MAPPING OF SOUTHERN SECURITY AND JUSTICE CIVIL SOCIETY ORGANISATIONS AND NETWORKS

Final Report, August 2010

UNIVERSITY OF BIRMINGHAM

gfn·ssr
global facilitation network
for security sector reform

This report is dedicated to Jan Kamenju, who led the East Africa component of this study. Jan was shot by an armed attacker in Nairobi on the 9th July and passed away on 6th August. He was a tireless campaigner against SALW proliferation and for arms control, social justice and peace. He will be missed.

This study was coordinated, compiled and edited by Shivit Bakrania, Global Facilitation Network for Security Sector Reform (GFN-SSR).

Individual country sections were authored by the following sub-regional research partners:

- Central Africa: Jean-Marie Gasana, Independent Consultant, Rwanda; Janine Rauch, Independent Consultant, Democratic Republic of Congo
- East Africa and the Horn of Africa: Jan Kamenju, Director, Security Research and Information Centre, Kenya; Medhane Tadesse, Centre for Policy, Research and Dialogue, Ethiopia
- West Africa: Eboe Hutchful and Priscilla Andoseh, African Security Dialogue and Research, Ghana
- Southern Africa: Gabriel Malebang, Researcher, Centre for Strategic Studies, University of Botswana
- South Asia: Rekha Chakravarthi, Annapoorna Karthika and Gautam Chawla, Research Officers, Institute of Peace and Conflict Studies (IPCS), India
- Southeast Asia: Carolina G. Hernandez and Karla Mae Pabelina, Institute for Strategic and Development Studies (ISDS), Philippines
- Yemen: Flavia d'Amato-Adib, Khaled Kabbara and Ghaydaa Ghdayed, Center for Middle-Eastern Strategic Studies (CESMO), Lebanon.

GFN-SSR enlisted the support of an expert steering group who provided significant contributions at all stages of the project. The steering group included:

- Professor Ademola Abass, Professor of International Law and Organisations, Brunel University, UK
- Dr. Mustapha Adib, Director, Center for Middle-Eastern Strategic Studies (CESMO), Lebanon
- Dr. Lucia Dammert, Director, Security and Citizenship Programme, FLACSO, Chile
- Jim Goldston, Director, Open Society Justice Initiative, US
- Professor Paul Jackson, Director, Global Facilitation Network for Security Sector Reform (GFN-SSR)
- Dr. Carolina Hernandez, President, Institute for Strategic and Development Studies (ISDS), Philippines
- Professor Eboe Hutchful, Chair, African Security Sector Network (ASSN), Ghana
- Dr. Mallika Joseph, Deputy Director, Institute of Peace and Conflict Studies (IPCS), India.

Further assistance was provided by Ben Kelly, Daniel Lincoln and Sarah O'Connor at GFN-SSR.

Disclaimer: Final responsibility for the text within this report lies with the authors, notwithstanding the contributions of others listed here. The views presented in this paper are those of the authors and do not necessarily represent the views of DFID or GFN-SSR.

CONTENTS

1.	**EXECUTIVE SUMMARY**	**1**
2.	**INTRODUCTION**	**2**
3.	**DEFINITIONS**	**4**
4.	**CENTRAL AFRICA**	**6**
5.	**EAST AFRICA**	**11**
6.	**HORN OF AFRICA**	**16**
7.	**SOUTHERN AFRICA**	**21**
8.	**WEST AFRICA**	**27**
9.	**SOUTH ASIA**	**35**
10.	**SOUTHEAST ASIA**	**44**
11.	**MIDDLE EAST AND NORTH AFRICA**	**48**
12.	**CONCLUSIONS**	**51**
13.	**APPENDICES**	

A: Terms of Reference
B: Report: Overview of Existing Mapping Studies of Southern Organisations Working on Security and Justice
C: Methodology
D: List of DFID Priority Countries
E: Online Database – Instructions

1. EXECUTIVE SUMMARY

The UK Government supports the delivery of security and justice as a basic service. An important part of that focuses on the building of local capacity to engage in reform of the security and justice sector as well as the delivery of security and justice at the local level.

The purpose of this mapping study is to provide the UK Department for International Development (DFID) with a quantitative and qualitative snapshot of security and justice civil society organisations (CSOs) and networks working in and across the countries investigated.

This study was conducted in two phases. The first phase culminated in the generation of an online database of security and justice CSOs and networks and an interim report which provided an overview of the dataset. The database and report should be considered as supplementary information to this report. The findings of phase two are presented in this report.

The countries included in this mapping study present a range of different socio-political contexts with a unique set of circumstances for security and justice organisations in each country. Therefore, the programming recommendations made throughout this report, both at national or sub-regional levels, should be considered on their own merit. At the same time, however, there are some commonalities in the recommendations.

CSO engagement on issues of security and justice is inherently difficult in many countries due to the nature of their governing regimes (such as where the state has authoritarian tendencies or where military regimes preside). In some cases the political space for CSOs to engage in issues of security and justice is being increasingly suppressed. Consequently, the success of donor support for security and justice CSOs often depends to a great extent on the political will of respective governments to enable CSOs to work freely. Furthermore, donors who wish to support security and justice CSOs need to take account of the extent to which donor interactions with government security and justice structures may influence the extent and quality of donor interaction with CSOs.

In many countries, an understanding of security and justice as conceptualised and defined by donors is lacking amongst civil society – and an understanding of these issues as conceptualised by civil society is often lacking among donors and governments. This scenario even holds true in those countries where civil society as a whole is otherwise vibrant. Consequently, there is a need to increase the basic level of understanding on security and justice matters (both within CSOs and governments), to broaden the strategic community (those working in think tanks or engaged in policy analysis), and to support the development of research capacity and expertise in security and justice areas.

Joined up approaches to security and justice work are rare in almost all contexts and common/collaborative/networking fora do not exist. Recommendations were made in almost all sub-regions stating that donor approaches should encourage collaboration at the outset between security and justice CSOs and devise schemes that reward or encourage joined up working.

Without playing down the findings of this study, it is clear that more detailed assessments of needs, approaches and programming options at national and sub-regional levels are required. Such assessments could be led by security and justice CSOs and could provide a constructive and practical basis for collaboration amongst CSOs in all of the countries studied here.

2. INTRODUCTION

2.1 Background

The UK Government supports the delivery of security and justice as a basic service. An important part of that focuses on the building of local capacity to engage in reform of the security and justice sector, as well as the delivery of security and justice at the local level. In order to deliver this, the Security and Justice team in the Conflict, Humanitarian and Security (CHASE) Department at DFID seeks a better understanding of existing Southern civil society organisations and networks working within the security and/or justice arenas in order to define an appropriate approach for possible support.

2.2 Purpose

The purpose of this study, therefore, is to identify: (1) the Southern CSOs and networks that are working in the field of security and/or justice; and (2) the opportunities and challenges in supporting them to deliver improvements in security and justice. Specifically, this study seeks to:

- Build a broad picture of CSOs and networks working on issues of security and justice in the South and how they are evolving;
- Assess the extent of links and coordination, if any, between those organisations working within and across the security and justice fields;
- Gather ideas from the South on how security and justice organisations can best coordinate to deliver improvements in security and justice;
- Map existing expertise by theme, geographical area and type of activity;
- Identify gaps between security and justice provision/demand for security and justice and the focus/presence of existing CSOs and networks;
- Identify the opportunities and challenges facing existing organisations and networks.

