

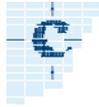


Improving security and justice through local/non-state actors

*The challenges of donor support to local/non-state security
and justice providers*

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Executive summary

Local/non-state actors often play an important role in the provision of justice and security services in many of the world's fragile and (post-)conflict countries. With a view to improving their effectiveness, donors seeking to support justice and security development in those countries frequently look for ways to incorporate them in their programmes. However, given that non-state actors can also be detrimental to local security and justice (for example when they form part of organized crime), supporting them also involves huge risks. With this dilemma in mind, the Clingendael Institute's Conflict Research Unit investigated conceptual, policy and practical opportunities and challenges for including local/non-state security and justice networks in security and justice programming. The project consisted of a conceptual desk-study; case studies in Colombia, the Democratic Republic of the Congo (DRC) and Burundi; and a synthesis phase focusing on the lessons learned from the project, complemented by an expert brainstorm meeting, on the practical issues that donors must deal with if they are to successfully include local/non-state actors in security and justice programmes.

The present report summarizes the findings from this synthesis effort. It concludes that in each of the cases examined, it was possible to identify local/non-state actors suitable for support and ways to support them. They included actors such as local courts, lay judges, neighbourhood watch groups, community development councils, and trade associations. However, the research also identified a number of practical risks and challenges that donors need to manage and overcome in order to ensure that such actors are included effectively into broader, overall security and justice programmes. These broadly fall into five categories.

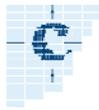
First, programmes that incorporate local/non-state actors run the risk of reinforcing or even creating service provision by parallel structures. Broadly, one can say there are three types of actors that provide security and justice services in the states under investigation: agencies of the central state (national police, national courts, etc.), local (state) actors (municipalities, local



courts, etc.) and non-state actors (actors without an official mandate, such as neighbourhood watch groups, trade associations, etc.). Because of the strong emphasis given to state-building in Security System Reform (SSR) practice – despite its conceptual focus on human security – most donor support for SSR focuses on the first type of actor. To include local and non-state actors in their support programmes would allow donors to address the human security aspect of SSR. However, doing so without carefully considering how these actors can be connected to the national-level agencies risks duplicating provision – or reinforcing existing duplication – of the same security and justice services at two or three different levels. Not only would this be inefficient, but it might even be detrimental to security and justice service delivery, if the three levels were to start competing for resources and authority. To make sure that improvements in service delivery and state-building go hand in hand, instead of working against each other, bottom-up and top-down approaches need to be integrated. This can be done by ensuring that effective linkages between local/non-state and central state actors are either created or improved upon. Alternatively, thinking about security and justice in terms of (transferable) functions, not form, can allow us to come up with a programme in which functions are initially provided by local/non-state actors, and then gradually handed over to the state, as its capacities to provide security and justice grow.

Second, by incorporating local/non-state actors in justice and security development support programmes, donors risk damaging their relationship with the host government. Almost all security and justice programmes are the result of a negotiation process between the donor and the host government. The principle of local ownership – the host government taking the lead role – is crucial. Often, governments in fragile and (post-)conflict states see local/non-state actors as competing with them for authority, or as a threat to stability and peace. Efforts to incorporate support for local/non-state actors in (negotiations on) SSR programmes might easily be construed as interference in domestic affairs, which could damage relations between donors and host government. Therefore, donors need to apply their diplomatic skills to persuade host governments to agree to the inclusion of local/non-state actors in security and justice programmes. They can stress to governments that local/non-state actors are integral ingredients of overall security and justice delivery, and that therefore including them in security and justice development will be beneficial for the central government as well. Donors can also take a portfolio approach to negotiations, in which they make support for local/non-state actors part of a package deal. Alternatively, donors could provide support indirectly, through non-governmental organizations (NGOs) or trade unions, rather than directly through an official security and justice programme, avoiding a discussion with a host government altogether – although this in itself brings other challenges (regarding the coordination of efforts, for example).

Third, support for local/non-state actors carries the risk of doing harm by: a) upsetting relationships and power balances between central state agencies and local/non-state actors, as well as among local actors; b) inadvertently creating or reinforcing extortion rackets (thereby reducing security for local people) in the effort to make local/non-state security providers self-sufficient; and c) 'damaging a good thing' – overwhelming small-scale local/non-state actors with an influx of large amounts of funding and associated reporting requirements. The first issue can be addressed by making sure to engage host governments in plans for supporting local/non-



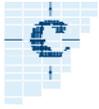
state actors from the start, and by ensuring that such plans are based on a very detailed understanding of the power relations at the local level (i.e., an understanding of the local context at the micro-level). The second can be managed by including a focus on accountability and oversight in programmes that support local actors (which also aligns well with overall governance objectives), and by closely monitoring the political economy of the micro-level local context so that aberrations can be caught early. The third issue requires innovative funding and management strategies, disbursing many small amounts of funding rather than a few large ones (increasing management and transaction costs), and a flexible approach to reporting standards. Here, investigating what can be learned from experiences with multi-partner pooled funds and micro-credit schemes might generate valuable insights.

Fourth, donors who would like to support local/non-state actors face a problem at home: risk-averse behaviour on the part of domestic policy-makers. It is difficult for donors to fully know and understand the 'micro-local' context in which local/non-state actors operate, so there is always a risk that support would inadvertently be given to a local/non-state actor that turns out to not respect human rights, or that is involved in criminal activity. Although a similar situation could easily arise when supporting state security and justice agencies (which just as often violate human rights, or are engaged in crime), the sense among policy-makers is that this risk is more acute when it comes to local/non-state actors. Since such a situation would lead to negative publicity at home, this is something most policy-makers want to avoid. There is therefore considerable wariness among donor policy-makers when it comes to supporting local/non-state security and justice actors, and a tendency to discontinue entire programmes when a programme includes an unreliable or unaccountable actor. To overcome this problem of risk aversion, donors need to take a threefold approach: develop a knowledge-management strategy that will help them acquire a detailed level of knowledge (including the identification of reliable local informants), in order to minimize the chance of supporting actors who prove unreliable or unaccountable; the development of tools and mechanisms, including monitoring tools, that identify and address existing risks and mitigate future risks; and a communication strategy to make donor governments' domestic audiences aware of the advantages of supporting non-state actors as well as of the risks and ways to attenuate these.

Finally, there are some practical challenges concerning programme management. The first relates to the sustainability of support given to local/non-state actors. Most programmes take a capacity-building approach – providing equipment and training so that actors can provide services. Although it is an important ingredient of support for more effective service delivery, such an approach has recently come under increasing criticism, since it does not guarantee sustainability. Therefore, an approach that supports local/non-state actors to become self-sustaining is required. Inspiration for appropriate activities in this regard might be found in micro-credit schemes. Another practical challenge is the fact that programmes supporting local/non-state actors are very demanding in terms of staff time and skills. This implies staff capacity requirements that are hard to meet, especially given the current climate of budget reductions and staff cuts. Pooled funds or outsourcing management of activities may be ways of solving this problem. More fundamentally, donors need to make sure that implementing staff are willing to work with local/non-state actors. Although there may be growing awareness of the



role and importance of these actors at the policy level, implementers are in many cases still resistant to the idea of including non-state/local security and justice actors in programmes. Overcoming this hesitancy requires an internal communication and advocacy strategy.



