, between rights and obligations – in a rule of law system. Importantly, this balance is not only instrumental - a police force can become a vehicle of oppression without the primary mandate of protecting citizen’s rights, but it is also normative. Ultimately this tension foreshadows the need for institutions that are not only capable of providing checks and balances on the use of power, but also that create spaces in

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8 UN SG Report ibid
9 See UNDP Human Security Report 1994
10 UK Government, Quick Guide to Stabilization 2007. Whilst there is no internationally agreed definition, this interpretation is equivalent to the term “stabilization and transformation” used jointly by the UN and World Bank in their Post-Conflict Needs Assessment, and “stabilization, security, transition and reconstruction” used by the US Government.
which the principles that define legitimate use of power are contested and decided on an ongoing basis.

**Changing Nature of Violence**

A key hypothesis of the WDR is that the nature of organized violence is changing and different types are increasingly inter-connected - from organized rebellion against the state to localized violence and crime and trafficking. There can be a tendency for the security-justice discourse to be dominated by the lessons and approaches relating to large-scale UN Security Council sanctioned internationally-led ‘post-conflict’ interventions, such as in Afghanistan or the DRC. However, the increasing interconnectedness of violence means that security-justice approaches have to contend with and learn from a variety of contexts. Dealing with gang violence in Haiti or Central America can have useful lessons for work in ‘post-conflict’ settings such as DRC or Liberia for example.12

As violence does not necessarily end upon the political settlement of a war, and indeed as the WDR illustrates, it often increases, it is useful to disaggregate the key themes of violence (recognizing the connections) into political, economic and social violence.13 This is helpful for two reasons. First, it is a reminder in large-scale ‘post-conflict’ settings that although the ‘war’ may have ended, violence has not. Often post-Cold War instruments designed to deal with the formalities of violence (organized armed rebel groups, demarcations, army integration etc) are not suited to the other typologies of violence.14 Secondly, actors trying to address social and economic violence (e.g. associated with criminal gangs) can learn a lot from both war-present and war-absent circumstances.

By **political violence** we mean that violent conflict associated with armed groups and governments which is resolved either by way of military victory or negotiated settlement and at some stage has threatened the form of the state itself (e.g. by way of secession or attacks on the seat of government). Political violence may persist after major settlements or victories e.g. presence of one or two spoilers (e.g. the Khmer Rouge in Cambodia in the 1990s or the contras in Nicaragua in the 1980s). Either such political violence is successfully contained or full-scale armed conflict resumes again threatening the state (e.g. Angola after the Bicesse Accords 1991 or Sierra Leone in 1999). By **economic violence** we mean the homicides, kidnappings, extortion, corruption and crime associated with individual financial gain perpetrated by either state or non-state actors. This can include the significant increase in poppy production post-2001 in Afghanistan to the rapid rise of white collar crime and corruption in the post-war former-Yugoslavia in the 1990s. By **social violence** we mean that violence associated with gangs and youth, with ethnic division and retribution (as in Kosovo and Rwanda) and domestic and gender-based violence which often increases after armed conflict has abated.15

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Key Challenges: Mitigation of Frictions, Tensions and Blindspots

Under pressure to respond to violent conflict – and urgently – governments and international actors are often confronted with a myriad of tensions, sequencing trade-offs, moral hazards and Faustian pacts in formulating and implementing policy. The security-justice series argues strongly that there has been a weakening of the normative and legal framework in which many of these policy and operational decisions are taken – hence either making these tensions worse or indeed resulting in greater harm. We outline below some of the key challenges within the security-justice arena and some examples of the dynamic between addressing various stresses, capabilities and expectations:

Sovereignty and the Centralized State

Security and justice are extremely ‘interventionist’ instruments reaching the core of state and society and such proposals from the outside confront sovereignty at its most robust. Where violence exists within relatively functional sovereign states – Brazil, Mexico, Nigeria, Pakistan, South Africa – there may be limited points of external engagement due to state sovereignty. Unwanted external interference can be counter-productive, if not destabilizing. The strength of the state is an important determinant for the extent of external intervention and for national control over its design (compare, for example, engagement in Serbia with that in Bosnia-Herzegovina and Kosovo). However, where there is resistance from the state, it may be possible for donors and civil society organizations to develop entry points. In Albania, for example, a limited technocratic approach to small arms and light weapons control paid off in terms of being able to expand and encompass community safety, and then to broader security and justice reform.