This study focused on coverage of CSOs and networks with a presence in DFID priority countries and excluded those which have little or no presence in DFID priority countries. However, attempts were made to include organisations and networks not located in priority countries but which have a significant regional role and have, or are already on a trajectory to gain, a footprint in priority countries. The countries included in this study are:

- *Central Africa*: Democratic Republic of Congo (DRC) and Rwanda;
- *East Africa*: Kenya, Tanzania and Uganda;
- *Horn of Africa*: Ethiopia and Sudan;
- *Southern Africa*: Malawi, Mozambique, Zambia and Zimbabwe;
- *West Africa*: Ghana, Nigeria and Sierra Leone;
- *South Asia*: Afghanistan, Bangladesh, India, Nepal and Pakistan;
- *Middle East*: Yemen;
- *Southeast Asia*: Cambodia and Vietnam.

2.3 Phase one

This study was conducted in two phases. The first phase set out to produce a broad picture of the presence of key CSOs and networks by theme, geographical area and type of activity rather than an exhaustively comprehensive one. The intention was to add to existing knowledge by producing a record of key CSOs and networks, their expertise, linkages and current programmes and projects.

The first phase culminated in the production of an online database containing details of 349 CSOs and 73 networks, and an interim report which provided an initial overview of the data recorded. The interim report and online database should be considered as supplementary information to this final report. Guidelines for accessing the online database have been included as an appendix.

2.4 The focus of phase two and this report

The results of phase one were reviewed by DFID representatives based in London and in several country offices. It was subsequently decided that the second phase of research should build on the initial findings and generate analysis on the following in each country:

- A brief overview of the security and justice issues by country as an indication of the demand side for security and justice activities;
- An assessment of the 'general health' of the CSO security and justice sector in each country;
- An assessment of the linkages and coordination, if any, between those organisations working within and across the security and justice fields;
- Suggestions on how security and justice organisations can best coordinate to deliver improvements in security and justice;
- Identification of the opportunities and challenges facing existing organisations and networks (e.g. funding, political support, capacity) and their future trajectory;
- An indication of the major CSOs and networks that DFID may be able to work with directly;
- Programme suggestions as to how best support Southern capacity, based on an understanding of the strengths/weaknesses of CSOs/networks in the context of their geographic area and operating environment (political and other constraints, and security and justice needs).

This report presents an analysis of the research findings in each country. The final section summarises the recommendations offered by researchers and steering group members.

3. DEFINITIONS

3.1 Defining security and justice

The terms "security" and "justice" are partially overlapping concepts, which are context-specific and understood differently by different stakeholders, including international donor institutions, national governments, and representatives of civil society. The OECD DAC Guidelines on Security System Reform and Governance, agreed by ministers in 2005[1], and DFID's 2007 Explanatory Note on Security and Access to Justice for the Poor[2] provide the basis of the definition of security and justice used for this study. As DFID (2007) states:

> "Security and justice are closely related and complementary concepts. They refer to values and goals (e.g. freedom, fairness, personal safety) as well as to the various institutions established to deliver them (e.g. defence forces, police, courts). An environment where the rule of law is respected and security bodies are under the control of civilian authorities will help people feel safe and secure and encourage them to claim their rights as citizens. Conversely, where there is no effective and accountable national security structure, violence can permeate society and injustice can prevail."

The reality in most countries is that security and justice services are delivered by a range of actors. Some are state agencies and services, while others are non-state or civil society organisations and networks. This study mapped both CSOs and networks working on security and justice related issues.

For the first phase of this study, it was necessary to develop a common framework for information to be collected and for CSOs and networks to be classified according to their nature, sector coverage and activities. The classification system used drew from the OECD DAC and DFID definitions referred to above and was developed with input from an international expert steering group. Figure 1 below shows the typology of security and justice sub-sectoral issues used to classify the coverage of CSOs and networks. The diagram provides a basic illustration of how these sub-sectoral issues may rest on a security and justice spectrum and the extent to which the security and justice interests of CSOs and networks may overlap (on paper at least, if not in reality).

3.2 Distinguishing CSOs from networks

For the purposes of this study, 'network' refers to a connection of two or more civil society organisations at regional, sub-regional or national level, working on security and justice related issues.

The term 'CSO' denotes a range of actors, such as: non-governmental organisations, grassroots, professional, religious, and labour organisations and groups. Academic institutions such as universities, think tanks and those providing education and training are included in this group, as is the media. CSOs operate at a variety of levels ranging from local to international; those operating sub-regionally, regionally or internationally are distinct from networks, in that they are structured as a single entity rather than as a partnership of two or more organisations.

[1] OECD, 2005,'DAC Guidelines and Reference Series: Security System Reform and Governance', OECD DAC: Paris
[2] DFID, 2007,'Explanatory note on security and access to justice for the poor', DFID: London

Figure 1: Diagram illustrating the typology of security and justice sector issues used in this study to classify the sector coverage and interests of CSOs and networks.

4. CENTRAL AFRICA

Rwanda and the Democratic Republic of Congo (DRC) face very different security challenges, with primary concerns in Rwanda centring around long-term justice and reconciliation efforts, whilst in the DRC the provision of basic needs is key. However, their security situations are closely linked due to the ongoing conflict in the Eastern DRC, where the Democratic Forces for the Liberation of Rwanda (FDLR) contribute to ongoing instability and conflict even though their political agenda is focused on Rwanda.

The lack of cooperation between CSOs and the state is a feature in both countries. In Rwanda, CSOs are subject to tight legal constraints, and to close state supervision and surveillance. In the DRC, mutual suspicion exists between government agencies and CSOs, with the latter accused of being linked with political parties.

4.1 The Democratic Republic of Congo

By Janine Rauch

NOTE: This country section is based on large-scale fieldwork done for the Civil Society Capacity Assessment Baseline Study of the DFID Security Sector Accountability and Police Reform Programme (SSAPRP) in DRC. Fieldwork was conducted in late 2009 and early 2010 in all provinces of DRC, and over 200 CSO representatives were interviewed.

A brief overview of security and justice issues

Citizens of the Democratic Republic of Congo (DRC) live with extreme levels of insecurity. Armed conflicts persist and reoccur in various parts of the country, levels of sexual violence (particularly against women and girls) are extremely high, and state security and justice services are incapable of serving the needs of the population. In the absence of reliable evidence, it is assumed that most people needing security services turn to non-state providers such as customary justice and police systems (in more rural parts of the country) and neighbourhood security systems in urban areas, while a fast-growing private security sector services the elite, businesses and the diplomatic community. The demand for state justice is massively higher than its capacity to deliver. Reforms of defence, justice and police institutions are key political issues, and are of significant interest among international partners, both bilateral and multilateral – notably the United Nations (UN) and the European Commission (EC).

Discussions of security, defence and intelligence matters remain fairly taboo (a legacy of dictatorship) and levels of security and justice literacy among CSOs and the general populace are low. CSOs in the security and justice system operate predominantly in the human rights and sexual and gender based violence (SGBV) sectors, and follow the availability of donor funding. Many of the CSOs (focusing on issues of human rights and SGBV) offer paralegal, medical and legal services to victims of violence or rights abuses, including accompaniment through the criminal justice process.

An assessment of the 'general health' of the CSO security and justice sector

A small political space does exist for work on security and justice issues – though perhaps more in respect of policing, prisons and justice than defence and intelligence matters. Security and justice are relatively new areas for CSO activity, and the only aspects which have been developed to any significant extent are human rights, SGBV and police reform. Government agencies in the security and justice sector do not, overall, enjoy good working relations with CSOs. There is a climate of mutual suspicion and hostility, beneath a veneer of politeness and bonhomie. CSOs are often viewed as having 'political agendas' or as being linked to political parties.

