

Research Brief

Transitional Justice, DDR, and Security Sector Reform

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In recent years, the concept of postconflict peacebuilding has emerged as a major focus of international policy interest. This has led to a simultaneous increase in new institutional arrangements, funding, and research that seek to reduce the risk of countries lapsing or relapsing into conflict. Security is a primary preoccupation of peacebuilding efforts, and disarmament, demobilization, and reintegration (DDR) programs for combatants are often a first step in the process. DDR alone, however, cannot build peace, nor can it prevent armed groups from reverting to conflict. It needs to be part of a larger system of peacebuilding interventions, which include security sector or security system reform (SSR), transitional justice, good governance, and broader socioeconomic development programs.

The focus of this paper is on initiatives of DDR, SSR, and transitional justice as they relate in peacebuilding contexts. That there is a relationship between these three concepts is rarely disputed. Research and policy documents linking DDR and SSR are abundant, and a number of important articles and reports have contributed to establishing a link between the DDR and transitional justice. There have been fewer attempts to consider the relationship between the three kinds of initiatives, in terms of either what it is or what it could be. This paper is intended as a contribution toward filling that gap: first, by exploring the relationship between DDR and transitional justice; second, by examining the links between DDR and SSR; and third, by considering the connections between transitional justice and SSR.

DDR and Transitional Justice

Since the mid-1980s, societies emerging from violent conflict or authoritarian rule have often chosen to confront the legacies of serious human rights abuses with transitional justice measures. At the same time, programs for DDR of combatants have become integral elements of efforts to increase security in conflict and postconflict situations. These two types of initiatives—one focused on justice and accountability for victims and the other on security and the reintegration of former combatants—often overlap in the postconflict, peacebuilding period. The coexistence of DDR and transitional

Research Project

Transitional Justice and DDR

This project examines the relationship between disarmament, demobilization, and reintegration (DDR) programs and transitional justice measures. It explores the manifold ways in which DDR programs may contribute to, or hinder, the achievement of justice-related aims. The project seeks not only to learn how DDR programs to date have connected (or failed to connect) with transitional justice measures but to begin to articulate how future programs ought to link with transitional justice aims. The project is managed by Ana Patel, Deputy Director of the Policymakers and Civil Society Unit at ICTJ.

justice has implications for the success of both. The relationships between DDR and transitional justice are important to consider not just because they overlap in a practical sense, but because they share the same long-term aims for peace and reconciliation. Trust-building, prevention of renewed violence, and reconciliation emerge as essential objectives for both types of processes.

That is not to say that there are not inherent tensions between DDR and transitional justice. For example, in the case of prosecutions, DDR requires the cooperation of ex-combatants, while prosecutors seek to hold the war criminals among them accountable for their actions during the conflict. Yet transitional justice measures also contribute to the realization of DDR aims by introducing an element of accountability and by providing some balance or equity between what is offered to ex-combatants and what is available to victims in postconflict, peacebuilding contexts.

The four main elements of a transitional justice policy—prosecution, truth-seeking, reparation for victims, and institutional reform—relate to DDR in a variety of ways. Prosecutions can reduce the culture of impunity that often surrounds ex-combatants, therefore contributing to the consolidation of the rule of law, and may also remove spoilers and potential spoilers from threatening the DDR process. Marginalization of ex-combatants from accountability and truth-seeking processes may hinder successful reintegration, and truth-seeking initiatives may also contribute directly to reintegration and reconciliation processes.

Reparations programs for victims of human rights crimes can contribute to the reintegration efforts of a DDR program by acknowledging the violations committed against victims, providing some means of redressing these violations, and thus reducing the sense of grievance victims and communities may feel in the aftermath of violent conflict. Institutional reform, through vetting procedures, can screen current and new members of the armed forces, many of whom may be ex-combatants, for their possible involvement in human rights violations or international crimes.

DDR and SSR

It is increasingly understood that DDR, as one of the earliest security initiatives in a postconflict context, should be considered and designed within the broad aims of an SSR framework. Consequently, DDR and SSR are increasingly connected in terms of their focus on increased security, their interventions with security actors, and their implications for each other.

With the decline in the prevalence of interstate war and the increase in intrastate conflict has come a broadening of the notion of the term “security.” The concept of “human security,” meaning threats to the well-being of citizens and their communities, has begun to receive attention equal to that of state security. Correspondingly,

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DDR and SSR have broadened over the past ten years to embrace concepts of human security.

The broadening of the concept of security has led to a simultaneous expansion of what is meant by the terms “security sector” and “security sector, or system, reform” (SSR). Traditionally, the term “security sector” related only to those institutions concerned with protecting a country from external aggression (that is, the army, navy, and air force), and with internal instability (that is, the police). SSR now aims to reflect a broader concept of “security” as well as the implied wider range of security actors through four main objectives: the improvement of basic security and justice delivery; the establishment of effective governance, oversight, and accountability systems; the development of local leadership and ownership of the reform process; and the sustainability of security and justice service delivery.

As a result of this expanded concept of security, the targets of DDR programs have also been broadened, at least conceptually, from a particular focus on men with guns to a current list of target groups that include combatants (men and women), children associated with armed forces and groups, men and women working in noncombat roles, ex-combatants with disabilities and chronic illnesses, and dependants. In practice, DDR programs often operate alongside, but without a connection to, SSR initiatives. This lack of coordination or cohesion can lead to, among other things, the reinsertion of human rights abusers into the legitimate security sector.

Transitional Justice and SSR

Given that massive and systematic human rights violations are primarily carried out by state security forces or nonstate armed groups, there is a particular interest in the relationship between accountability and security sector reform. Both SSR and transitional justice seek to reform abusive security structures and build effective security sectors that respect human rights and can work well in concert.

For example, prosecutions of leaders of security forces or armed groups for war crimes or violations of international human rights and humanitarian law criminalizes this kind of behavior, demonstrates that no one is above the law, and may act as a deterrent and contribute to the prevention of future abuse. Additionally, such processes may lead to the imprisonment of high-ranking members of the security forces and thus eliminate them as possible obstacles of reform. Truth commissions and other truth-seeking endeavors can provide critical analysis of the roots of conflict, identifying individuals and institutions responsible for abuse. Truth commissions can also provide critical information about the patterns of violence and violations, so that security sector reform can target or prioritize efforts in particular areas. Reparations for victims may contribute to trust-building between victims and government, including security sector institutions.

About the Author

Ana Cutter Patel is the Deputy Director for the International Policymakers Unit at the International Center for Transitional Justice, and the project manager for the Center’s research initiative on Transitional Justice and Disarmament, Demobilization, and Reintegration. Her publications include “DDR and Transitional Justice,” a module in the UN integrated DDR standards.

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Transitional justice also contributes to meeting the challenge of accountability in SSR. Vetting is considered a tool of security sector reform; vetting on human rights grounds to exclude war criminals from public service contributes to dismantling abusive structures. From a justice perspective, SSR should aim to build the integrity of the security system, promote its legitimacy, and empower citizens in order to transform an overall abusive system into one that both respects and promotes human rights.

Conclusion

This paper has identified contributions that transitional justice can make to the aims of DDR and SSR, as well as established the connections between DDR and SSR. Through this analysis, it is clear that a justice-sensitive approach to DDR and SSR that acknowledges the potential contributions of transitional justice processes may facilitate more successful transitions from conflict to sustainable peace. This approach to DDR and SSR at the very least observes a “do no harm” strategy, one that does not foreclose the possibility of achieving accountability in the future, and likewise does not undermine the achievement of security.

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