The preoccupation with centralized state structures clearly has an effect on local perspectives and agency, even if purely in the sense of them being absent. This can both blind-spot resilient local institutions and undermine the effectiveness of state reforms; if local actors are able to effectively participate in development processes, these processes tend to respond to real issues on the ground, gain more political and social traction, and thus are arguably more ‘successful’.

Transitional Justice

There are some unique characteristics associated with large-scale violence. Whether during armed conflict or one-sided violence (politicide or genocide) there are certain contexts which are unique in character due to the scale of suffering caused and damage inflicted. Institutions, infrastructure and human capital are extraordinarily weak if not completely destroyed rendering local capabilities for strengthening the rule of law extremely challenged. In turn, the legacy of massive human rights violations pervades all facets and future decisions of that society – from its politics to development.16

The role of transitional justice in these types of settings is critical in terms of addressing the past to ensure security and justice is established for the future. By transitional justice we again call upon the

16 De Grief and Duthie eds, Transitional Justice and Development, 2009
UN definition in terms of the “full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses in order to ensure accountability, service, justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms and individual prosecution, reparations, truth seeking, institutional reform, vetting and dismissals, or a combination thereof.” In this case a particular set of measures is required as there has been more-or-less a complete breakdown of the social contract between state and citizen.

**The increasing securitization and sectorization of aid**

Two concerns emerge from the security-justice papers. First, that as there is a rising international concern with transnational crime and global security in the wake of 9/11 there has been a concomitant ‘securitization of development’ or aid. (Waever 1995). Securitized approaches can lead to the privileging of a single unified socio-political order, criminalizing other forms of order, and of the capacity of state force over legal and oversight institutions (Taureck 2006). This is compounded by a ‘greed/opportunities’ analysis appears in notions of criminal violence and social decay, impunity and state dysfunction, thus leading to interventions focused on security, discipline and punishment. Aid both at the macro-strategic and operational level is increasingly associated with coercive instruments designed to win peace – what is arguably a negative peace – which does not resolve violent conflict. As tough approaches to crime in rich countries have mixed results; so-called tough approaches to violent conflict are also having mixed results. Alternative approaches that prioritizes building law over stopping war might take into account the regulation of force, finances and resources; claims to political and economic rights and participation of marginalized groups in political spaces. This allows for sensitivity to the way in which countries adapt development models to their own situations (Duffield 2001).

The delineation of both of Justice and Security as sectors can have similarly disembedding effects. First it can serve to disconnect reform efforts from a broader rule of law framework - which provides functionality, legitimacy, and checks and balances on power. Further, it can also lead to a misunderstanding of the nature of law and regulation. Just as the economy is not fixed by building capacity within the Ministry of Finance, justice issues are not addressed by equipping the formal judicial system; legal and regulatory frameworks cut across – underpin, reflect and reproduce – all aspects of social, political and economic life, and thus all area of development. The siloing of justice and security interventions to specific institutions supports – and is supported by – a technocratic approach to reform in this area which far from guarantees the achievement of justice/security goals, and may in fact retard them. What the WDR emphasizes is that justice should be a normative lens upon policy and programming rather than simply a technocratic input.

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17 UN SG Report, 2004 ibid.  
19 Most prominently portrayed in Kaplan’s barbarism theory: *The Coming Anarchy*.  

A good example of a number of these tensions at work was the sudden rise of the Islamic Courts Union (ICU) in Somalia from June to December 2006. During that period southern Somalia, and particularly the capital Mogadishu, witnessed the most dramatic change (a matter of days) from seemingly anarchic violence to law and order in modern times. Initially, this change was overwhelmingly supported by civil society, business and women’s groups. Individuals welcomed the law and order which was quickly established allowing a cessation of gunfire and the free flow of personal and commercial traffic which had not been seen for years. However, order was based on predictable and summary justice from an essentially authoritarian informal government. The relationship and legitimacy of that rule began to be eroded and even before the subsequent military battle with Ethiopia, the ICU had little support from civil society at large. This is an exceptional example of how security was imposed in exceptional circumstances: but illustrative of what can be achieved as well as the hazards allied to policies absent of international norms and standards.