Most CSOs in the sector are not permanent – they are dormant and operate only when they receive money for activities. Their main experience is in public education work, within which they operate as generalists, following whatever funding is available, irrespective of the subject matter. Those that rely on contributions from members of an 'association', church or community group function more regularly; albeit at a lower level because their financial resources are small (Church-based CSOs are, generally, the strongest organisations in civil society). External donor funding in the security and justice sector focuses on SGBV and human rights, with a very small number of active

government donors – the Swedish International Development Cooperation Agency (SIDA), the Netherlands, DFID, USAID and the EC – and an even smaller number of NGO partners such as the International Centre for Transitional Justice (ICTJ) and various foreign church groups, including Pax Christi.

Transparency in decision-making and financial issues, and internal procedures that respect gender equity, democratic practices, or tolerance of diversity are rare. Structures and practices tend to be hierarchical and strong individuals (rather than collectives) often dominate. Elections of office bearers and steering committees tend to be biannual or triannual, and there are many CSOs and networks within which elections have been long-delayed. One of the key problems for good internal governance of CSOs is the legislation governing NGOs in DRC, which defines mandatory organisational structures and removes the possibility of creative organisational design and development. Because of the dire economic situation in the DRC, CSOs are often viewed as a route to job-creation or personal enrichment; and the terrain of CSO networking or collaboration is therefore extremely competitive. Stronger provincial groups (noyaux) are more likely to engage in robust self-reflection than weaker ones, as they are less fearful of the effects and consequences of doing so. In general, the capacity to reflect and learn is extremely weak. This is undoubtedly related to the fact that most of the CSOs in the Reseau Reforme Secteur Securitaire (RRSS) de la Societe Civile du Congo (Congolese civil society network on SSR) are dormant and do not have sustained financial inputs to enable them to operate as functioning organisations engaged in regular practices of any sort.

A DFID-funded initiative to build a network of Congolese CSOs interested in police reform (from 2006-2009) resulted in some interesting developments, but they were not sustained by ongoing funding or institutional development support. It is possible that the network will be re-engaged by the DFID-funded Security Sector Accountability and Police Reform Programme (SSAPRP).

Linkages and coordination, if any, between those organisations working within and across the security and justice fields

Government coordination between security and justice agencies is extremely, and deliberately, poor. Political and policy-level processes require the participation of individual Ministers themselves, and often their party political backgrounds or statuses mean that one Minister will refuse to deal with another. There is no coordinated process for budgeting, including budget allocations for security and justice matters; and government funds actually allocated are often far less than those stated in published budgets. There is resistance from the government to 'security sector coordination' and also to donor coordination: they prefer to deal bilaterally with each donor partner. The coordination role attempted by the United Nations Mission in DRC (MONUC) is made complex by the resistance of both the donors and of the government to its efforts. Parliament has a poor relationship with the executive and is often not consulted at all in the preparation of major reform or strategic plans in the security and justice sector.

This lack of sector-wide coordination from the side of the government creates an even more difficult environment within which CSOs must operate, especially given the fact that competition for funding militates against CSO collaboration.

How can security and justice CSOs best coordinate to deliver improvements in the provision of security and justice?

National government-level coordination across the security and justice sector in the DRC is some way off, and is unlikely to be affected by donor efforts as it is so politically sensitive. The current DFID SSAPRP is intending to give some support for security and justice coordination within provincial governments in three pilot provinces, to assess what may be achieved at that level. Capacitation of CSOs to enable them to appreciate and demand sector-wide coordination (e.g. from the perspective of victims of crime; or in respect of improving conditions of work across the entire sector in order to improve performance) could be used to build domestic demand for coordination.

Opportunities and challenges facing existing CSOs and networks
The key challenge facing viable security and justice CSOs is to find medium to long-term funding and then to develop appropriate organisational development strategies to enable them to support a sustained programme of work. This will require changing their habitual practices and their traditional patterns of conflict/competitiveness and financial mismanagement. Increasing donor interest in civil society participation in security and justice reforms opens new opportunities for CSOs to enter these previously closed domains of work, and there is enormous potential for them to develop capacities in research, monitoring, advocacy, public education and in partnership with the state security and justice system.

Key CSOs and networks that DFID may be able to work with directly
There are no strong and inclusive networks in the security and justice sector. Instead, there are a handful of networks with differing memberships, scope and political affiliations. This means that it is not simply a case of identifying one or two key networks as partners to support – instead there is a need to support a larger number of networks simultaneously, whilst encouraging them to collaborate and improve their relationships with each other. This is often best done at local and provincial level, where there are real grassroots-based organisations who are accustomed to working together. Depending on priorities, the following CSO networks could feasibly be supported by DFID and other donors:

- Provincial human rights NGO networks;
- Provincial 'synergies' of organisations working on SGBV;
- National SSR network of CSOs (Reseau de la Reforme du Secteur Securitaire) ;
- Network on Women, Gender and Security.

Programme suggestions as how to best support Southern security and justice CSO capacity
The new DFID SSAPRP is likely to fund individual CSOs for activities related to accountability, but only in the three pilot provinces. This will create enormous pressure to fund similar work or even to organise a further roll out. One of the most difficult ideas to lobby for in the DRC is the idea of a 'network' of activists in security and justice reform (broadly phrased) to share experiences, document their findings and inform decision-makers.

Individual organisations worth encouraging are those with a nascent specialisation in security and justice matters, especially those which aspire to develop policy influence from a base of local expertise (research). Examples of organisations that DFID and other donors could feasibly support include Securitas Congo, the Pole Institute, Justice Plus, CJR 1325 and the university departments which engage in the security and justice sectors.

4.2 Rwanda

By Jean-Marie Gasana

A brief overview of security and justice issues
Security and justice challenges in post-genocide Rwanda are intertwined. The main post-conflict justice challenges revolve around the issues of transitional justice, and in particular the trials of thousands of genocide perpetrators who are either in jail or are free on bail. Trials are being conducted through the traditional Gacaca system of plea bargaining and, in parallel, formal state judicial institutions are involved in trying the orchestrators of the genocide.

The securing of Rwanda's borders with the DRC is the primary security challenge for the state security apparatus – particularly against infiltration attempts by the Democratic Forces for the Liberation of Rwanda (FDLR), many of whom are suspected of active involvement in the 1994 anti-Tutsi genocide.

The tracking, arrest and transfer of genocide perpetrators to various internal and international tribunals such as the International Criminal Tribunal for Rwanda (UN-ICTR) is one high-profile area where security and justice converge.

In addition, there are ongoing justice reforms to bring the state in line with international norms and legal standards as part of a wider state-building process. Another potential entry-point is the DDR process for former combatants and soldiers from the regular army.

The security and justice CSO sector consists mainly of human rights and justice orientated CSOs and networks. The majority of these focus on the regular monitoring of human rights violations, awareness raising and advocacy for law amendments.

The first phase of this study indentified four primary CSOs and only two networks – The Great Lakes Human Rights League (LDGL), and the Collectif des Ligues et Associations de la Defense des Driots de l'Homme (CLADHO). The CSOs cover issues such as: post-conflict stabilisation and reconstruction, civil society inclusion/participation, community safety, conflict prevention and peacebuilding, and governance and democratic oversight of the security and justice sectors.

An assessment of the 'general health' of the CSO security and justice sector

There is little space in Rwanda for CSOs perceived to be at odds with the 'unity and reconciliation' agenda of the government to operate freely. However, those that studiously accommodate the agenda do have space to operate. Rwanda is still battling to overcome a cyclical culture of political and civil rights violations extending back to 1959, when part of its Tutsi population went into exile fleeing Hutu persecution. The Rwandan Patriotic Front's (RPF) military victory in 1994 imposed a tight hold over the country and its political, security, administrative and economic structures. Reconstruction and reconciliation were given priority to the detriment of progress on other vital political and civil rights such as freedom of association and expression.