1. Introduction

In large parts of the globe, especially in fragile and (post-)conflict countries, many citizens cannot rely on the state to provide safety and public order. In many such cases the resources, capacity and skills for effective protection are absent and, as a result, police, military and related security services are unable to fulfil their roles. Moreover, in some cases, the police, the military and related security services are perceived to be part of the problem rather than the solution. The reasons may be manifold: they might be corrupt, colluding with criminal organizations or specific social groups within society, or used as a tool for achieving political aims. Often they also display a flagrant disregard for human rights. For example, in Colombia there are many poor and middle-class neighbourhoods in urban areas – Cali, Bogotá, Cartagena – where the police cannot or do not want to go. These are often the same neighbourhoods where levels of violence and crime are high, and where drug cartels, illegal armed groups and gangs are engaged in violent disputes over who controls the territory and thus the drug trade. Moreover, for residents of these neighbourhoods, state courts are out of reach, either physically or financially, or both. In such cases ordinary citizens cannot trust the state's security and justice apparatus, or they are afraid of those who nominally are the 'providers of security' and see them as a threat to their safety rather than a source of security. These problems are not limited to the police and other providers of security, but can be found throughout the security and justice system. Courts and other formal justice providers are often equally perceived as incapable, inaccessible, expensive and slow or, worse, as corrupt, biased and politicized.

In addition, in countries where the process of state-building is embryonic or fragile, formal state security and justice institutions are often paralleled by other structures of power and public order. They can therefore be perceived and treated as alien bodies, set up to extend centralized power by the national government, previous colonial administrations, or even the international community (as is the case for the police and military in, for example, Afghanistan and Iraq). These formal institutions speak a language local people do not speak (sometimes literally, but



also in the sense that their juridical language is alien to people's everyday lives), are often located far away and their services are expensive. As a result, many people lack security and access to justice, particularly those in the poorer and more remote areas of fragile and (post-) conflict states.

In these situations, communities often rely on non-state, semi-formal or local arrangements to provide the services for their security and justice needs. The ways in which this is done vary widely. Some rich neighbourhoods put a fence around a compound and employ a private security company for protection; in other, poorer environments, communities set up communal security and justice mechanisms.

It has been observed that such local/non-state security and justice networks often take on a large share of the justice and security service provision for people in fragile states. Local people frequently perceive their services to be more effective than those offered by official entities: they may be more respected, physically and culturally closer, and more efficient, as well as cheaper and more responsive. These informal systems provide ways for people to find a modicum of security and justice in very unstable and unsafe circumstances.¹ These are the systems that have a direct impact on people's lives. Moreover, they may represent an important ingredient for development, by providing the security required for economic activity to flourish² – a very direct security–development nexus.

For those working to enhance human security in fragile and (post-)conflict states, it is therefore crucial to take note of such local security and justice initiatives and to assess their potential role and added value in the process of developing or improving such services for the population. Assisting them can have an immediate positive impact on the security situation of those who most need it, and contribute to development as well. It is advisable for donors to dedicate a portion of their support to local and non-state providers. However, building a legitimate, accountable and responsive state ultimately remains the long-term aim of support for justice and security development programmes. Support for local and non-state providers should therefore be firmly anchored, where possible, in larger justice and security development programmes involving the development of the state's security and justice institutions. Such a pragmatic, realist approach would allow for improvements in the security and justice situation of the most vulnerable people in the short to intermediate term, while at the same time working towards a long-term and effective state provision of justice and security.³

At the same time, the existence of such local/non-state security and justice initiatives and groups can also have a negative impact on local security and justice. As is the case with formal security

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- 1 See Scheye, E. (2009). Pragmatic Realism in Justice and Security Development: Supporting Improvement in the Performance of Local/non-state Justice and Security Networks. Available online: http://www.clingendael.nl/publications/2009/20090707_cru_local_justice_scheye.pdf
 - 2 This connection between security, justice and development (or security, justice and jobs, as the World Bank calls it) is also the main focus of the 2011 World Development Report.
 - 3 For a more thorough discussion of the pragmatic realist approach to including local/non-state actors in justice and security development, see: Scheye, E. (2009).



and justice providers, some of these local/non-state groups can be infiltrated or even created by elements that aim to control areas for criminal purposes. An example of this can be found in Colombia where guerrilla forces, drug cartels and (neo-)paramilitary groups try to control the lucrative drug trade by dominating certain territories and infiltrating local institutions, including the local/non-state security and justice providers. Again, like central state actors, local/non-state actors may themselves be involved in corruption and racketeering. An example can be found in the Lagos transportation union.⁴ And even if there is no criminal intent, there is always the risk of these actors turning into vigilantes who provide mob justice rather than security. As these groups and actors are not necessarily subject to the law (either theoretically or in practice, or both), and in many cases are volunteers, it is difficult to hold them to account. This is all the more problematic where the groups are based on particular cultural, ethnic or tribal affiliations or religious ideas, and engage in practices that violate basic human rights (including those specifically pertaining to women or to minority communities). Moreover, since there is often a lack of appropriate and functioning oversight and accountability mechanisms for local/non-state actors, people who feel they are maltreated by them cannot always get redress.⁵ Finally, more often than not, these actors are involved in competition and power struggles with formal institutions and other informal actors, creating the risk of parallel structures and, paradoxically, more instability. Thus, alongside benefits, there are also great risks and challenges associated with including local/non-state justice and security providers in programmes for justice and security.

As a result, anyone – and in particular donors – working in programmes to improve security and justice faces a dilemma: excluding local/non-state actors could mean ignoring those mechanisms that actually provide services and have a large and immediate impact on poor people's lives; yet including them involves challenges and potentially huge risks. With this dilemma in mind, the Clingendael Conflict Research Unit (CRU) has examined the possible role such actors could play in Security System Reform (SSR)⁶ programmes. The aim of the project was to investigate **the conceptual, policy and practical opportunities and challenges for including local/non-state security and justice networks in security and justice programming**. In a conceptual paper based on desk-study,⁷ the case was made for the need for and practicality of support for such actors, and a pragmatic realist approach to dedicating resources to what is already there and works. Three subsequent case studies – in Burundi, South Kivu (Democratic Republic of the

4 See Louis Theroux's Documentary Law and Disorder in Lagos:
www.documentaire.nl/review/louis-theroux-law-and-disorder-in-lagos

5 Although these are indeed risks when it comes to local and non-state actors, the same can be said for state actors: they, too, often violate human rights with impunity.

6 Although the terms Security System Reform (SSR) and security and justice development programmes are not identical contentwise – SSR programmes, for example, often ignore justice aspects – this paper uses the two interchangeably for ease of reference. Similarly, the paper will use 'justice and security development' and 'security and justice development' interchangeably, to avoid the impression that either justice or security is more important than the other.

7 Scheye, E. (2009).



Congo) and Colombia⁸ – identified local/non-state security and justice actors suitable for support as well as options for supporting them, thereby showing that there are programming opportunities. However, even after it has been demonstrated that it is both necessary and possible for donors to support local/non-state security and justice providers as part of SSR programmes, there is still the practical question of what a feasible and effective donor approach to this would look like. In particular, issues such as programme management and risk management need a closer look.

By way of synthesis, phase 3 of the Clingendael project aims to address these issues and discuss potential avenues for the practical inclusion of local/non-state security and justice providers in donor-supported SSR programmes, distilling the knowledge on existing practice that was obtained in phase 1 and 2, as well as from an expert brainstorm meeting on the subject. This brainstorm meeting brought together 10 experts from research and donor institutions, for a one day meeting.⁹ Under Chatham House rules, the challenges and risks to supporting local/non-state actors and practical programme management issues were discussed. The aim was to come up with suggestions and solutions to overcome those challenges.