Internationally this extraordinary success of the ICU was met by opposition, concerned about the imposition of a law and order regime which did not accord with liberal norms and standards. Arguably this was a lost transitional moment as ideology (and particularly western precepts vs indigenous ones) stood in the way of reaching compromise.

Internally, law and order was quickly established at a price, the loss of human rights. Initially public expectations were high as this was a price worth paying in order to walk freely through the capital not in fear of death. However, the civilian-authority contract quickly changed as the ICU became increasingly authoritarian.

Sequencing and Priority Setting

Confronted by a multitude of policy choices, decision makers fall-back to ‘sequencing’ – short-medium and longer term interventions – and ranking of priorities. This is obviously critical when dealing with institutionally weak governments, such as those emerging from war; and a key finding from the analysis of the work on security sector reform is that governments are often besieged by sets of reforms which are hopelessly unrealistic in timeframe. However, the other key concern is that sequencing can result in excision of key laws and norms from interventions to address violence. This is particularly apparent in the security/ criminal justice sector where coercive measures are deployed without much attention to support to justice. In ongoing armed conflicts, there are few measures aimed at securing a greater degree of legitimacy with civilian populations, even if by way of symbolic and demonstrative justice measures (such as rigorous vetting of the security sector).

Hence, there is a need to plan according to timeframes – constitutional reform takes time – but not to the detriment of the rule of law. As we see from the transitional justice paper, the success of policies in each of these domains depends upon the satisfaction of expectations that are always already normatively shaped. It turns out, not surprisingly, that even under extreme circumstances people have sophisticated expectations about security and justice.
Form vs. Function

Justice and security sector reforms across the globe have frequently been based on institutional transplants whereby regulatory frameworks (constitutions, laws, policies) and institutions (courts, police) of western ‘rule of law’ states are imported in a ‘model’ form into developing countries. “SSR” doctrine is a good example. This trend happens at both the state and the project level. Rule of law states are ‘imagined’ in all their institutional and functional glory, establishing an ideal end goal against which these countries are clearly dysfunctional or broken. Interestingly, these idealised forms imported from developed states often fail to reflect an understanding of the systems they themselves are based on, and the fact that such systems are continually contested and evolving. Further, as indicated above, many project level reforms either presume the existence – or ignore the lack – of an overall functioning legal framework in many contexts, meaning that many reforms are undertaking without attention to adequate institutional checks and balances on power and conflict management strategies.

The ongoing reliance on international models and transplants can be problematic on a number of levels. In the first instance, it may just be flat out unrealistic from a fiscal, political or human capacity perspective. This not only leads to perspectives of ‘state deficiency’ (Ghani and Lockhart) and unmet expectations, it also leads to a model of dependency that continues to deny local agency and crowd out innovative alternatives. This belief in imported solutions undermines local perspectives and agency, and leads to a blind spotting of functioning local institutional structures; even when the role of local institutions is recognized, more often than not attempt to incorporate them into state structures are done in ways that serve to undermine their sources of authority and legitimacy.

Political Economy of Justice and Security Interventions

As highlighted above, policy reforms in this area are underpinned by a particular set of values and institutional imperatives. What becomes the focus of a particular policy or intervention is in the first instance defined by the construction of the problem; here the current preoccupation with security comes to the fore- but only certain types of violence and security comes to the fore. Urban street gangs are deemed a serious problem, when large scale white collar crime goes ignored by international agencies. ‘State-threatening’ violence or violence affecting national economic flows- such as conflict that interrupt natural resource extraction – are brought to the fore, where violence in the domestic sphere is often ignored. Further, ‘securitization’ privileges a ‘greed’/deviance based interpretation of local conflict, criminalizing local actions, which in term supports law and order type interventions that privilege control over citizens rights, often exacerbating underlying grievances.

Both conflict and the responses to conflict tend to have a disproportionate affect on marginalized communities.

Importantly interventions by governments or external partners result in local winners and losers, just as there are in conflict. Interventions shape the rules of the game and affect the distribution of rights and resources. They can become vehicles for rent seeking, political mobilization, and generating
further fragmentation at the local or national level. The moral hazard is particularly serious in the case of justice and security interventions given the underpinning nature of such reforms.

