



THE INTERNATIONAL SECURITY SECTOR ADVISORY TEAM  
THE GENEVA CENTRE FOR THE DEMOCRATIC CONTROL OF ARMED FORCES

## ISSAT HRBA Working Group Paper 3

### Decentralisation of Security Governance: Facilitator of a Human Rights-based Approach (HRBA) to SSR?

Since 2000, the international community has acknowledged peace and security, development and human rights as interlinked and mutually reinforcing pillars of the UN system, providing foundations for collective security and well-being.<sup>1</sup> Efforts to address global insecurity have since increased in the form of resolutions, declarations, conventions, and multilateral action plans, including among others: Vienna Declaration and Programme of Action, and the Beijing Declaration and Platform for Action. These instruments prescribe for greater commitment to gender mainstreaming and human rights compliance in security and justice provision.

As a means to operationalise these international instruments, the UN Common Understanding of a HRBA among UN Agencies (2003) was designed to provide guidance to UN mandates on incorporating human rights standards, norms and principles into all programming support components.<sup>2</sup> In this framework, human rights principles of meaningful inclusion and participation, along with non-discrimination, accountability and equality, form the foundation for all UN mandates. Soon after or in parallel, major bilateral as well as multilateral donors such as EU began to develop similar or complementary versions of a HRBA to guide their international cooperation.<sup>3</sup>

From an application perspective a HRBA to SSR should guide cooperation programmes towards constructive engagement between security and justice providers with their affected populations or rights holders. A HRBA would seek to base these engagements on regular and inclusive consultations by security and justice providers with affected communities. Under this premise, applying a HRBA should be an integral part of all UN-sponsored mandates such as the UN Security Council Resolution 1325 on Women, Peace and Security (2000) which prescribes for Security Council missions to *“take into account gender considerations and the rights of women, including through consultation local and international women’s groups.”*

However, missing from this narrative is a deeper understanding of the preconditions needed for a HRBA to be impactful in a SSR programme, so that the peace-security-human rights-development nexus is able to thrive. One such area that requires further exploration is the role decentralisation of security governance (DSG) and associated mechanisms such as local security councils (LSCs) have on facilitating regular and inclusive consultations by security and justice providers with affected communities, requirements of a HRBA to SSR. If the DSG is weak what other local mechanisms can ensure inclusive consultation between justice and security providers and their affected communities, or ensure regulated spaces where local communities can influence the development and implementation of the public security agenda? Moreover, is a functioning DSG system including mechanisms like LSCs a necessary framework for SSR and its good governance principles? How does a

---

<sup>1</sup> Specific references found in the UN Millennium Declaration adopted the General Assembly on 8 September 2000 and the UN World Summit 2005.

<sup>2</sup> The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding among UN Agencies (2003) <http://hrbaportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies>

<sup>3</sup> For example, the EU refers to a *Right Based Approach (RBA)*, encompassing all Human Rights. The EU considers their RBA to go beyond the formally recognized human rights, to include other types of rights, such as intellectual property rights, basic economic and social delivery rights as well as sexual and reproductive health and rights.





lack of a functioning DSG system impact community policing, a philosophy central to many SSR programmes? On the flipside, is DSG always a positive process?

This working paper will not address these broader questions on the implications of DSG in the SSR process and how a HRBA has been applied as a result but rather highlight the need for further study on this issue by providing brief examples of how LSCs, mechanisms of DSG, can help turn the principles of inclusivity, local ownership, accountability and participation into actionable outcomes in line with a HRBA.

The following sections will use contextually different examples of LSCs to demonstrate that in spite of their challenges and limitations, these particular DSG mechanisms have the potential to play a key role in facilitating a HRBA to SSR. The chosen LSCs examples are from three geographical regions, including from countries that have been recently impacted by armed conflict. The selected LSCs demonstrate stark differences in context and enabling environments, which has resulted in different degrees of impact on the security environment. The examples that have been selected to showcase this range, as well as the different attributes of LSCs, are the Democratic Republic of the Congo (DRC), Ecuador and Mexico.