The CSO sector in Rwanda is generally frail and lacks both capacity and sustainability. CSOs are subject to tight legal operating constraints and close supervision and surveillance by the state. Recent legislation requires all CSOs to provide annual activity reports and financial records; in the Rwandan context, this close attention to the internal workings of CSOs is another indication of efforts by the state to control independent voices.

Civil society does not commonly engage with the state on issues of security and justice, although some CSOs have been instrumental in certain specific campaigns, such as the abolition of the death penalty in 2007. CSOs are more likely to focus on justice and only refer to security through a human security lens – focusing on issues such as food security and social security. CSOs and networks do not necessarily have a problem accessing activity-related funding, but the funding of overheads and core staffing costs is an issue, particularly because some international donors refuse to pay staff salaries.

Assessment of the linkages and coordination between organisations working within and across the security and justice fields

In general, the state prevents the formation of security and justice CSO coalitions and networks which it perceives as a threat. A prominent example is the Ligue Rwandaise pour la Promotion et la Defense des Droits de l'Homme (LIPRODHOR) which is currently at odds with the state security apparatus.

At sub-regional level, the Great Lakes Human Rights League (LDGL), which operates out of Kigali, has achieved unparalleled stability and standing and has acquired credibility with the Burundi, DRC and Rwandan governments. It would appear that its regional focus allows it to operate more freely.

There is a level of competitiveness amongst CSOs since funding opportunities are scarce and the interests of most of the CSOs assessed involve the same narrow set of issues (i.e. human rights monitoring and awareness-raising).

How can security and justice CSOs best coordinate to deliver improvements in security and justice?

There are no opportunities for substantial co-ordination; before this can happen, the political environment needs to become more conducive for CSOs to engage in issues of security and justice. Furthermore, security and justice CSOs need to build capacity and sustainability and be seen as credible partners by the state. The challenge is to

persuade the state to comply with its international obligations – but civil society at the moment is not capable of providing the necessary pressure from within.

Opportunities and challenges facing existing CSOs and networks

The main challenges arise from anti-CSO rhetoric adopted by the government in the lead-up to the forthcoming August 2010 elections and the lack of funding available for meeting overheads and core staffing costs. Some pro-government CSOs have actually hardened their positions against other more independent CSOs who are perceived to be heavily influenced by international donors. The elections have precipitated a further clamping down of independent CSO voices. For example, all CSOs wanting to be involved in elections observation are obliged to be part of National Electoral Commission (NEC)-run CSO forum. Some independent CSOs, such as LIPRODHOR, have been prevented from being part of the forum and therefore from observing the election process.

The lack of funding for core staffing costs poses a threat to the medium-term existence of many of the CSOs interviewed. These CSOs feel that the combination of funding difficulties and government crackdowns is threatening to compromise existing or emerging CSO credibility.

Key CSOs and networks that DFID may be able to work with directly

Depending on priorities, DFID and other donors could feasibly support three human rights leagues: The Great Lakes Human Rights League (LDGL), LIPRODHOR, and the Collectif des Ligues et Associaitions de la Defence des Droits de l'Homme (CLADHO) are the most credible and experienced. The Institute for Research and Dialogue for Peace (IRDP) and the Centre for Conflict Management (CCM) are two promising think tanks which, though closely related to the government, are progressively working towards autonomy of function.

Programme suggestions as how to best support Southern security and justice CSO capacity

The success of any programming depends upon:

- An assessment by DFID as to whether engaging on security and justice issues in its interactions with CSOs will meet current policy objectives and obligations;
- Whether CSOs supported by DFID are able to apply pressure on state actors without fear of reprisals.

DFID could consider supporting the development and recruitment of Rwandan experts and researchers on security and justice-related issues by providing funding for local research. Direct institutional support could also be provided to LDGL, who have been engaged in security monitoring during the recent military joint operations in the Kivu provinces (DRC).

5. EAST AFRICA

By Jan Kamenju

Kenya, Uganda and Tanzania have enjoyed a long history of cooperation, having been British colonies until the early 1960s, when they became independent. In June 1963, the three countries signed a declaration of intent to improve trade, communications, and economic development. The intent developed into the Treaty for Establishment of the East African Community (EAC), which was signed on 30th November 1999.

Despite their different political ideologies and economic policies at independence, the three countries have much in common, especially in culture, language and history. It is from this background that civil society has coalesced and asserted itself to transform the livelihood of communities. The East African Bar Associations, the Amani Forum and the East African Network on Small Arms are examples of sub-regional cooperation that could be nurtured to improve security and justice in East Africa. There is fertile ground to develop a security and justice community to steer debate, input into policy formulation and eventual implementation.

5.1 Kenya

A brief overview of security and justice issues

Current security and justice perspectives in Kenya are inextricably linked with the post-election violence of 2007 – and especially with the implementation of the Accord, which ended the violence and set the stage for various reforms. Efforts to punish the instigators of violence through local investigations and prosecutions have flopped and have become secondary to the International Criminal Court. The embattled Truth, Justice and Reconciliation Commission is expected to provide a long-term solution to past injustices that were the root causes of violence, but this will be difficult without some capability to enforce recommendations.

Because of the perceived non-partisanship of the armed forces and the powerful intelligence services, there is no push whatsoever for reforms within these institutions, and the SSR debate is almost entirely confined to the police. Twenty-nine ministries were involved in the Governance, Law and Order Sector (GJLOS) Programme – although the majority of funds were directed towards the judiciary, with little discernable impact.

The forthcoming draft constitution includes contentious issues related to security and justice, such as control over land holdings and the inclusion of Kadhis (Islamic) courts. These have created divisions between the President/Prime Minister, mainstream churches, some members of the cabinet and a divided Parliament, with occasional violence occurring. Those opposed to the draft want these contentious issues resolved before the referendum, whilst the government would prefer to deal with these after the referendum. CSOs are actively engaged in the debate and in public education activities around the content of the draft constitution.

Other current issues in the security and justice debate include the engagement of the International Criminal Court (ICC) later this year. The ICC Chief Prosecutor has sworn to make Kenya's post-election violence an example to the world in dealing with crimes against humanity by prosecuting the planners, funders and organisers. This may include scrutiny of senior members of the current government. The start of free movement for East African citizens in the East Africa region in July 2010 is likely to complicate cross-border security, especially in relation to contraband trade, human trafficking and illicit small arms movement.

An assessment of the 'general health' of the CSO security and justice sector

There is no clearly defined CSO security and justice sector, but a multitude of CSOs work on specific security and justice issues. There are very strong human rights and gender lobbies and a weaker conflict and peace lobby. Despite large numbers and willingness to form coalitions, there is extremely limited technical capacity amongst these lobbies, virtually no crossover between them, and no obvious docking point with government priorities.

CSOs are accountable to their own members, management boards and donors. Those CSOs that are registered through the NGO Act must submit their annual audited reports, while Trusteeships and Foundations do not have to. Donors are the main drivers of accountability, transparency and financial management. In this regard different donors, who exhibit different stringency measures, set the required standards and levels of achievement and measure outcomes from that baseline. Donors also scrutinise expenditure and confirm adherence from annual audited accounts.

Linkages and coordination, if any, between those organisations working within and across the security and justice fields

In Kenya, security and justice are seen as two distinct and unrelated fields, and there is little overlap between them. In fact, security and justice are not perceived as clearly defined sectors in their own right and most CSOs and networks tend to be more specific in their areas of operation. In Kenya, CSOs work on specific aspects of security and justice, mainly: access to justice; gender; judicial reform; legal aid for the poor; and violence against women. Organisations are largely compartmentalised into their specific themes and there is little in the way of linkages and coordination between them. Overall, there are more organisations involved in what are usually classified as justice-related issues, and even those organisations recognised in the first phase of research as being primarily involved in justice tend to approach these issues from a human rights and peacebuilding perspective.