Normative and Adaptive Expectations

Engaging with local expectations around policy responses to violence and ongoing state building efforts in conflict affected contexts is necessary for two related reasons. First, the structuring of reforms around an ‘ideal’ state model can promote unrealistic expectations and thus a vision of state-deficit – an unmet need – as outlined above. Just as importantly, however, is the importance of recognizing the ways in which expectations are shaped by experience of conflict and its consequences. We already know that deep inequalities lead to a downward adjustment of expectations on the part of the poor, making them less effective participants in economic activities. Further, the expectations that get broken whenever human rights are violated are not just whimsical ones; they are based on general norms—that is, they are expectations whose satisfaction we reasonably feel entitled to. They are expectations about, for example, what constitutes legitimate treatment of others and at the hands of others, about situations in which it is “normal” to expect the assistance of others, about the state being the guarantor, rather than the violator, of fundamental rights, and so on. The very basic, fundamental nature of these expectations explains the pervasive fear that their defeat generates: victims experience a deep sense of normative disorientation and of resentment. In the context of this report, it is even more important to note that it is not just (“direct”) victims who are affected by violations; human rights violations have huge ‘spill-over effects.’ In contexts of massive human rights abuses, non-victims often have the sense that after what happened to the victims, no one can be safe, no one can really know what to expect – such violations leading to the withdrawal from public spaces, disengagement from social networks, and particularly to the refrain from making claims to authorities and formal institutions is also true for non-victims.

Two particular examples are interesting in terms of managing expectations when confronted by large-scale violence. Public opinion polls in Latin America demonstrate increased concerns over insecurity and increases in crime and in turn ‘profess a willingness to accept human rights violations to improve security’ and therefore greater demands for mano dura. However, the evidence suggests that good policing in democratic society rests upon a strong relationship between the community and the police allowing for consent, public information and support – not conditions present during human rights abuse. Where community policing has been coupled with a drastic reduction of police human rights abuse (such as in Bogota and Lima) violence has also reduced.

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21 E.g. The ‘spill over’ effects of the effects of human rights violations from victims to others can be magnified when the violence has an identity dimension - *Identities in Transition*, Paige Arthur, ed. (New York, Cambridge University Press, forthcoming).
22 Niels Uildriks, Police Reform, Security and Human Rights in Latin America: An Introduction (ref)
23 Fruhling, ibid.
Other examples relate to the question of peace vs. justice arguments – particularly in relation to the offers of amnesty for perpetrators of egregious war crimes. In Colombia there was not a lot of belief that the state was able to provide justice and hence the preference by Kankuamo leaders’ simply demanding ‘que nos dejen de matar’ – ‘that they stop killing us.’ In Uganda this argument has resonated during the peace negotiations with the Lord’s Resistance Army and its leadership subject to indictments issued by the International Criminal Court. Understandably those who live in geographical proximity to the LRA have expressed their preference for peace first; however this has not deterred the expectation that in the right time and place justice be served.\(^{24}\)

**Conclusions – Key International Gaps and Ways Forward**

Amongst many of the findings of the five papers which comprise the security-justice thematic papers, there are four critical recommendations:

**Justice Deficit**

A key theme resonating through the work has been the weakening of the rule of law framework in violent settings with a reliance on a ‘control paradigm’ which leaves little space for justice and mediated resolution of conflict. International actors / donors have a key role to play both in terms of dialogue with recipient states as well as taking actions themselves to demonstrate legitimacy of action. There are some good examples emerging in which member states are strengthening the global governance system to better regulate crime corruption and violence. These include the STAR initiative tracing and returning of stolen assets as well as a more aggressive approach to grand-scale corruption. The use of domestic jurisdiction to pursue injustices or corrupt acts by multi-national corporations is also another interesting example. On the criminal justice side, support to hybrid courts to address past grave crimes against humanity or domestic tribunals to prosecute those associated with genocide,\(^{25}\) such as the FDLR in Europe, are other good examples. The alternative is the corrosive and pervasive effect of illegitimate global and national governance; past human rights abuse and economic crime are met with impunity. There is therefore a danger of a globalized ‘debroutez-vous’ (fending-for-yourself) philosophy from corrupt public officials to six-figure dollar aid and peace-workers to the local gang or militia member – one illegitimate act leads to- or worse legitimates- another. At the national and local level, interventions – be they DDR or policing reform (or even a road project for that matter)- that are not informed by a ‘justice’ perspective run the risk of exacerbating inequities, fractures and grievances and thus ultimately ‘doing harm’.

