

## **Supporting state and non-state provision of security and justice** **Prof. Bruce Baker and Dr. Eric Scheye**

Friday 14 December, 12.00 – 14.00

*Department for International Development, London*

*This lunchtime seminar was led by Professor Bruce Baker and Dr. Eric Scheye. Both are justice and security experts who have undertaken research and practice in security, policing and justice in Rwanda, Uganda, Sierra Leone, Liberia, Southern Sudan, Yemen, Argentina, Brazil and Bolivia.*

*Based on their experiences, they discussed the limitations of justice and security provision by states, the nature of local justice and non-state providers, and argued for a “multi layered” approach to justice and security support. Such an approach **proportions** assistance to state agencies, local justice and non-state providers, targets the multiple points where service occurs and strengthens the linkages between state institutions and local justice and non-state providers.*

*DFID work in a number of fragile states and therefore the approach to non-state providers is vital for their efforts to support sustainable development in those contexts.*

Professor Baker and Dr. Scheye consider current SSR policy and practice to be largely state-centric, which is counter-intuitive to the idea of a “people-centred and locally owned approach” to providing security and justice. The current approach rests upon two fallacies: that post-conflict and fragile states are capable of delivering justice and security to the majority of their subjects; and that the state is the main provider of and actor in security and justice.

In reality, however, there are multiple non-state providers of security and justice including customary justice structures, informal anti-crime groups, religious groups, state approved work based associations, and commercial organisations. The state is often just one and almost always the minority provider of security and justice in post-conflict and fragile states. Individuals living in these environments do not necessarily view the police or state courts to be their first point of call when seeking protection from crime or abuse and equitable redress. In contrast, people will make an informed choice from a variety of available non-state providers because they are more accessible, fair, affordable (state security in many parts of Africa, Asia and Latin America is hardly ever free), understandable (using local language and culturally appropriate methods) and effective. Additionally, non-state provision has local support – whether this at the level of the street, village or community and is democratic and accountable to a certain degree; those who don't offer effective provision, such as the village chief, may be voted out of positions of authority.

Professor Baker and Dr. Scheye stated that in post-conflict and fragile states, effective service delivery is as important as state capacity building and institutional development. A multi-layered donor approach to security and justice is one that recognises complexity of security and justice provision and provides support for strengthening the links between state and non-state providers. Rather than

presupposing that security and justice can only be built through institutional capacity building, donors need to ask: Who is actually providing security and justice and how can we support these alternatives? Security and justice programmes need to be built on a thorough audit of non-state security and justice providers and their links with state actors.

A number of examples were cited by the two presenters to illustrate some of the tensions that exist between state and non-state security and justice.

In Monrovia (Liberia), for example, the Minister of Justice was chastised in 2006 for publicly encouraging communities overwhelmed by armed robbery to form anti-crime groups. Though the groups reduced the violent crime, the police and human rights groups viewed these community responses as unacceptable and put pressure on the Minister to retract her initiative. Following their closure, armed crime rose again, and public support for the government declined.

In many fragile and post-conflict states the state is a minority provider – governments mostly don't have the human or financial resources to offer a completely comprehensive security and justice system. The institutional and administrative systems to collect sufficient revenue and effectively allocate public finances simply don't exist. When one considers cases such as Mozambique, where in 2002 there were only nine lawyers posted outside of the capital Maputo, the case against an exclusively state-centred security systems is convincing.

Rwanda and Uganda were provided as positive examples of non-state security provision in Africa. Rwanda is arguably the policing success story of Africa, but this is largely because of the effectiveness of the informal local government structures that operate at the levels of 10, 25 and 200-500 households. Though largely autonomous, they have the support of the state and the police to carry out the vast majority of everyday policing. In Uganda, work based associations amongst taxi-drivers, which provide management and policing of all taxi-buses, are recognised by municipal authorities and are an important element of state approved civil guarding.

Professor Baker and Dr. Scheye argued that non-state security and justice providers are a major part of the justice and security sector, and therefore SSR programmes need to look at reforming non-state as well as state provision. Of particular importance is the strengthening of linkages between state agencies and local justice networks. However, in doing this donors need to ensure that they have adequate risk management and a detailed understanding of local realities. Community providers of security and justice in any given context are numerous and diverse, and any support that is not based on an assessment of local knowledge could detrimentally impact upon community security. Donors also need to manage this process with state governments and elites, who may be resistant to ceding further control to non-state actors.

Graham Thompson (Peace and Security Adviser, DFID Sudan) contributed with a short overview on his experiences of multi-layered approach to security and justice in Southern Sudan. Here, 95 per cent of people access justice through non-state systems and the state has no tradition of providing security or justice. Therefore,

DFID Sudan agree that state building and service delivery are equally important and should occur in parallel. However, there are certain challenges and risks associated with supporting non-state providers. Traditional/customary systems are severely weakened by conflict, and often new leaders emerge that don't respect traditional systems or leaders. Furthermore, internally displaced people often do not accept traditional systems after having had experience in other countries where different more state-centric systems may dominate.

The subsequent discussion highlighted a number of contentious points of the presenters' thesis. One was the issue of women in Africa and what recourse they have to access justice when customary systems are weighted against them. The presenters responded by reiterating the point that there is often little alternative to customary solutions because the state is not in a position to provide protection from crime or abuse. Additionally, it was stated that to achieve concrete results in the short-term, SSR programmes ought to channel support to women's groups and other civil society organisations that promote women's rights. This is because they are much more knowledgeable about and effective in working with local justice networks, thereby increasing women's access to justice and equality. Furthermore, it was argued that advances in gender equality necessitate wider, often generational change in culture and society and that donor support of women's groups and women's rights can facilitate that.

The manner in which the presenters described security and justice provision as a 'market place full of multiple-choices' where people make an informed decision was questioned. One participant contested that people's choices are often influenced by societal pressures or neo-patrimonial relationships. The presenters agreed that choices are culturally patterned, but also stated that their studies, which involved some 10,000 respondents in Africa, indicate that people do in fact have a choice in their security and justice provision and exercise it.

*Bruce Baker is Professor of African Security at Coventry University. His research focus is informal and formal policing in post-conflict African states and governance. He has his own website: [www.africanpolicing.org](http://www.africanpolicing.org), where you can access articles and view video clips on the subject of non-state provision.*

*Eric Scheye is an independent consultant in justice and security sector development. He has worked for DFID in Yemen, developing a justice and policing programme, for two and a half years. For the OECD Development Assistance Committee, he co-wrote a report on justice and security service delivery in fragile states and chapters of its Handbook on Security System Reform.*

*Graham Thompson is the Peace and Security Adviser for DFID Sudan.*