The present paper will discuss the findings from both the Clingendael research project and the brainstorm meeting. It will outline practical risks and challenges donors face when supporting local/non-state actors as part of justice and security programmes. These risks and challenges broadly fall into five categories:

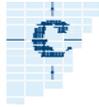
- the dilemmas of risking parallel service provision and issues of 'local ownership';
- the risk of damaging donor–host government relations;
- the risk of doing harm;

8 See: Scheye, E. (2011). Local Justice and Security Development in Burundi: Workplace Associations as a Pathway Ahead. Available online:

http://www.clingendael.nl/publications/2011/20111000_burundi_scheye.pdf; Scheye, E. (2011). Local Justice and Security Providers in South Kivu: Going Local to Support Youth-*Neighborhood Watch-Community Development*. Available online:

http://www.clingendael.nl/publications/2011/20111000_southkivu_scheye.pdf; Scheye, E. (2011). *Local Justice and Security Programming in Selected Neighborhoods in Colombia*. Available online: http://www.clingendael.nl/publications/2011/20110415_cru_publication_escheye.pdf

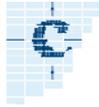
9 The one-day expert brainstorm meeting was held on 10 November 2011, in The Hague. Participants were: Berber van der Woude, Peacebuilding and Stabilization Unit, Dutch Ministry of Foreign Affairs; Eric Scheye, Independent consultant, justice and security development; Henry Smith, DFID, UK; Kristiana Powell, Coordination Officer, Security Sector Reform Unit, Office of Rule of Law and Security Institutions, UN Department of Peacekeeping Operations; Lisa Denney, Research Officer, Overseas Development Institute; Luc van de Goor, Head, Clingendael Institute Conflict Research Unit; Maria Derks, research fellow, Clingendael Conflict Research Unit; Mariska van Beijnum, senior research fellow, Clingendael Institute Conflict Research Unit; Piet Biesheuvel, Consultant Coffey International; Victoria Walker, Senior Advisor, International Security Sector Advisory Team. Their input was invaluable for this report. Any errors or erroneous assumptions remain the responsibility of the author of this report.



- the challenge of risk aversion; and
- the challenges of programme management (sustainability and required donor staff skills).

For each risk or challenge the paper will suggest potential practical solutions.

This paper starts with a brief summary of the findings of the three case studies (section 2). It will then turn to a discussion of the dilemmas that donors face when seeking to include local/non-state actors in support for justice and security development as well as potential solutions (section 3). Subsequently each of the four challenges mentioned above will be elaborated on (section 4). In doing so, the paper aims only to make a start on the discussion on *how* to include local/non-state actors, so as to move this debate forward. It does not claim to be comprehensive, nor to have all the answers.



2. Local/non-state provision of security and justice in Colombia, Burundi and South Kivu

During the project, three case studies to identify local/non-state security and justice providers were carried out. It is important to note that these cases are very different from each other. Colombia is a large, middle-income country, with a long history of violence. There are two main – and interlinked- sources of this violence: the conflict between state security forces, Marxist guerrilla groups and paramilitary forces that has raged since the 1960s, and the highly lucrative illicit economy (drug trade) that developed from the late 1970s onwards. Burundi is a small, low-income country, with a history of ethnic conflict between its two main ethnic groups, the Hutus and the Tutsis. After peace agreements were reached between the different warring factions in the mid-2000s, the country has shown a strong centralizing (and perhaps authoritarian) tendency, with more and more power concentrated in the capital. The Democratic Republic of the Congo (DRC) is a very large, low-income country, with a long history of conflict and violence. The ability of the central state to project power out to the far reaches of the country is limited, and state capacity in general is low. The international community has long been involved in stabilization and protection efforts, through UN peacekeeping operations (MONUC, followed by MONUSCO) and other initiatives.

Despite their marked differences, these countries do share one characteristic: a lack of trust among the population in the-state provided security and justice services. The research carried out by Clingendael found that in each of these cases, there are examples of communities having set up their own security systems. In Colombia this was often done through Juntas de Acción Comunal (JACs – community development councils) or non-governmental organizations (NGOs).¹⁰ Examples include the installation of community alarm systems,¹¹ collective hiring of a

10 The research was carried out in Bogotá and surrounding rural areas, Soacha, Cali and surrounding rural areas, Cartagena, Sincelejo and the Montes de María area.



security guard to protect a communal parking lot or organizing neighbourhood watch groups, with young men armed with whistles and bikes to patrol the neighbourhood and provide emergency response services (such as medical transport). These groups may even purposefully include ex-gang members.¹² Similarly, there are local justice mechanisms that create access to dispute resolution services for those who cannot get access to a formal court. These include elected lay judges (Jueces de Paz – Justices of the Peace – JoP), who provide justice services for mostly minor civil cases (rent disputes, domestic violence, quarrels between neighbours, parental and child support cases)¹³ and mediators (Conciliadores en Equidad), who are community members selected and trained by the Chamber of Commerce to arbitrate on similar issues. In Colombia, the JACs, JPs and mediators are all recognized by law, and are therefore legally mandated by the state to provide these services.¹⁴

In Burundi, the Clingendael research has found that an important role in the provision of security is played by workplace associations, such as the Taxi-Cyclists Association, SOTAVEBU.¹⁵ This association has formed security committees to organize protection for the bikes (as property) used for taxi services, their riders (who often rent the bikes from their owners), and the goods they transport. For example, they run secure parking lots for the bikes, and have introduced mechanisms to retrieve transported goods that happen to get lost in transit. Similarly, the Palm Oil Plantation Guards Association was established to help prevent the theft of small-scale palm oil cultivators' crops. They patrol the palm oil plots at night, and when they catch a thief, hand him over to the police in the morning. In this way, these associations provide security as a vital service required for economic activity. The Bashingantahe – traditional dispute-resolution and justice mechanisms – were found to be of waning importance. In spite of having been recently de-legalized by the central state as part of its moves towards the centralization of power, they still play a role in local dispute resolution and justice – especially when it comes to issues of violence against women – and could for that reason usefully be supported as part of justice and security development. However, the fact that they were de-legalized indicates that relations between the Bashingantahe and the state are somewhat antagonistic. This will complicate any donor efforts to support them as well as the integration of the Bashingantahe into a wider security and justice programme.

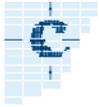
11 These alarm systems are based on the idea of communal action when a crime or act of violence occurs: in such an event, a victim or witness can set off the alarm, and the neighbourhood's residents respond by apprehending the perpetrator until the police can take on the case. A problem with these systems can be hoax alarm calls, leading to a 'cry wolf' situation, so they are not always as effective as they were hoped to be. See: Hill, R., Temin, J., Pacholek, L., (2007). 'Building Security where there is no Security', *Journal of Peacebuilding and Development*, Vol. 3, No. 2, pp.38–52.

12 See: op. cit: Hill, R., Temin, J., Pacholek, L., (2007).

13 Although these cases may be minor compared with larger criminal cases, they are often of huge importance to the parties to the dispute, and when left unresolved have a tendency to escalate into (more) violence. Therefore, access to dispute resolution mechanisms such as these is very important for stability and security.

14 For a more detailed discussion of the research findings, see: Scheye, E. (2010).

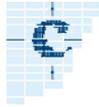
15 Solidarité des Taxis Vélos du Burundi.