**Flexibility, Adaptation and ‘Interim’ Solutions**

Effective initiatives have tended to be flexible in nature, and are often inherently hybrid and interim - by design or simple necessity-, recognizing the changing, non-lineal nature of conflict itself, as well as the fact that change inevitably gives rise to further contestation and conflict. Effective interventions

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\(^{24}\) ICTJ, *When the War Ends, A Population Base Survey On Attitudes, Peace Justice and Social Reconstruction in Northern Uganda, 2007*

tend to implicitly- if not explicitly- focus on conflict management and rights enforcement, providing spaces for non-violent contestation and dialogue. The do also tend to be messy and difficult to measure, challenging many of the institutional imperatives of international actors.

Support Local Initiatives

International interventions tend to ignore the resilience of domestic national or local solutions. In conflict affected countries where the state often has either limited reach or limited legitimacy local action is key. Local institutions can contain the spread of violence and provide a bridge between local perspectives and state policy. While it is clear that local institutions- based on local value system- can sometimes challenge liberal sensibilities, they should not be seen as beyond reform, nor should the consequences of suppressing or undermining them be ignored. There is ample evidence that ignoring or trying to stamp out customary practices is not working, and in some cases is having serious negative implications. Numerous studies have shown that when neither formal nor informal mechanisms are functioning, human rights abuses and serious conflict are more likely to occur. For example, in poor segments of rural Columbia, the incidence of communities taking matters into their own hands through vigilantism, “mob justice” or lynching is more than five times greater in communities where informal mechanisms are no longer functioning effectively and state presence remains limited.(Buscaglia 1997).

Financing and Coordination

There is a general concern raised in the security justice series that programs are generally underfunded.26 Further, what funding is available may go to strategically or operationally to undesirable ends: “there is scope for improving the inter-sectoral allocation of aid in terms not only of “how much” but also “what” – that is, in terms of how the allocated funds are spent.”27

Using OECD/DAC data, it is clear that at the global and regional levels security and justice programming represent a small proportion of ODA. Taking a broad definition that includes narcotics control and landmine clearance, security/justice programming still totaled less than 6% of global ODA commitments in 2008. In regional terms, discounting the Middle East, where it totaled just less than 20% of 2008 regional ODA commitments, security and justice programming accounted for between 3% and 7% of 2008 ODA commitments in every other region. In examining this hypothesis a little further, and in the context of fragility and conflict, we have found the following:

(i) at the strategic level, although aid for fragile and conflict states increased from US$26.8 billion in 2006 to US$37.2 billion in 2007, representing some 38.4 % of ODA - over half was destined to just five countries: Iraq (23 %), Afghanistan (10%), Ethiopia, Pakistan and Sudan (OECD-DAC 2008: 8-9). This has raised the concern that ODA decisions are being made upon security rather than development grounds; specifically that these distortions

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27 Boyce and Forman 2010: 12; Hammergren 2008: 14
in allocation suggest that ‘terrorism is replacing poverty as the main raison d’être for development co-operation.’

(ii) at the operational level, the story is more complicated. Funding in particular country contexts can represent particular donor priorities and preoccupations: in Afghanistan, a greater percentage of 2008 ODA was committed to narcotics control (7.7%) than to the rest of the security and justice sectors combined (5.9%); in Timor-Leste 8.3% of 2008 commitments went to UN peacebuilding efforts, with 2% allocated to all other justice and security programming; while in Papua New Guinea and Kenya, legal and judicial development received the overwhelming proportion of funds allocated to the justice/security sector. In general, ‘justice’ issues (legal and judicial development and human rights programs) have been relatively underfunded compared to security. From 2005 – 2007, they received 30% to 39% of funding for the security and justice sectors; however, in 2008 they received 48%. At the regional level, the difference between security and justice issues is stark: over 40% of 2008 ODA commitments were allocated to the ‘justice’ sector in North and Central America, Oceania and the Middle East; in every other region the proportion was between 2% and 20%.

The findings from the security sector were that generally most DDR programs focused on the upfront costs rather than the downstream activities of reintegration; and in turn DDR focused on the individual entitlements of ex-combatants rather than necessarily the communities into which they returned. In turn, there continue to be problems of coordination around what is financed and when. The findings from Afghanistan Timor Leste and DRC are examples of donors doing more harm in the security – justice sectors than good.

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28 Beall et al 2006: 59