### **LSCs: Products and Facilitators of a HRBA to SSR**

Broad consultation at the local level as indicated in the international human rights policy requires locally-driven mechanisms to foster citizen participation into the security agenda; a HRBA seeks to ensure the consultation process and associated mechanisms are inclusive, non-discriminative and accountable. LSCs are one such locally-driven mechanism that can offer regulated spaces for consultation between security providers and the community, and at the same time offer a foundation from which an HRBA can anchor onto.

LSCs take varying forms and names, and are becoming increasingly regulated into DSG frameworks across geographic regions. Thus, their utility and impact are heavily dependent on a functioning DSG system (and culture). At the local level, LSCs are normally mandated as part of a DSG framework and commonly include municipal authorities, police officials and representatives of civil society. Generally, LSCs act as coordination mechanisms amongst security stakeholders at both decentralised and federalised levels.

If inclusive and sustainably funded, LSCs can be a common space where threats faced by specific groups and their resulting security vulnerabilities can be identified and addressed through targeted and collaborative approaches. LSCs can also bring about greater accountability from justice and security providers, given they collaborate with the communities they are serving. These models would in theory be an important precondition to building trust between justice and security providers as human rights duty bearers and the community as the rights holders. In this way, LSCs can be conducive to bringing about a HRBA, as security threats and needs facing the community would be identified from different perspectives including those from persons/groups considered vulnerable as a result of societal discrimination. In fact, if designed (regulated), implemented and supported according to SSR governance principles, LSCs can be fundamental in materialising the UN's



vision of a HRBA which “constructs people as key actors in their own development rather than passive recipients of development aid”.<sup>4</sup>

An established example of a LSC approach is that implemented in France. They were created in the 1990s as a mean to decentralise security governance, which was then managed at the state level. France developed a system of “co-production of security”, with the creation of local security councils for the prevention of delinquency (CLSPD). A pioneer in the field, the French model is a well-developed, state-funded, legally-based mechanism that is mandatory in all cities of more than 10’000 inhabitants.

To establish a LSC, a diagnostic of the security in a community is performed, then a security contract is established, which leads to the creation of a CLSPD. All of these steps include a range of actors, including representatives of the state, the community, and civil society organisations. The process tries to be as inclusive as possible. Overall, the French system can be seen as a good example; it enables actors to be treated equally, to work together, and thus leads to a better knowledge of the security situation. Over the years, the CLSPD have involved a more diverse range of actors with civil society invited to participate albeit not as a *de jure* member, in theory leading to the establishment of better policies.<sup>5</sup> Furthermore, the fact that CLSPD are based on a public contract helps provide a means of transparency of the planned activities and predictability in the engagements. Unfortunately CLSPD do not review their outcomes openly, making it difficult to assess their impact.

### Democratic Republic of the Congo (DRC)

The security sector has been identified by the government as one of the most pressing matters to address in the context of conflict resolution in the DRC, especially in the eastern part of the country, given the on-going allegations of the armed forces and the police committing human rights violations. Following decentralisation efforts by the Congolese government, *conseils locaux de sécurité de proximité* (CLSPs) were established in 2013 as a way to help in the prevention of insecurity and to link the central state with local authorities. CLSPs are made up of a President (who can be the mayor of the town, sector manager or head of the chiefdom, depending on the territorial entity), an officer of the Attorney General’s office, the commander of the police station and two representatives of the civil society. They are legally financed by a provincial fund, although not always in practice, and *forums de quartiers* serve as local meetings open to all members of the community in which they can voice their concerns about insecurity.

