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Research Brief

# Enhancing Justice and Development Through Justice-Sensitive Security Sector Reform

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Security and development are increasingly understood as being linked, particularly in countries emerging from armed conflict. From its inception, security sector reform (SSR) has been articulated explicitly in terms of its connection to development. It is, most would agree, a development concept. SSR is also a notion from which a number of links can be drawn to transitional justice. The clearest example of this might be vetting measures aimed at excluding human rights abusers from security sector institutions. While acknowledged in the field of SSR, the links between SSR and transitional justice have received much less thought than those between SSR and development. There is much less consensus that SSR is also a transitional justice concept.

This paper maps out some of the links between transitional justice, SSR, and development. It is argued here that SSR and transitional justice can be understood to complement each other in ways that have received little attention so far, and that bringing in a substantive and direct focus on past abuses can make a useful contribution at the conceptual and practical levels to the development approach to SSR.

## The Development Approach to SSR

SSR has been from its beginning a development concept. At the broadest level, the term SSR describes measures aimed at creating an effective and accountable security sector that contributes positively to sustainable peace and development. An effective security sector requires the operational capacity to provide security to both citizens and the state, and an accountable security sector requires it to be governed democratically such that it does so while respecting the human rights of its citizens. An effective and accountable security sector, then, requires both capacity and governance.

More specifically, SSR has been argued to contribute to poverty reduction and therefore development through its reallocation of resources from military spending to poverty reduction activities, through its increased provision of security for individuals and property, through its contribution to conflict prevention and management, and through the greater participation of poor people in the security sector. Among the

challenges faced by SSR practitioners are those related to capacity, local ownership, and coherence among the various actors, objectives, and activities involved in SSR work.

## SSR and Transitional Justice

While SSR and transitional justice are often understood to be in tension with one another, there is much potential for them to be complementary as well. For one thing, even with a purely development-oriented approach, SSR can serve to reinforce one of the primary long-term objectives of all transitional justice efforts: the prevention of the recurrence of widespread and serious human rights abuses. SSR is a critical tool in such prevention, which means that, in the absence of SSR, transitional justice is less likely to achieve its final goals of contributing to reconciliation and to the democratic rule of law. Furthermore, SSR at its best provides for effective and accountable security institutions which are often required for the successful implementation of transitional justice measures, such as criminal prosecutions and truth-telling. In both these ways, then, development support to SSR can facilitate and reinforce transitional justice.

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## Justice-Sensitive SSR

A justice-sensitive approach to SSR differs from standard SSR work in its direct concern with the past, and specifically past human rights abuses. This is evident in the different understandings of concepts such as "accountability," "prevention," and "rule of law" in key SSR and transitional justice documents. Justice-sensitive SSR, then, may make a contribution to SSR—that is, help SSR to achieve its own goals, which at a broad level include development—by calling attention to the systemic causes of abuses and mobilizing support behind systemic reform efforts that address such causes, and by helping SSR programs to effectively address the legacies of such abuses. Addressing these legacies through SSR involves measures aimed at accountability for past abuses; participation, representation, and empowerment of victims and other marginalized groups; the legitimacy of institutions; and coherence of SSR efforts with transitional justice measures.

## Justice-Sensitive SSR and Development

### Effectiveness and Accountability
Justice-sensitive SSR can affect the security sector in terms of both effectiveness and accountability, possibly altering the balance of priorities between the two elements. SSR that takes seriously the concerns of transitional justice will use the notion of "accountability" differently than most SSR work—that is, to include past abuses rather than just current and future ones. In practice, justice-sensitive SSR may involve some degree of a shift of focus away from increasing operational capacity and more toward

the improving accountability. A justice-sensitive approach may also improve the effectiveness of security actors: one of the key potential contributions that justice sensitivity brings to public institutions is greater legitimacy—that is, increased levels of trust among citizens, which is critical for the effective functioning of security institutions.

**Specific Links to Development**

Justice-sensitive SSR may have implications for specific links to development aims such as poverty reduction. First, vetting processes, which involve the removal of personnel from institutions, can be coordinated as part of larger downsizing efforts and a reduction in security spending. Second, as security is the main link between SSR and development, conflict prevention can play an important role in poverty reduction. SSR is generally concerned with the prevention of conflict, while transitional justice is concerned with the prevention of the recurrence of systematic or widespread human rights violations. Because the type of prevention that transitional justice is most concerned with is different than general conflict prevention, justice-sensitive SSR may contribute to a deeper kind of security, and therefore a more sustainable development, in the long run; although in the short run there may be tension between these two types of prevention.

Third, participation is a key objective of both standard SSR and justice-sensitive SSR, although again with slightly different but potentially overlapping meanings. Participation, as it is used in poverty reduction terms, refers to poor people in general, while in justice-sensitive terms it refers to the victims of human rights violations and other marginalized groups. Efforts to increase the participation of victims in SSR and the provision of security may be mutually reinforcing with efforts to increase the participation of the poor. Not only will victim groups and the poor overlap, but the reaffirmation of human rights norms achieved by justice efforts may have inclusionary effects beyond immediate victims.

**Constraints**

Justice-sensitive SSR is subject to the same constraints and has to face the same challenges as any SSR work, including those related to coherence, capacity, and local ownership. Justice-sensitive SSR requires coherence not just within SSR efforts, which is difficult enough, but also with transitional justice measures as well. While this type of coherence may be possible and desirable, cultural and institutional barriers between transitional justice and SSR practitioners may be difficult to break down, and in certain situations the various objectives of SSR from both a development and justice perspective may not reinforce each other but may be in tension.

Justice-sensitive SSR is also constrained by resources and capacity limitations, and competition with other SSR activities is not always avoidable. Vetting may lead to "governance vacuums," doing harm to the capacity of institutions—capacity that less-developed countries may not be able to do without. Justice-sensitive reform measures can be complex, time-consuming, and resource-intensive, leading to competition for

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resources. Finally, although participation, representation, and empowerment are key objectives of justice-sensitive SSR, local ownership of the process is likely to remain a difficult challenge. Local ownership can be constrained by local capacity, which is often lacking in developing country contexts. Furthermore, SSR is a political process, not a technical one, and as such faces resistance or lack of political will.

## Conclusion

In making the attempt to deal with an abusive past more central to the notion of SSR, a justice-sensitive approach remains within the broader understanding of SSR as a development concept, in that it can be conducive to broader development goals. A justice-sensitive SSR may even enhance the long-term development impact of SSR through its effect on the main SSR principles of accountability and effectiveness. Potentially, dealing with the past can improve the legitimacy of security institutions and promote the inclusion of all citizens, in particular of victims and other marginalized groups. At the same time, justice-sensitive SSR faces the constraints and challenges of all SSR work, and, since justice and development objectives will not always align in the short run, tensions may exist in terms of resources, methods, and priorities. What is called for is more dialogue and coordination.

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