Linkages and coordination amongst CSOs and networks in security and justice is very weak. Collaboration only occurs in some less politicised and thematic areas such as human rights, conflict prevention and peacebuilding, and to some extent, access to justice. This is largely because there are many such CSOs and networks that work on these issues specifically and form a large part of the implementation of the Accord. These are less organised in the planning and execution of specific security and justice activities. This underlines the need for avenues which will allow for open discussion and planning on security and justice issues.

Donor funding has undermined coherence among CSOs and networks. Certain CSOs have been able to access funds because of exposure to the donor community and the extent to which their interests conform to donor priorities and expectations. This has resulted in increased competition at the expense of collaboration.

Therefore, activities are piecemeal and incoherent. Whilst there is an appetite to deal with security and justice issues, there is no overarching platform to bring disparate voices together. However, there is significant security and justice expertise amongst CSOs/networks in Kenya and the potential to form a strong and active security and justice constituency.

How can security and justice CSOs best coordinate to deliver improvements in the provision of security and justice?

CSOs, governments and donors may find it helpful to collaborate and to investigate the best approaches to security and justice reform by defining the priority thematic areas, activities and programmes. In Kenya, there is robust capacity amongst security and justice CSOs; what is lacking is clear direction and coordination. This mapping exercise may have provided an initial indication of the nature of the security and justice CSO sector in Kenya and its priority issues – but a logical next-step could be for the primary actors identified here (supported by donors) to conduct a collaborative security and justice needs assessment against defined/thematic issues to produce detailed programming suggestions.

Opportunities and challenges facing existing CSOs and networks

Funding is both an opportunity and a challenge. It is an opportunity because of the presence of accessible and well-informed donor representatives in Kenya. It is a challenge because many CSOs which may have the requisite expertise cannot access funding due to lack of opportunities as mentioned above. The government does not fund CSOs and at times appears to be in competition for funding with them. However, the government does sometimes utilise the expertise of CSOs who are considered to be less critical of state security and justice provision. There are examples where the government has drawn on CSO research findings in the development of policy documents.

The government is not hostile towards CSOs as long as they are working in areas of mutual interest. However, opportunities are, by and large, very few and CSOs have to provide evidence how their work may contribute to improving the government's performance or image. Political support for CSOs in this sector is lukewarm and the onus is largely on CSOs to demonstrate to the government their added value. It is clear that CSOs may independently produce results that the government can benefit from, but such opportunities only arise if CSOs and networks make the necessary connections.

Key CSOs and networks that DFID may be able to work with directly
Depending on priorities, DFID and other donors could feasibly work with most of the CSOs and networks classified in phase one as primary CSOs and networks. These include: Security Research and Information Centre (SRIC, Kenya); Africa Peace Forum (APFO, Kenya); and the East Africa Law Society (Tanzania) comprising six national Bar Associations of Kenya, Tanganyika, Uganda, Zanzibar, Kigali, and Burundi.

The following networks may also make suitable candidates for support: Eastern Africa Action Network on Small Arms (EAANSA, Uganda); Nairobi Peace Initiative (NPI) which hosts the Institute Global Partnership for the Prevention of Armed Conflict (GPPAC East and Central Africa, Kenya); Peace Tree Network (PTN, Kenya); Kenya Action Network on Small Arms (KANSA); Kenya Pastoralist Journalist Network; and the Peace and Development Network Trust (PeaceNet, Kenya).

5.2 Tanzania

A brief overview of security and justice issues
Security and justice issues in Tanzania are shaped by the country's political framework – a unitary presidential democratic republic with a President who is both Head of State and Commander in Chief of the Tanzania Peoples' Defence Force (TPDF). Tanzania was created in 1964, six months after the merging of the United Republic of Tanganyika and Zanzibar on 26 April 1964. From independence, Tanzania remained a one party state modelled on socialist principles until 1995, when a change of legislation brought about multiparty elections. The Chama Cha Mapiduzi (CCM – Party of the Revolution) emerged victorious with an overwhelming majority. The CCM remains politically dominant and controls the security and justice apparatus of the country.

There are many CSOs and networks in Tanzania but their room for manoeuvre is limited. For example, at a recent sub-regional meeting of CSOs supporting the Regional Centre on Small Arms (RECSA), the National Focal Point Coordinator ruled out the engagement of civil society at the national level. This is despite the government being a signatory to the Nairobi Declaration which calls for the involvement of civil society.

An assessment of the 'general health' of the CSO security and justice sector
Arguably, Tanzania is the most peaceful country in East Africa and conflicts are less visible than elsewhere in the region. There are few CSOs that deal directly with security and justice issues – only six primary CSOs and no networks were identified in the first phase of research. The characteristics amongst security and justice CSOs in Tanzania are analogous to those in other East African countries; the CSO sector is fragile and the majority of relevant CSOs tend to focus on human rights and access to justice – there are no CSOs dealing with legislation and legislative review per se. The perception of peace means that there is little drive for security and justice reforms.

The government, though not supportive, does not interfere with CSOs and there is adequate political space. However, the capacity of CSOs to deal with security and justice issues is rather weak and may need support from elsewhere in the sub-region. CSOs are accountable to their own organisations and management boards through annual reports and audits. However the biggest drivers for accountability, transparency and financial management are donors.

An assessment of the linkages and coordination, if any, between those organisations working within and across the security and justice fields
Linkages and coordination amongst CSOs in security and justice is weak and clustered in thematic areas such as human rights and access to justice. The organisations that do work on security and justice issues do so from human rights and access to justice perspectives.

Donors could feasibly initiate a more inclusive security and justice debate amongst CSOs by directing efforts towards facilitating a national platform furthering the engagement and collaboration of CSOs on issues of security and justice.

Opportunities and challenges facing existing CSOs and networks
Providing impetus for CSOs to engage with the government on issues of security and justice remains a significant challenge. CSOs are generally disengaged and it may be necessary for a lead organisation to be identified and to advance the process of bringing together security and justice stakeholders.

Key CSOs and networks that DFID may be able to work with directly
Depending on priorities, DFID and other donors could feasibly work with the following organisations: Tanganyika Law Society; Zanzibar Law Society; The Great Lakes Parliamentary Forum Amani Forum (Tanzania Chapter); Eastern Africa Action Network on Small Arms (EAANSA, Uganda); Nairobi Peace Initiative (NPI); Eastern African Sub-regional Support Initiative (EASSI, Uganda); Security Research and Information Centre (SRIC, Kenya); and the Tanzania Media Women Association (TAMWA).

5.3 Uganda

A brief overview of security and justice issues
The security and justice debate in Uganda revolves around the Lord's Resistance Army (LRA), which is the most serious threat to President Museveni's quarter-decade rule which began in 1986. Museveni's initial ten years of rule were characterised by the 'Movement' system of politics, which did not allow for party political activity. A referendum on the reintroduction of party politics was held on 28 July 2005 and Ugandans voted in favour of a return to multi-party politics. However, political parties have been suppressed, and Museveni easily won the last presidential elections in February 2006. Museveni is the Head of State and the Commander of the Armed Forces: he and the National Resistance Army (NRA) control all aspects of security and justice.

According to the first phase of research, only three primary security and justice CSOs operate from Uganda. They work predominantly on access to justice, human rights, and governance and democratic oversight issues. No national-level security and justice networks operate in Uganda, but the East Africa Action Network on Small Arms (EANSA's) secretariat is based in Kampala.