In the urban areas of Bukavu (Eastern DRC), where the police rarely respond effectively to security issues, Clingendael found that young men volunteered to patrol neighbourhoods in teams called 'Forces Vives', organized by the NGO SAJECEK.¹⁶ Starting out as a neighbourhood watch group, this NGO is evolving into a wider community development initiative, as it wants to expand and provide services in other areas. Moreover, Forces Vives filled an important role in the development of social efficacy¹⁷: the young men involved in the patrols expressed a sense of enhanced self-esteem and pride as a result of their participation in the initiative. With regard to justice, it was found that local courts (which were part of the chieftaincy system) played an important role in providing access to justice for local populations. However, their role was progressively becoming less important, as the central state was in the process of replacing them with more centralized Tribunals of Peace (Tribunaux de Paix). As with the move to de-legalize the Bashingantahe in Burundi, this is a manifestation of the fact that there are some tensions between the central state and local courts, with the central state attempting to gain control over local justice provision at the expense of the local courts. This complicates any donor support efforts for local courts as well as their integration into the wider justice and security system.

16 SAJECEK stands for 'Synergie des Associations de Jeunes pour l'Education Civique Electorale et la promotion de leadership cohésif au Sud Kivu'.

17 Social efficacy (or collective efficacy) is a term from criminology, describing the level of trust amongst members of a community, as well as their self-esteem, and shared expectation for action belief in their ability to control their own environment and well-being. For further reference, see (quoted from Scheye, 2009, p. 27): "R. Sampson. 'The Neighborhood Context of Well- Being'. Perspectives in Biology and Medicine 46(3), 2003, pp.S53-S64; and R. Sampson. 'Neighbourhood and Community: Collective Efficacy and Community Safety'. New Economy 11(2), 2004."



3. The dilemmas of supporting local/non-state actors: parallel service provision and 'local ownership'

SSR as a concept is people-centred: it emphasizes that it aims to improve the security and justice situation for people. It seeks to do this through the reform and development of security and justice institutions towards more effective, efficient and accountable delivery services. In many conflict-affected and fragile states, a mix of actors provides security and justice to people. For example, in the course of the research, it became apparent that rather than the 'non-state/state' dichotomy that is commonly used, there are three types of actors involved in providing justice and security services:

1. Agencies of the central state (including those directly involved in provision, such as national police and central state courts, as well as the ministries and other state institutions involved in management and governance of security and justice provision);
2. Local actors: those actors mandated (by law, constitution, etc.) to provide security and justice services at the local level (the exact form of which is highly context-specific, but including, for example, municipalities, municipal police, community associations, local and traditional courts, etc.);
3. Non-state actors: those actors that provide security and justice without a state mandate.

In principle, the SSR concept recognizes this and emphasizes that efforts to reform or develop justice and security institutions should not follow some kind of blueprint with the aim of establishing a Weberian ideal-type state. To put it bluntly: it is agreed that we are not trying to create a 'Norway in a developing state'. Rather, there is an acknowledgement that the form of justice and security institutions should follow function, and therefore, that such institutions can come in many forms and shapes, including local and non-state actors.



In spite of this recognition, most security and justice development programmes focus only on the central state institutions that provide justice and security. This is partly because these institutions are the natural counterparts of donors, but also because of an inherent tension within the SSR concept itself. Although SSR emphasizes the importance of a people-centred approach, it is often interpreted within a state-building framework and for that reason supporting non-state or local actors to provide security and justice services is deemed a risk, as it can lead to duplication of service delivery, or even the creation of parallel institutions. Security and justice development support is mostly geared towards establishing the accountable and effective delivery of security and justice by well-functioning *state* institutions (often in the form of capacity-building).

Unfortunately, such state-centred approaches to justice and security development have generally fallen short of expectations, especially in terms of increasing human security. Reform of state security and justice institutions is a politically sensitive topic and a laborious, long-term process. As a result, most of these reform programmes do not improve the security and justice situation on the ground, at least not in the short to medium term.¹⁸ This reveals that the interpretation of SSR as a state-building effort has made it difficult in practice to simultaneously pursue a truly people-centred approach.

Including local/non-state actors – which can have an immediate impact on local security and justice situations – in support initiatives might help to improve the effectiveness of security and justice development programmes in this respect. Such support could also add an important layer of ownership to security and justice programming, in particular in cases where the formal sector is not trusted and/or too distant. Moreover, since formal, central state institutions in many cases can (and do) coexist, cooperate or divide labour with local and non-state actors, it seems evident that a state-building and people-centred approach can be reconciled, provided that a reform programme ensures the coherence and effectiveness of the overall system, and that reform and development efforts over time build effective state institutions.

In programming practice however, it is difficult to operationalize this, since it is difficult to ensure an overarching plan that involves both local/non-state actors and central state actors, as there is often a large degree of mistrust between the two, and a tendency for them to view each other as a threat. There is a risk that support for local/non-state security and justice actors to improve service delivery may create or reinforce duplication of efforts as different actors take on the same role or, worse, intensify power struggles between different security and justice actors. This issue is often referred to as the risk of creating parallel structures.¹⁹

18 This is compounded by the capacity- or institution-building approach that these programmes tend to take, which focuses on training and equipping security and justice institutions, in the expectation that this will improve their performance. This approach alone has not proved effective or sufficient, and is in need of review.

19 It is worth noting how the term 'parallel structures' is used here. Often this is interpreted as setting up 'a state alongside the state'. However, local actors often have a legal mandate to provide security and justice services and thus are not parallel structures to the state, but part of the state. For this



Following from this, another underlying dilemma for those supporting security and justice development comes to light, namely that concerning 'local ownership'. The SSR concept can be interpreted as that the people themselves should be the local owners of a reform or development process, given that SSR is aimed at improving the delivery of security and justice services for the people. If this is taken seriously, it will be difficult to overlook local/non-state security and justice providers. However, when it comes to programming, 'local ownership' is often interpreted as following the lead of *national governments*.²⁰ Since governments often perceive local/non-state actors as a threat, this interpretation of local ownership is liable to exclude support to local/non-state actors.

Therefore, the emphasis on human security and service delivery in the SSR concept and the way SSR is often operationalized in programming – as a state-building exercise to develop the agencies and institutions of the central state – lead to some uncomfortable tension. Addressing this tension between the service delivery and state-building elements of SSR, and the sequencing of these two approaches, requires a degree of compromise if both are to be successfully embraced in programmes. Support for local/non-state actors and activities in the formal security and justice sectors must be linked properly, so as to ensure that improvements in service delivery and improvements in the functioning of the state go hand in hand. This means that bottom-up and top-down approaches need to be integrated, by making sure that effective linkages between local/non-state and central state actors are either created or improved upon.

An alternative strategy could be to think about designing security and development programmes that concentrate on the transferability of functions, rather than working to create the capacity of one organization or another to complete certain tasks. This requires abandoning the current practice of setting up a programme that looks at which (state) *actors* need to be reformed in order to develop a security and justice system, and switching instead to an approach focusing on the *functions* that need to be carried out by the security system. Such a strategy would first identify the functions that need to be carried out to meet specific needs, and then seek the actor best suited to carry out these functions. Initially, this might be a local or non-state actor, but a function can later be transferred to the central state agencies and institutions, when their capacity has sufficiently increased and trust in them has grown.

For example, in Cali (Colombia), Community Security Teams (CSTs) were set up to patrol specific neighbourhoods, and provide basic security in those neighbourhoods that were 'no-go' areas for the police. However, after the teams were established, the police started working with them and thus were slowly reintroduced into the neighbourhoods.²¹ Similarly, one of the proposed programmes for working with SAJECEK-Forces Vives involves jointly creating a crime-tracking database, which could in time be transferred to the police. In this respect, the human security

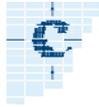
reason, the term is used here for situations where different actors provide the same services and/or compete over the provision of these services.