Although this structure allows for a consultation with civil society and the community, from a human rights perspective there are issues. For example, there are no specifications about which kind of civil society representatives should be in the CLSPs, so in Bunia they do not include any women’s groups and are composed only of men. Security threats gathered at the *forums de quartiers* are reported without disaggregating the differences in gender, ethnicity or other kinds of vulnerable groups<sup>6</sup>, weakening the power of these meetings to bring about awareness of specific risks and targeted

<sup>4</sup> The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding among UN Agencies (2003).

<sup>5</sup> [http://www.villesdefrance.fr/upload/document/doc\\_201001250446240.pdf](http://www.villesdefrance.fr/upload/document/doc_201001250446240.pdf)

<sup>6</sup> For the purposes of this working paper, the authors will refer to UNODC’s (2013) definition of vulnerable people which defines them “as those who, due to reasons of age, gender, physical or mental state, or due to social, economic, ethnic and/or cultural circumstances, find it especially difficult to fully exercise their rights before the justice system as recognised to them by law. The following may constitute causes of vulnerability: age, disability, belonging to indigenous communities or minorities, victimisation, migration and internal displacement, poverty, gender and deprivation of liberty. The specific definition of vulnerable people in each country will depend on their specific characteristics, and even on their level of social or economic development. [https://www.unodc.org/documents/human-trafficking/2012/UNODC\\_2012\\_Issue\\_Paper\\_-\\_Abuse\\_of\\_a\\_Position\\_of\\_Vulnerability.pdf](https://www.unodc.org/documents/human-trafficking/2012/UNODC_2012_Issue_Paper_-_Abuse_of_a_Position_of_Vulnerability.pdf) p. 14.



approaches to combat them. Furthermore, without any accountability mechanisms in place ensuring the well-functioning of the CLSPs, it is not assured that they will capture the security needs of different segments of the population especially if the political will is not strong. However, CLSPs have begun an important dialogue between the communities and security forces, which is paving the way for a stronger and long overdue cooperation and trust between the two. Also, unlike other examples of LSCs where civil society is only invited, civil society has a legal standing in these councils.

### **Cuyabeno, Sucumbíos, Ecuador**

In Ecuador, decentralisation of security governance has reached constitutional (2008) status. This has resulted in legal frameworks for municipal security councils all over the country, including in the municipality of Cuyabeno located in the Amazon region bordering Colombia. Cuyabeno's proximity to Colombia and richness in natural resources, including petroleum, facilitates many security challenges that place youth, women, children, and indigenous groups in expressed positions of vulnerability.

In response, the legal framework for the Cuyabeno Municipal Security Council (MSC) has been adapted to include a regular consultation that includes representatives from the municipal administration, police and military, Indigenous and Afro-Ecuadorian communities and women's organisations, as well as from the health services, and child welfare agencies. Also invited is a representative from the most influential hydrocarbon company. From the HRBA perspective this is very positive and progressive as it provides space for third parties with human rights obligations, such as the oil companies and their private security, to participate with some degree of oversight on security issues impacting the area. The Cuyabeno MSC is self-financed, but is entitled to receive State resources through the national police budgets under rubric of community policing.

Unfortunately MSCs in rural areas like Cuyabeno more often tend not to be activated, for many reasons, in spite of the obligation for the local government to do so. One principal reason being is the slow pace of decentralisation of governance including of the awareness required by all actors on their roles in the process. As a result, the creation and support of the MSC through the local mayor becomes personality dependent.<sup>7</sup>

### **Juarez, Chihuahua, Mexico**

In 2010, a community-centric strategy to deliver security and justice to Ciudad Juárez, Chihuahua, Mexico was launched. The '*Mesa de Seguridad de Cd. Juárez*' (MSCJ) was thus launched with a mandate to tackle the effects and identified sources of violence. The MSCJ is an independent body from the local government, and as the first of many LSCs in México, it inspired the creation of over 15 MSCJ's across the country. As a network, the different Mesas are coordinated by the NGO SOS México, which is dedicated to citizen participation in public security.<sup>8</sup> The MSCJ is constituted by government officials and citizens, and favours results-based reporting on the issues it tracks. Unfortunately there was no readily available information on the finances, organisational composition or inclusiveness of the MSCJ. This lack of information detracts from the intended transparency and service delivery the MSCJ has aimed to embody.