An assessment of the 'general health' of the CSO security and justice sector
Uganda's political legacy means that CSOs and networks have little room to manoeuvre – and even less so on issues of security and justice. The lack of political opposition to the ruling class means that the CSO sector as a whole is restricted. Those CSOs that do touch on security and justice do so from human rights, conflict prevention and peacebuilding perspectives. Those working on justice tend to focus on the provision of justice to the underprivileged, but have little involvement in the justice policy debate.

The government is pervasive and interprets any civil society debate on security and justice as interference. It is convinced that sufficient security sector reforms have already been undertaken and that there is no basis for CSO involvement in such reforms. The dispensation of justice is highly inequitable and whilst CSOs perceive justice to be the preserve of elites, there are few opportunities to engage in frontline activities to improve access to justice.

An assessment of the linkages and coordination, if any, between those organisations working within and across the security and justice fields

CSOs in Uganda focus on specific thematic issues rather than working across the entire security and justice spectrum. As in Kenya, security and justice are seen as separate and distinct issues and are approached by CSOs from different angles. There is no common cause to unify CSOs dealing with security and justice; hence there is no coherent voice. However, there is a strong coalescence of CSOs and networks on the justice aspects of human rights and governance (e.g. corruption). Therefore, future activities could conceivably include networks that are not primarily engaged in security and justice activities.

Opportunities and challenges facing existing CSOs and networks

The major challenge is the perception that the state has sole responsibility for security and justice provision. The military, which evolved from the NRA, is politicised and seeks to protect the regime. Its reform, and indeed those of other security agencies, will inadvertently be controlled by the government. Thus, the political space for CSOs and networks to participate in the formulation and implementation of security and justice policies is highly restricted. The trajectory of security and justice reforms in Uganda will continue to be government controlled. Funding for CSOs and networks in the security and justice sector is another challenge: the government does not fund CSOs and donors have their own thematic agendas.

CSOs in Uganda do not have operational capacity in the areas of security and justice. However, a number of sub-regional organisations (such as SRIC, NPI and others) do have technical capacity in these issues. It would therefore make sense to nurture collaboration between national CSOs and sub-regional organisations.

Key CSOs and networks that DFID may be able to work with directly

Depending on priorities, DFID and other donors could feasibly work with the following CSOs and networks: Centre for Conflict Resolution (CECORE, Uganda); Uganda Bar Association; Eastern Africa Action Network on Small Arms (EAANSA, Uganda); Security Research and Information Centre (SRIC, Kenya); Nairobi Peace Initiative (NPI), which hosts the Institute Global Partnership for the Prevention of Armed Conflict (GPPAC East and Central Africa, Kenya); and the Eastern African Sub-regional Support Initiative (EASSI, Uganda). EASSI was classified as a secondary network in the first phase of research but their expertise in the field of gender could add value to the regional security and justice debate.

5.4 Programme suggestions as how to best support Southern security and justice CSO capacity in East Africa

CSOs in Tanzania and Uganda have less security and justice capacity than CSOs in Kenya. However, all countries could benefit from a detailed needs assessment carried out by some of the primary CSO actors identified by this study. Therefore, across East Africa, donor efforts could be targeted towards facilitating a common platform for CSO collaboration on security and justice issues – both within the individual countries and across the sub-region.

A sub-regional gathering of security and justice stakeholders could initiate planning for the mainstreaming of security and justice issues within the East African Community's (EAC's) peace and security strategy. This could help to instil some coherence amongst the sub-regional actors and to galvanise support for security and justice issues throughout East Africa.

The sub-regional conference could be followed by national level conferences in each country to help assess the priority security and justice needs and to develop programmes to meet identified needs. Together, these could help ensure that the sub-region as a whole develops a common approach to security and justice challenges and at the same time respond to specific national needs.

The need for such an initiative is especially critical in Uganda: the forthcoming elections in 2011 provide an entry point for the engagement of CSOs in security and justice, and there are urgent issues to tackle – such as prevention of violence during electioneering and the elections themselves.

6. HORN OF AFRICA

By Medhane Tadesse

The end of the civil war in Ethiopia in 1991 and the signing of peace agreements in Sudan have allowed some space for CSOs to operate with increased independence. However, civil society faces enormous constraints when working on security and justice issues including: a lack of legal and political space; donor driven agendas; a lack of local ownership and political will; the lack of funding for implementation; a lack of adjustment to domestic institutional capabilities; non-holistic ad-hoc approaches; a lack of coordination; the lack of national security frameworks; and the conflict between fiscal and security imperatives. Furthermore, approaches are often narrow-minded, with security and justice predominantly viewed from the state perspective and not the broader human security perspective. CSOs tend to focus much more narrowly on issues of security, excluding justice and rule of law issues (with the exception of policing and corrections). This narrow focus is a manifestation of the larger problem of definition and conceptualisation. Advocates of issues such as access to justice, human rights or transitional justice rarely consider security issues - other than in the context of ending 'impunity'.

While similarities in the areas of security and justice are evident, Sudan and Ethiopia are not identical. Extreme ideology is evident in the push towards the creation of a radical Islamist security state in Sudan and the existence of a significant leftist political agenda in Ethiopia. Though forced to adopt pragmatist approaches, the National Congress Party (NCP) in Sudan still espouses an Islamist ideology, while the Ethiopian People's Revolutionary Democratic Front (EPRDF) cherishes revolutionary democracy. These ideologies have been used to construct a pervasive security apparatus to tackle cross-border threats, protect those in power and delay the transition to democracy which has subsequently affected the emergence of an independent civil society. The security apparatus is at the very heart of political processes in both countries and suspicions are widespread that intellectuals and CSOs are being used to impose donor agendas.

Although both governments harbour a deep mistrust towards independent CSOs, they appear to appreciate the potential of CSOs as credible and legitimate actors and have thus not abolished them. Both ruling parties are known for creating 'uncivil societies' (party-affiliated organisations), which effectively undermine existing CSOs, especially those working on security and human rights issues.

One can therefore identify the contexts for security and justice CSOs in the Horn of Africa: post-conflict peacebuilding in Southern Sudan; transitions from military rule (Ethiopia); and contested transitions (Ethiopia and to some extent in Sudan). Different contexts exist ranging from the *relatively conducive* with the possibility to engage governments directly (e.g. Southern Sudan); *extremely challenging* (Northern Sudan); and *nearly impossible* (Ethiopia).

6.1 Sudan

A brief overview of security and justice issues

Sudan faces significant challenges, including widespread insecurity, armed conflict, community based violence, the marginalisation of major ethnic groups, poverty, violence against women, crimes against humanity, weak and corrupt justice and security institutions, abusive and intrusive security institutions, and a general absence of the rule of law. Hence, the engagement of CSOs in all these areas is required.

Northern Sudan: Historically, Northern Sudan has had a relatively strong and well-developed civil society, but the sector has experienced a reversal of fortunes; the coverage of security and justice in particular has suffered due to the increasing consolidation of Islamic CSOs. The reasons for this are primarily political: the National Congress Party (NCP) took swift legal and political measures to curtail the involvement of CSOs working on justice, human rights and security related issues. The Sudanese government subsequently came up with new institutional mechanisms such as the Humanitarian Affairs Council (HAC), which imposed heavy restrictions on CSOs. This is despite the fact that most of the CSOs are not political in nature, having emerged in the early 1990s in response to

drought, famine, and conflict driven large-scale displacement and destitution.