20 In line with the Paris Declaration and the Accra Agenda on Aid Effectiveness, and the 'New Deal for engagement in fragile states'.

21 See: op. cit: Hill, R., Temin, J., Pacholek, L., (2007).



and state-building elements of SSR can be streamlined. Moreover, this strategy might allow donors to see supporting local/non-state actors within security and justice development initiatives as transitional, which might allay any hesitation they have in engaging with these actors (which will be discussed more in detail below).



4. Challenges for donor support to local/non-state justice and security actors

Risks for donor-host government relations

Donor support for security and justice development is almost always based on a negotiated agreement on a programme between the host (national) government and the donor government. Integrating local/non-state actors into a wider SSR programme can complicate discussions on such an agreement between a donor and a host government.²² Most host governments consider security and justice as integral parts of sovereignty, and as such, the exclusive domain of the (central) state. Therefore, external support for SSR is a sensitive subject in itself – as it can easily be construed as foreign intervention in sovereign domestic issues and any proposals may be rejected simply on the grounds that it was a donor who brought them to the table. Any donor wishing to support security and justice development has to tread carefully, and deal with difficult political questions of local ownership and political will.

In the case of supporting local/non-state security and justice providers as part of SSR, this challenge is compounded. State actors often perceive local/non-state justice and security providers as competitors (or even insurgents), and as threats to their authority and sovereignty, even if in practice the systems of governance and security and justice provision in place already include a mix of central state, local and non-state actors. Although this is perhaps not so much of an issue when it comes to small-scale dispute-resolution issues, it becomes progressively more sensitive as we move along the justice and security spectrum towards the harder, more kinetic types of security services (that is those mandated to use or threaten the use of violence, i.e.

22 One instance where this is less problematic is in countries where a peace agreement included a provision on the integration of (parts of) armed factions or former rebels into the formal security forces, such as Burundi.



police and army). This is especially true in the context of fragile and (post-)conflict states, where governments are often engaged in struggles to consolidate their authority. Therefore, supporting local/non-state actors as part of a security and justice development programme could easily be construed as interference in domestic affairs and in the state's efforts to control the sector that is seen as crucial for peace and stability. It therefore adds a new layer to the discussion on local ownership, as it raises the question of whose security and justice is at stake and who is best positioned to provide the services required.²³ At worst, support for such activities (small as they may be) could put a strain on relations between the host government and the donor and, ultimately, hamper the effectiveness of an overall security and justice development programme.

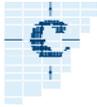
To mitigate this risk, it is essential to balance any such approach with a dialogue on the objectives of SSR and ways to achieve them, as well as with engagement with central state security and justice actors. One way to do so is to stress to central state representatives as part of discussions on security and justice development that the services provided by the local/non-state actors are integral parts of the functions of the state, and support for them can therefore be beneficial to central state actors as well. Another key element of risk management is to find ways to integrate or at least link support for local/non-state security and justice actors to wider security and justice development programmes in such a way that together they strengthen the overall system of justice and security provision. This requires a focus on strengthening any already existing ties between the central state security and justice providers and local and non-state ones, as well as a focus on improving the state's responsiveness and capacity to provide security and justice, and by extension, its degree of legitimacy.²⁴ This suggests a need to emphasize the specific functions fulfilled by each of the providers – local/non-state and central state – in discussions on how programmes are set up.

Another way to lessen the risk of damaging political relations could be to take a portfolio approach to negotiations with the national government on a security and justice development programme. In such a portfolio approach, a programme consists of many different components, one of which can be support for local/non-state actors. By making such support part of a larger package that also includes support for central state agencies, donors might be able to temper some of the negative responses of the host government. If necessary, this can also be used as a negotiation tool to persuade host governments to allow support for local/non-state security and justice actors, by offering support for a 'package deal' that includes support both for state and for local/non-state actors. This, however, is a diplomatic tool to be used with caution, as it can easily be seen as conditionality, challenging the principles of local ownership.

A final way to reduce the risk of potential tension is to provide support indirectly where possible, through partnerships with similar organizations based in donor countries. For example, in Colombia the Chamber of Commerce manages a programme for mediators who provide dispute-resolution services at the local level. Such a programme could be supported by

23 And hence the Paris Declaration which states that effective leadership and coordination of development activities is in the hands of local governments.

24 Although this is challenging in itself since there may be high levels of distrust between the two groups of actors.



channelling funding and programme management through a donor's Chamber of Commerce, rather than directly through donor agencies. Similarly, in Burundi, workplace associations were found to be involved in security delivery. Donors could support these associations indirectly through their own workplace associations or labour unions. However, it is well understood that support via or to labour unions can be perceived as supporting groups that can mobilize opposition and become a government's political opponents. Besides the risk this creates for damaging relationships between donor and host government, it might also do harm to the local/non-state actors and the local labour unions, as it could trigger a negative response from the local government towards them. Indirect support can also be viewed as undercutting local ownership of development processes. Therefore, this approach should only be taken with great caution.

The risk of 'doing harm'

Although it can be an effective way of increasing security and justice at the local level, supporting local/non-state actors as part of SSR also involves the risk of 'doing harm' in a number of ways. First there is a risk of doing harm because of the inherently political nature of justice and security provision. Who provides security is directly related to who wields power and influence, as well as – ultimately – to whom security is provided. It is an intensely contested issue, particularly in unstable fragile or post-conflict situations, where multiple actors – state, local and non-state – vie for power. Often the security and stability of an area is poised on a delicate balance of power between these actors. This has consequences for engaging local/non-state actors as part of a larger justice and security development effort, since such support may upset this equilibrium. In particular, there may be detrimental effects at two levels:

- a) in the relations between the central state's institutions and the local/non-state providers of justice and security, and
- b) between different local/non-state actors.

To start with point a), as suggested above, supporting local/non-state actors risks establishing or reinforcing structures that in parallel provide the same services and compete for the power to control the provision of security and justice. For example, improving the capacity of local/non-state security actors such as neighbourhood watch groups may be perceived as tacit disapproval of formal security providers and institutions such as the police, thereby undermining their position, and consequently their mutual relations and ultimately the long-term sustainable provision of justice and security services.

In order to avoid such a situation of disconnection and mistrust, it is important to think of ways to involve and engage the agencies of the central state as soon as possible in any programme or project focusing on local/non-state actors. This can mean simply starting a dialogue on what the challenges are and what kind of services are needed, so as to increase their awareness of the importance of local/non-state actors. Neglecting this aspect of the process could lead to local/non-state security and justice actors being harassed and their work obstructed, and



consequently, to ineffective programming. Even when supporting local institutions mandated by the state, there is a risk that this may lead to power struggles and competition between different (parts of) ministries that claim to have jurisdiction over a specific actor. This is the case for example in Colombia, where different local justice mechanisms – JoPs, mediators – fall within the competencies of different parts of the Ministry of Justice and Interior. Similarly, in many African countries, local justice mechanisms come under the ministries managing local administration and, unlike the formal courts, not under the ministry of justice.

Similarly, as regards the relationship between local actors themselves, point b), support to one organization may be seen as preferential treatment. This could easily upset delicate local power balances between different local/non-state actors, thereby inadvertently having a destabilizing effect. This is especially the case when it comes to proposals to extend one organization's activities into other areas. It is an issue that can also arise at the level of central state agencies where specific religious, ethnic or political groups may have captured particular institutions and be involved in power struggles as well. But the great variety and sheer number of non-state and local actors – there may be several different ones in each neighbourhood, municipality or community – amplifies the risk of doing harm by selecting some for support and not others.