Civil society is represented as a sector, but the MSCJ does not disclose gender-disaggregated data on its membership, nor does it indicate whether Indigenous groups are represented within it. MSCJ

<sup>7</sup> The information provided stems from the authors work supporting the Ecuadorean Government in the Amazon region in developing a rights-based security plan.

<sup>8</sup> SOS Mexico was established in 2008 by Alejandro Marti, owner of a large sports chain in Mexico and whose son was kidnapped and killed. SOS Mexico works towards the consolidation of an effective security and justice system in Mexico. It has three main objectives: institutional strengthening, legislative reform and citizen participation.



engages with gender as a theme or topic, employing a language and conceptual framework that limits gender issues to women's issues, specifically domestic and gender-based violence, and seldom addresses matters of gender equality outside that narrative sphere. The MSCJ's ability to harness participation, an important trait when implementing HRBA, has not necessarily yielded inclusivity of all groups impacted by insecurity, inequality and injustice in Ciudad Juarez. The three examples highlight the potential contributions LSC-type mechanisms can have on improving the security conditions of groups considered vulnerable, as well their limitations which tends to include a lack of explicit reference to gender equality or human rights in general. By applying a HRBA, donors can orientate SSR programming to support LSC-type consultation mechanisms at the local level. Donor support for a HRBA in SSR inclusive of local security governance frameworks and mechanisms such as LSCs would be in line with UN [Security Council Resolution 2151 \(2014\)](#), which established the importance of national ownership in security and justice reform processes. It would also be in line with the [New Deal](#) calling for donor states to use in-country mechanisms as the main vehicle for establishing participatory programmes amongst others.

This call for establishing participatory mechanisms is also echoed by non-state actors influential in development support to the security and justice sectors such as the Inter-American Development Bank (IDB). In their operational guidelines for Program Design and Execution in the Area of Civic Coexistence and Public Safety (2013), the IDB considered as a key lesson attained from over a decade of programs to not underestimate the role of local and municipal governments on combating violence.<sup>9</sup> The IDB pointed to the importance of supporting mechanisms that facilitate strategic partnerships for participation by government institutions, the private sector, and community organizations.<sup>10</sup> The IDB also affirmed that such consultative mechanisms can function as significant risk safeguards when programming support for the justice and security sector of a given country as it fosters accountability and citizen oversight.

In conclusion, a HRBA application, the SSR process and LSC-type mechanisms share a common dependency for consultation between duty bearers and the affected communities or rights holders on issues of security and justice provision. Human rights principles of meaningful participation, inclusion, non-discrimination, equality and accountability are thus fundamental to their success or impact. However, the conditions influencing their complementary and reinforcing nature need to be further explored. Understanding these conditions will provide valuable orientation for justice and security providers and SSR supporting actors when seeking to increase their capacity to address the security needs for their population in accordance with human rights standards.

For further information, authors would also like direct the readers to the support work on LSCs done by SAFERWORLD in Kyrgyzstan <http://www.saferworld.org.uk/news-and-views/case-study/69-reinforcing-community-and-local-security-structures-in-suzak-kyrgyzstan> and to a helpful video about LSCs by COGINA [https://www.youtube.com/watch?v=7fGF0\\_nteGA](https://www.youtube.com/watch?v=7fGF0_nteGA)

**Authors of this Working Paper: Mirko Daniel Fernandez, Kim Piaget, Tanya Hernandez and Sophie Berthoud**

**Special thanks to Patrick Hagan for his support**

---

<sup>9</sup> IDB Operational Guidelines for Program Design and Execution in the Area of Civic Coexistence and Public Safety 2013.

<sup>10</sup> Ibid.