Southern Sudan: Major challenges to human security in Southern Sudan include: high levels of corruption; nepotism and embezzlement; poverty; lack of governance institutions; community-based violence; violence against women; lack of access to justice; the abundance of small arms and widespread militarisation; repatriation and resettlement of refugees; tribal clashes over water and pastureland; and cattle rustling. Moreover, there is widespread apprehension and uncertainty over the North-South Comprehensive Peace Agreement. However, due to the recent transition from war to peace, the CSO sector in Southern Sudan is relatively active when compared to Northern Sudan.

An assessment of the 'general health' of the CSO security and justice sector

Northern Sudan: It is difficult for CSOs to engage in security and justice issues in Sudan. New legal restrictions on CSOs were introduced in 2006; the Organisation of Humanitarian and Voluntary Work Act, for example, requires CSOs to seek government approval of all proposals before they are submitted to donors. The government has also prohibited CSO engagement in political issues including human and civil rights and governance.

The strategy of the government in Northern Sudan has been to pre-empt the functions of existing independent organisations, supplanting them with its own bodies. Consequently, several 'Islamic' CSOs have sprung up in Sudan, supported by the state and primarily funded from the Gulf.

Currently, there are no major CSOs actively working on security and justice issues although a few are trying to engage, such as the Khartoum Centre for Human Rights and Democracy. In addition, International NGOs and high profile human rights groups fill many of the gaps in this front. For example, PACT Sudan is active in this area, working through a number of indigenous CSOs and could provide a useful channel to advance the security and justice agenda. The media have a good record at highlighting individual cases of criminal injustice/unfair trial despite the restrictions that they are operating under.

Southern Sudan: The context of an essentially militarised government and a civil society whose leadership moved into government means that it is difficult for CSOs to engage in this sector. However, the current environment is comparatively more conducive when compared to Northern Sudan, with a renewed engagement by the international community acting as a catalyst. With support from international partners the Sudan People's Liberation Army (SPLA) have initiated a process of defence transformation in line with an approved Defence White Paper. This initiative presents considerable opportunities for civil society engagement, and with UK support through the Security Sector Development and Defence Transformation (SSDDT) programme, is specifically focused on facilitating this. A forum for engagement between the security institutions and civil society has recently been launched.

An assessment of linkages and coordination, if any, between those organisations working within and across the security and justice fields

Northern Sudan: Rather than focusing on core security and justice themes, CSOs tend to focus much more narrowly on general issues of community development and reconciliation. This narrow focus is a result of the lack of political space, but it is also a manifestation of a bigger problem of definition and conceptualisation. There is a lack of knowledge, expertise and capacity among the CSOs themselves, whilst networking and coordination are also poor.

Southern Sudan: In Southern Sudan, there are active CSOs and networks but they often adopt a disjointed approach to security and justice issues. There appears to be an unnecessary duplication of roles amongst those organisations that focus on issues of peace and reconciliation and no mainstreaming of security and justice issues. Furthermore, there are numerous community-based organisations (the majority of CSOs could be defined as thus) all of which focus on reconciliation at a grassroots level, violence against women, voluntary disarmament and the management of tribal clashes.

How can security and justice CSOs best coordinate to deliver improvements in the provision of security and justice?

Northern Sudan: As stated above, Sudan has recently witnessed the mushrooming of 'NGOs' supported by Islamic philanthropist agencies, which are less interested in security, justice and governance issues. The Economic Social and Cultural Council (ECOSOCC), created by the African Union, is a potential vehicle for facilitating networking and convergence as many Sudanese CSOs are represented.

Southern Sudan: The Saferworld initiated Southern Sudan Civil Society Action Network on Small Arms (SSANSA) is an important development. Its main focus is on disarmament and community security, and although it does not currently deal with justice issues, the network could serve as a major vehicle for progressing security and justice interests. In addition, Southern Sudan is home to long-established faith-based groups such as the numerous Catholic Church agencies who have a track record of proven engagement on peace and reconciliation and justice issues but have not seriously engaged in security issues. Other organisations focus on gender and peace, community security, conflict resolution and disarmament, and if provided with necessary knowledge and capacity, could also be potential players.

Opportunities and challenges facing existing organisations and networks

Northern Sudan: The NCP has enacted swift legal and political measures to curtail the involvement of CSOs in security and justice related issues. The problem is not technical in nature - it is structural and political. A critical factor is the degree and nature of democratisation and the corresponding nature of the political system. This coupled with the role of Islamic philanthropist organisations have impacted upon the philosophy of a great deal of Sudanese CSOs.

Southern Sudan: The problem of security and justice CSOs in Southern Sudan is not an absence of political will or the lack of interest; it is rather a lack of capacity and knowledge. On one hand, the early process of transition from war to peace results in the proliferation of national and international NGOs. However, on the other hand, the very same reason raises questions about the capacity (related to infancy) of security and justice CSOs. Thus, parallel to engaging with and supporting the capacity of governments, any serious engagement in security and justice issues should also focus on developing the capacity of CSOs and fill the gap in capacity at both analytical and operational levels. Using major INGOs such as PACT and Saferworld, or SSANSA and other networks such as the Horn of Africa Security Sector Network, led by the Centre for Police Research and Dialogue (CPRD) with member organisations in Southern Sudan, could help in achieving this.

6.2 Ethiopia

A brief overview of security and justice issues

Ethiopia's security problems arise from many factors: widespread poverty, inaccessible justice, violence against women, the lack of democratic control and oversight of the security sector, the politicisation of state institutions, resource-based ethnic (mainly pastoral) conflicts, an increasingly narrowing political space, the threat of terrorism and radicalisation, and spill-over effects of insecurity from neighbouring countries. CSOs have a role to play in all of these issues, but remain insufficiently involved in the security and justice arena. To date, security sector issues have not been considered a priority in the face of other competing demands which are more evidently linked to institutional reform and poverty reduction. Civil society involvement in reform processes, in terms of either debating government plans or contributing to policy development, is limited.

An assessment of the 'general health' of the CSO security and justice sector

Despite some genuine attempts at opening up the space for CSO activism, the legacies of militarisation and revolutionary war have been difficult to shake off. The political space required for civil society engagement is lacking. This is compounded by a new NGO law which targets security and rights-based CSOs. The law came into effect only in February 2010; its ramifications are yet to be documented. Consequently, governments, international agencies and other stakeholders do not know where to turn when they require information on the

current status of CSOs working in security and justice. This makes a mapping of this nature both difficult and important.

The government views civil society with a great deal of suspicion, particularly if they are publicly critical, because independent CSOs that receive foreign funding are perceived to be promoting donor agendas. Much like the NCP in Sudan, the Ethiopian People's Revolutionary Democratic Front (EPRDF)-led government tends to perceive autonomous CSOs as a challenge to its sources of foreign funding and political control. Meanwhile, even among CSOs, security issues are still considered as the domain of the state. Some military issues, such as defence budgets, the costs and modalities of intelligence, and political and national security remain closed to public (even parliamentary) scrutiny. The few CSOs engaged in justice-related matters, such as the Ethiopian Women Lawyers Association (EWLA) and the Ethiopian Bar Association (EBA), suffer from a lack of capacity and access to information and are therefore unable to provide analysis or inform the public of key justice issues.

Linkages and coordination, if any, between those organisations working within and across the security and justice fields

CSOs are weak and lack capacity and expertise, and there has been little coordination between security and justice CSOs. Few cross-country activities exist: there are no national or regional CSO security and justice networks. Even before the promulgation of the NGO Law there were very few independent CSOs working in the area of security and justice. Most of those working in the justice sector, such as the Network of Ethiopian Women Associations (NEWA) and the Organisation for Social Justice Ethiopia (OSJE), focus on rights issues and do not cover access to justice in any depth. Furthermore, their only link to security issues was in their regular dealings with the police or prisons in relation to justice for women. The Ethiopian Human Rights Council (EHRC) made some attempts to look at its role from a broader human security perspective, but its reports have only focused on human rights violations and associated issues of impunity.