Both points a) and b) suggest that when it comes to including local/non-state security and justice networks in support for security and justice development, a very detailed understanding of the context at the local level is paramount. The need for a proper and careful analysis of the context is a well-recognized requirement for effective SSR. However, to effectively include local/non-state actors, such context analysis needs to be much more detailed, and geared to a micro – even down to neighbourhoods and communities – rather than national level. This should include close examination of the political economy at this micro-local level: the roles that local/non-state and state actors play, the local power dynamics and linkages between them, and the potential avenues for supporting reinforcement of the ties between state and non-state local actors. This poses quite a challenge, since it requires a deep understanding of local conditions, which may be difficult for donors to develop. This point will be returned to below.

The second risk of doing harm by supporting local/non-state security and justice actors pertains to the specific innovative methods that need to be employed for support to be effective. Such methods are necessary because the default method of giving support – a capacity-building approach ('train and equip') – has proved to lack sustainability (see below). Improvements in justice and security service delivery will not last, unless a funding stream separate from donor support is set up. Similarly, the 'usual' forms of support for local/non-state actors, in the form of capacity-building, such as supplying equipment (for example: T-shirts, whistles, bikes for security groups, or stationery, filing cabinets or office space for local justice initiatives) and training (for example in human rights and self-defence for local security groups; or for court management and record-keeping for justice institutions) are important but can create aid dependency and thereby in themselves are not necessarily sustainable. Such measures need to be complemented by forms of support that increase the sustainability of the initiatives. For example, supporting the neighbourhood security work of SAJECEK-Forces Vives (S-FV) in



Bukavu (DRC) can entail allowing local businesses access to credit²⁵ in the name of S-FV (yet without their involvement), while requiring them to pay a certain percentage of their profits to S-FV for the provision of security. This can stimulate the local economy while creating an environment in which business owners are willing and able to pay for S-FV services, and thus establish an economic base and revenue source for S-FV, enabling it to ensure that security services can be provided sustainably without donor support. Similarly for the Taxi-Cyclists Association in Burundi, it may be necessary to help them acquire bikes, to make sure they can continue their taxi services to generate income. In doing so, a donor could support their survival as an organization and simultaneously the continuation of their security service provision.

Unfortunately, such innovative forms of support that ensure sustainability are risky, since they can also engender lucrative opportunities for protection rackets, corruption and extortion. Their aim is to set up revenue streams for security and justice actors that would be capable of extortion and corruption, by increasing the wealth of the community, which simultaneously might increase the incentives to engage in such unwanted practices. Moreover, these forms of support risk setting up structures in which security has been turned into a commodity – available only for those who are members or those who pay. Consequently, supporting organizations in this way could inadvertently promote the creation of mafia-like structures which might ultimately undermine the population's security rather than improve it.

As with the risk of upsetting local power balances, managing the risk of inadvertently creating (or reinforcing) extortion rackets requires detailed knowledge and continuous monitoring of the micro-local context. This is necessary in order to estimate the level of risk and to assess the dynamics and actors that could lessen this risk by providing checks and balances. When it comes to the prevention of racketeering and corruption, it may also be necessary to include in a programme a component that guarantees oversight and accountability of the local/non-state security and/or justice provider. This could involve setting up independent complaints and arbitration committees and appropriate and transparent financial management systems, or establishing linkages with state oversight boards, possibly at the municipal level. Besides managing the risk of doing harm, this also aligns very well with wider governance and nation-building activities.

Thirdly and finally, supporting local/non-state actors risks doing harm in that it could 'damage a good thing'. Owing to staff limitations, administrative requirements or programme management issues, donors often prefer to support projects that have economies of scale: large projects that require a lot of funds and a limited amount of management.²⁶ However, integrating local/non-state security and justice initiatives into security and justice development programmes implies supporting a large variety of dispersed and very small organizations with very small amounts of

25 Micro-credit and micro-finance measures come to mind here, and it would be worth investigating whether and how the tools and mechanisms used there could be applied in security and justice programmes that include local/non-state actors.

26 And given the current trend to cut budgets and personnel for development cooperation as a result of the financial crisis, this tendency can only be expected to grow.



funding. This approach thus requires, rather than a large-scale programme, many small investments in a multiplicity of small-scale local initiatives. For example, supporting a local neighbourhood watch group to buy T-shirts, boots, whistles and means of communication will cost a few thousand dollars at the most. Equipping and training local justice mechanisms will not require large investments either. In fact, the typical large-scale donor approach to aid is counterproductive if it is applied to support for a small-scale local/non-state justice or security provider, since it risks overwhelming the local provider and creating opportunities for self-enrichment, corruption and mismanagement.²⁷

This holds true even where there is the expectation that, with a large-scale investment, positive results from one actor in one neighbourhood can be replicated in other areas (a blueprint copy-and-paste approach that is not to be recommended anyway). Moreover, large investments in small-scale local/non-state security and justice initiatives could damage their capacity to provide security and justice services, since local actors may struggle to meet the donors' standards of monitoring, reporting and accountability. Here there is a dilemma, with donors needing to invest in large-scale projects, while support for local/non-state actors requires small-scale investment. In other words, the existing instruments are too big for the intricate work required for effective support to local/non-state actors.

Finding a solution to this can be difficult. One such solution might be to provide the support instead through a large international NGO (INGO), which in turn could manage the small-scale disbursements of money to local actors.²⁸ However, this set-up might still prevent funding from reaching the most local and smallest non-state initiatives, since INGOs are equally required to meet donors' reporting standards, and will therefore only work with those local partners that can meet these requirements. Moreover, working through such INGOs could maintain or widen the gap between citizens and state, as their services may fill a gap that otherwise would be filled by the state itself, and this, from a state-building perspective, is undesirable. By bringing in an INGO, there is also the risk of introducing a new set of interests, i.e., that organization's own political and ethical preferences. This might add an extra layer of political sensitivity and make managing the risk of damaging relations between the different actors more complex, not less. For these reasons, working through an INGO may not be the best solution to the challenge of funding support to local/non-state initiatives.

Signing a contract with the government of the recipient state to manage the funds and disburse them to the local/non-state actors is not always a solution either, especially not in the early

27 In fact, experience has shown that even when supporting central government agencies – with some level of absorption capacity – large programmes risk overwhelming or corrupting the agencies.

28 This is often how community security initiatives are structured. However, this set-up often does not allow for much focus on the actual local level, as NGOs are not always able to exert their influence over a programme in discussions with a donor. See, for example: Willems et al. (2009). *Security Promotion in Fragile States: Can Local Meet National? Exploring the Connections between Community Security and Disarmament, Demobilization and Reintegration (DDR)*. Available online: http://www.psdnetwork.nl/documenten/publications/20090801_security_promotion_in_fragile_states_can_local_meet_national.pdf



phases of starting such sensitive work. The levels of distrust between the governments and the local/non-state actors may simply be too high. Moreover, the issue of corruption may prevent donors from setting up support for local/non-state actors this way (or support for security and justice development in general), since there is a risk that a significant portion of the funds may never reach the intended recipients.

A practical and effective approach for supporting local/non-state actors as part of justice and security development demands an innovative way of managing funding mechanisms. To develop such innovative funding strategies, it is worth looking at mechanisms in broader development policy that deal with disbursements of many small funds to a diversity of small-scale activities. For example, it might be valuable to investigate whether lessons learned from experiences with pooled-funding mechanisms²⁹ (possibly in combination with micro-credit schemes) can be applied to the management of security and justice development programmes that support local/non-state initiatives. Working through respected, trustworthy and neutral (politically, ethnically or religiously) local NGOs might be a way forward, too.

The challenge of risk aversion

Although local/non-state actors often provide security and justice to people who most need it, the way they do this may sometimes be problematic. In particular, practices may not always meet human rights standards,³⁰ and some of these groups, or elements within them, may be engaged in criminal activities, corruption and racketeering. Since it is not always easy for donors to know which groups are dominated by criminal elements or which are engaged in practices not in accordance with human rights standards, there is always a chance that a group that is not bona fide will receive support under a donor programme. As is the case with any type of sensitive SSR programming, problems in such programmes may easily give rise to bad publicity. Given this risk, there is the potential for donors to become risk-averse, wary of investing in programmes that support local/non-state actors, or for them to discontinue programmes completely when one actor proves to be corrupt or to have been engaged in malpractice of some kind.

29 Such funds, called Multi-Donor Trust Funds (MDTFs) or Multi-Partner Trust Funds, pool the funds of numerous donors and place them in one larger fund. This enhances aid effectiveness by strengthening coherence through improved coordination and harmonization of interventions, increasing efficiency, and reducing management and reporting burdens and associated transaction costs. In particular those MDTFs that focus on distributing funds to local NGOs, such as the NGO window under the Peacebuilding Fund, the Basic Services Fund in South Sudan, and the Civil Society Fund in DRC, could provide interesting lessons-learned.

30 This is just as much a problem with state central actors which often equally engage in human rights abuses or are involved in criminal or corrupt behaviour. However, since state actors are the 'natural' counterparts of donors, and there is a tendency to think (perhaps falsely) that there are better ways to address such abusive behaviour when committed by state actors than when they are committed by local/non-state actors, donors are less wary of engaging with state actors than they are of engaging with local/non-state actors. This point is addressed in more detail below.



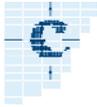
However, violation of human rights and involvement in corruption and criminal activity are not issues that are confined to the activities of local and informal actors: state institutions are often just as guilty of improbity. This does not excuse local and informal actors from improving their practice (as should state actors). Instead, it highlights the importance of thinking about ways to manage and mitigate risks from the outset. Just like state institutions, non-state actors and networks are open to learning about human rights (including the specific rights of minority communities and of women). Support programmes need to build on this willingness and incorporate an element of improvement of human rights standards. In addition, it is important to identify ways to monitor, report on, discuss and address human rights abuse, corruption and criminal activity in an effective manner. In this respect, there is not much difference between supporting state actors and non-state actors; therefore, the fact that there is a chance of supporting an actor that is not meeting human rights standards or that is involved in criminal activity should not deter donors from including local/non-state justice and security providers in their programmes. The challenge is to avoid being too risk-averse, by finding ways that allow for providing support while reducing the risks. Yet, this may be more complex at the level of local/non-state actors than at the level of the state, since a political dialogue with local actors is not realistic. An alternative may be to support the development of innovative ways of oversight and accountability in order to deal with this issue in a more effective and, for donors, more acceptable way.³¹ Furthermore, in cases where the services of local and informal actors are essential for the population's access to security and justice in the short to medium term, it is of crucial importance to improve these actors' effectiveness and accountability, and the quality of their performance.³²

In any case, addressing these challenges requires investment in building an adequate and detailed understanding of the micro-local context and the small-scale local actors themselves. This in itself raises some practical problems, since, given the small scale of local/non-state security and justice actors, it is more difficult to assess and evaluate the roles of the local groups and their leaders, than it would be in the case of formal state institutions. It is clear, and fully understood, that donors/embassies often do not have the requisite capacity to acquire such detailed knowledge themselves. There is therefore the need to invest in local networks of reliable informants and analysts, as well as in perception surveys and monitoring tools. This is necessary to build up an adequate level of understanding of the micro-local context and to properly assess the effectiveness of activities.

However, regardless of the attempts to mitigate and pre-empt the risks in this type of programming, the occasional mistake – supporting a 'bad' actor – will be made. Good reporting and adequate and flexible responses to such mistakes (other than putting programmes on hold

31 For example, in Colombia, the government recently claimed that neo-paramilitary and drug groups were extending control over cities and the countryside, often controlling more than one region. The Interior and Justice Minister, German Vargas Lleras, also estimated that in 60 municipalities spread over 20 of the country's 32 departments these groups were attempting to influence local and departmental elections of October 2011. See: <http://colombiareports.com/colombia-news/news/14357-neo-paramilitary-groups-increase-control-over-countryside-govt.html>.

32 See, Scheye, E. (2009).



or discontinuing them) need to be part and parcel of this type of programming. A reduction in risk-averse behaviour can be achieved only with measures that help donors deal with mistakes. Looking at what can be learned from pooled funds (see above) might be useful here, since they allow donors to share the responsibility and risks, limiting individual donors' vulnerability to criticism or bad press. At the same time, such funds allow for the flexibility required for an adequate response to programme errors.

In summary, dealing with the challenge of risk-averse behaviour requires a three-pronged approach:

- a) developing a way of acquiring the necessary level of knowledge (i.e., a knowledge-management strategy) in order to minimize the chances of supporting actors who prove unreliable or unaccountable;
- b) the development of tools and mechanisms, including monitoring tools, that identify and address risks and mitigate future risks in order to reduce risk-averse behaviour; and
- c) a communication strategy to raise donors' domestic audiences awareness of the advantages of supporting non-state actors as well as risks and ways to mitigate these.

Challenges of programme management

The risks and challenges discussed above point to the need for innovative programme management as a crucial ingredient for donors wishing to effectively integrate local/non-state security and justice actors into security and justice development programmes. The challenges are manifold. One is that local actors will often lack capacity for reporting and accounting according to donor rules and regulations. Ways will have to be found for dealing with this specific challenge without pushing aside the local actors and their crucial input and views. A related question is what type of management could work and what type of funding would work best when supporting local/non-state actors.

Secondly, programme management must take into account the need for managing and mitigating risks, and for developing adequate means of monitoring and reporting to local and domestic audiences (including the senior management of donor organizations and at the domestic political level). This implies that programme management requires a large capacity in terms of knowledge management. Since donors may not be in a position to assign this capacity to programmes themselves, it may be necessary to rely on trustworthy, impartial local partners for programme management. Such individuals may be hard to find in the highly politicized environments of fragile and (post-) conflict states.



Sustainability

Besides these issues, programme management also faces an important challenge when it comes to improving the sustainability of programming, as already alluded to above. In current security and justice development practice, donors often take a capacity-building ('train and equip') approach. Although capacity-building may be an important ingredient of improved security and justice provision, without additional efforts it risks being insufficient and unsustainable. Training state security and justice providers on proper behaviour and investigative and prosecutorial skills does not necessarily have any effect on the incentive structures that drive corruption or abuse; equipment provided to security forces and justice actors is likely to fall into disrepair when donor funding runs out unless there are mechanisms for raising funds to pay for maintenance and replacements. Simply giving financial support to prop up justice and security organizations so that they can carry out their activities may be a short-term way to improve security and justice delivery, but it is not sustainable. This holds true both for programmes supporting the reform of state security and justice actors, and for those relating to local/non-state actors.

For state-focused programmes this means that donors should make sure there is an appropriate tax system, as well as a mechanism to allocate and distribute revenues, in addition to capacity-building. For supporting local/non-state actors it means that capacity-building must be complemented with projects and forms of support that increase these actors' ability to sustain themselves.³³ This can be done by creating economic opportunities for the organizations themselves so that they can generate income to sustain their service delivery. For instance, in Burundi, providing bikes for the Taxi-Cyclists Association may enable it to become less donor-dependent. Likewise, supporting the Palm Oil Plantation Guards Association with a palm oil press so they can process the palm oil clumps they are given as payment for their services can increase the sustainability of their activities. Alternatively, micro-credit schemes might be a way for such organizations to become self-sustaining. Giving support to wider community development is a final way in which sustainability could be ensured. Examples of this include proposals to improve the work of the Community Development Boards in Colombia, and S-FV in South Kivu, where it was suggested that community development projects be set up under the S-FV name so as to strengthen ties between the community and the organization. As such, effectively integrating local/non-state security and justice actors requires broadening security and justice development programmes beyond their traditional boundaries to include more general developmental activities.

There are indications that there is another reason why the broadening of justice and security development is important. In each of the cases investigated, it was found that the effectiveness of

33 This needs to be done in such a way, however, that local/non-state actors remain an integral part of the overall security and justice system, which includes both state and non-state actors. At the same time it needs to follow the overarching plan for security and justice development, which may involve the transfer of functions from local/non-state actors to central state actors in due course. In other words, this is something that should be undertaken with great care, so as to reduce the risk of creating or reinforcing competition between security and justice providers.



local and non-state security and justice initiatives depended, to a large extent, on levels of social efficacy and the existence of leadership. It was also found that where a leader and social cohesion were present, security and justice initiatives were more effective than where they were absent. Fostering social efficacy and leadership – through broader development initiatives – can therefore be an important ingredient for ultimately improving people's access to safety and justice.

In turn, security and justice work can have a beneficial effect on social efficacy. In Burundi, it was found that the existence of the Taxi-Cyclists Association had not only led to more security for the cyclists, but had also increased their sense of self-worth. Similarly, members of S-FV in South Kivu maintained that working as a volunteer for S-FV had made them feel useful, and had improved their self-image. And in Colombia, DESEPAZ's work with ex-gang members in neighbourhood watch groups showed an improvement in their attitude towards their community and of the community's towards them. Therefore, the results of the research suggest that there may be a virtuous circle between social efficacy, leadership, and justice and security development. Integrating this virtuous circle into justice and security programmes by addressing both the delivery of security and justice services and social efficacy and community development at the same time would be a possible way of increasing effectiveness.

Donor staff

A final, very practical obstacle for donors attempting to incorporate local/non-state security and justice actors in security and justice development programming has to do with donor staff. As mentioned, managing a programme that includes support for local/non-state justice and security actors is very labour-intensive and requires a great deal of diplomatic leverage. This demand in terms of staff capacity is very onerous, especially given the current climate of budget reductions and staff cuts. Pooled funds or outsourcing management of activities could be ways of overcoming this obstacle.

More fundamentally, however, there is a problem when it comes to the willingness of implementing staff to work with local/non-state actors. Even if staff at policy level – for example in specialized interagency units such as the Stabilisation Unit in the UK, the Stabilization and Reconstruction Task Force in Canada, or the Peacebuilding and Stabilization Unit in the Netherlands – are convinced of the need for and possibility of including local/non-state actors in justice and security programmes, staff actually implementing these programmes may not be. These staff members make up assessment teams, programme management teams, embassy staff, etc., and in many cases they are technical and sectoral experts (police officers, judges, lawyers, defence specialists, etc.) who do not necessarily understand or agree with the need to support local/non-state actors. For this reason, advocacy and communication within donor agencies remains of key importance if support for local/non-state actors is to become a viable and effective option.



Conclusions and recommendations

Donors who are serious about incorporating local/non-state actors into security and justice development programmes face a number of challenges that have to be addressed for this approach to become feasible. These include finding strategies to minimize the risk of 'doing harm', finding ways to deal with risks and to make them manageable, investing in a more intense dialogue with host-governments (and at various levels), and finding effective ways to manage more complex programmes, often consisting of quite a number of small activities (including knowledge management, innovative fund management, and ensuring sustainability). All of this requires not only investment in terms of money, but also investment in staff capacity, which may be difficult in times of budget cuts. Although the programmes may be smaller and less costly than large programmes, they are as (or even more) resource-intensive when it comes to staff capacity to assess and monitor the local context, evaluate impact and manage programmes. In essence, when it comes to incorporating local/non-state actors in security and justice development, the investment in these actors themselves may be small, yet the resources needed to overcome the challenges connected with supporting these actors represent a comparatively large share of the total resources. **Weighing the effectiveness of investing in local/non-state actors compared with investing in large-scale programmes of justice and security development is therefore of central importance for any donor deciding on where and how to apply their support.**

Besides this more general conclusion, on the basis of the Clingendael research and the above analysis it is possible to make a number of tentative recommendations for donors seeking to incorporate local/non-state actors. Most importantly, donors wishing to incorporate local/non-state actors in security and justice programmes need to **make sure that programmes integrate support for local/non-state security and justice actors into a larger state-building approach.** This involves building on the linkages between the different levels and ensuring that a dialogue between the different levels of actors is established, and that



cooperation is guaranteed. It also involves applying diplomatic skills to create an understanding in the national host government of the role played by local/non-state actors in security and justice provision. A complementary strategy to this would entail **thinking of security and justice provision as functions that can be carried out by a variety of different actors, and that can be transferred from one actor to another**. Programming that focuses on functions in this manner will ensure that the risk of duplicating service delivery by different – local/non-state and central state – actors is reduced. As well as creating the space for supporting local/non-state actors as part of justice and security programming (if necessary by applying leverage in the form of a portfolio approach), these strategies will allow donors and host governments alike to develop a more comprehensive strategy for justice and security development.

Besides these strategies to address fundamental programme design issues, donors will need to deal with a number of practical programme management issues. Since supporting local/non-state actors will necessitate disbursement of many small amounts of funding, ensuring that support for local/non-state actors is funded adequately will require innovative funding strategies. In this respect it would be worth while to **explore what lessons can be learned from pooled funds in combination with micro-credit schemes** for security and justice programming on local/non-state actors. It seems that such trust funds would allow donors to pool (and thereby share) the risk associated with potential negative fall-out from the inclusion in a programme of a local/non-state actor that engages in criminal or abusive behaviour. They would also allow the flexibility that is required to increase the sustainability of programming, especially if micro-credit schemes were also used, and would limit the numbers of staff that have to be engaged in programme management and implementation, while making it possible to disburse small amounts of funds to a large number of small security and justice initiatives. The restriction of fund disbursement to small amounts is necessary in order to avoid overwhelming or corrupting the recipient local/non-state actors.

To create the space for programmes to include local/non-state justice and security actors, **communication and advocacy** are required. A communication strategy, explaining carefully to the donors' domestic constituency what is being done and why, is necessary to manage the risk of domestic political crises if a programme were to run into problems. Communication and advocacy are similarly important to convince implementing staff that engaging local/non-state security and justice actors is a valid component of a security and justice programme.

Finally, local/non-state actors operate at a very local level, and understanding the complex and fluid web of relations, politics and power that they are part of is of key importance in order to avoid unintentionally destabilizing a situation. Therefore, any donor wishing to engage in support for local/non-state actors needs to base such engagement on **careful and detailed analysis and continuous monitoring of the micro-local context**, with a focus on the roles of central state, local and non-state actors. This is also important for managing the risk of inadvertently supporting an actor that is criminal or abusive, or one that becomes so over time. Developing appropriate monitoring tools is an important ingredient for this as well. Given the highly detailed nature of the required knowledge, **finding reliable local informants** is crucial here.