The problem stems from the lack of a broader understanding of security (lack of knowledge and capacity), which is in itself a manifestation of a larger problem of definitions and conceptualisations. There is a paucity of literature on the subject of security and its linkages with justice in the Ethiopian context, and although some security and justice related literature has sprung from the Ethiopian Diaspora, much of it is not available to the CSO community in Ethiopia.

The very few national and regional CSOs dealing with security issues, such as the CPRD (mainly SSR and DDR) and the Ethiopian Economists Association (mainly economic development), focus on national and regional aspects related to security and economic research and policy development. In almost all of these cases the justice element is either ignored or delayed.

Lastly, the dependence on foreign funding and a lack of specialisation among CSOs has undermined the formation of effective networks, making them competitive rather than cooperative.

Opportunities and challenges facing existing organisations

The NGO Law is a major challenge for security and justice CSOs. Many have been forced to change their mandates, names, focus and scope. All have been instructed to register themselves as Ethiopian Resident CSOs and as such they are not allowed to secure more than ten per cent of their budget from outside of Ethiopia. As a result, many of them have trivialised their scope and gravitated towards less sensitive issues such as access to economic benefits, children's rights, HIV/AIDS, and free legal assistance for poor women on issues related to divorce and inheritance. Only a couple of native Ethiopian CSOs, such as CPRD and the Initiative Africa, are still exploring opportunities that the newly promulgated directives might offer through negotiating with the government.

Key CSOs and networks that DFID may be able to work with directly

Justice and security CSOs were vulnerable in Ethiopia, and the new law makes them almost non-existent, with limited possibilities for external support. Many of the major security-related CSOs that donors might have partnered with are not legally registered and thus their fate is as yet unclear. If they survive the storm, DFID could consider supporting the FSS and CPRD (security and development) as well as the EHRC, the Ethiopian Women

Lawyers Association (ELWA) and NEWA (justice and rights issues). Another sub-regional mechanism in support of security and justice is the Horn of Africa Security Sector Network (HASSN), which is currently hosted by CPRD. This aims to facilitate a joined-up approach to security and justice issues across the Horn of Africa sub-region.

6.3 Programme suggestions as how to best support Southern security and justice CSO capacity in Ethiopia and Sudan

Several points recur for Ethiopia and Sudan. The current situation in both countries (with the slight exception of Southern Sudan) is not conducive for security and justice CSOs, and one cannot expect any change in the near future. At the same time, the limited availability of entry points and information, as well as the weakness of civil society in both countries, may also reflect the lack of significant security system developments there. Although developments in South Sudan provide numerous opportunities, CSOs remain weak and an integrated approach to security and justice is lacking. DFID could therefore:

- Encourage CSOs to broaden their scope from democracy and governance to take operational effectiveness of security and justice institutions and states seriously, bearing in mind that engagement in sensitive areas will be very difficult. Becoming less political and more evidence-based would help to reduce suspicion towards CSOs;
- Support CSOs in a way that emphasises the potential benefits to governments, such as developing their capacity to effectively resolve pressing security and justice challenges. To help immunise itself against the state's pre-emptive and restrictive measures, civil society could adopt self-discipline, ethical codes and internal commitment to the values of democracy, transparency and accountability that it so often preaches;
- Support both the capacity of governments to undertake security and justice programmes, and (particularly in Southern Sudan) the analytical and operational capacity of CSOs;
- Set objectives as part of any funding arrangements to encourage collaboration amongst CSOs;
- Consider the IGAD-CSO Partnership forum, notably the Peace and Security Cluster formed in 2008, as an alternative means of advancing CSOs' security and justice agendas;
- Rally the support of regional organisations such as the African Union, NEPAD (especially the APRM) or the AU-sanctioned Mbeki Panel on Sudan.

7. SOUTHERN AFRICA

By Gabriel Malebang

The Southern African region is at present characterised by a peace dividend with an absence of interstate conflict. An atmosphere of stability prevails in most member countries of the Southern African Development Community (SADC). Out of the DFID priority countries of Zimbabwe, Zambia, Mozambique and Malawi, Zimbabwe remains the only state with continued reports of political violence and the incarceration, abuse and intimidation of political opponents. The others – though grappling with similar problems of poverty and poor economic growth – are fairly stable, and have held frequent elections in the past decade which were judged free and fair by international observers. Some challenges faced by the security and justice sectors of countries in the region include but are not limited to the following: vulnerable agrarian economies; poor service provision; poverty; inequality; unequal distribution of land; cross-border smuggling; violent crimes in cities (burglary, hijacking etc.); human capital flight; low institutional capacity; poaching in game parks; cattle rustling; natural disasters such as droughts, floods and desertification; insecure borders; disrespect for the rule of law; defective criminal justice systems characterised by vigilante justice; the availability of low cost weapons; dwindling resources; and worsening climatic conditions. The activities of CSOs and NGOs in the region have mainly been driven by efforts to contain some of the above challenges.

7.1 Malawi

A brief overview of security and justice issues

Malawi suffers from a major absence of human resource capacity which affects all sectors including the justice and security sectors. Key issues in Malawi are: illegal immigration; drug and human trafficking and illegal cross-border trade; slow and compromised judicial structures; processes and capacity leading to costly, delayed and denied justice; police brutality alongside small arms proliferation and armed crime; a disempowered citizenry; and inequitable access to security services. Distrust characterises civil society-state relations, and some political leaders still perceive CSOs as a threat to their power.

An assessment of the 'general health' of the CSO security and justice sector

A diagnosis of Malawi's CSO security and justice sector reveals challenges in funding, coordination, technical expertise and expert knowledge. The end of authoritarian rule in Malawi means that there is political space for CSOs to operate, but at the same time CSOs and networks cannot recruit and retain experienced and capable personnel. The activities of CSOs are predominantly focused on the areas of civil society inclusion, gender, governance and democratic oversight, and the rule of law. Essentially, civil society in Malawi is not as vibrant as it could be under the relatively stable, though conservative, political environment.

Linkages and coordination, if any, between those organisations working within and across the security and justice fields

There are minimal linkages and coordination between CSOs working on issues of security and justice. Most CSOs and networks work in isolation and this has increased duplication and reduced impact. There is competition for prominence, and attempts to build linkages across justice and security have been slow because of dependency on international donor funding.

Balancing justice and security has proven difficult; as the justice sector still faces significant challenges in meeting constitutional and democratic commitments to respect human rights and the rule of law, and as such CSOs are more active in justice issues. They are less inclined to associate with security matters out of fear of reprisals. This tends to mean that security and justice are distinct areas of operation for CSOs.

How can security and justice organisations best coordinate to deliver improvements in the provision of security and justice?
There is need for a thorough local assessment of security and justice CSOs to determine levels of expertise and capacity. It may be helpful to begin with existing structures and institutions to determine how they can be strengthened. The creation of a network of security and justice CSOs underpinned by a well-capacitated secretariat could also be explored. The government could be lobbied to commit to an annual CSO budget for coordination activities and to set up a unit in an appropriate Ministry to oversee how the money is spent. Government support for the coordination of CSO activities might show commitment to ensuring that funds reach all sections of society, including people in rural and remote areas.

There is an overarching need for a legal policy framework and operating guidelines to guide the activities of Malawi's CSOs and networks. This could also address civil society accountability and internal democratic processes.

Opportunities and challenges facing existing CSOs and networks
There is both the political space and a will to work on security and justice matters, and the government is willing to work with civil society. There is also a strong willingness to cooperate among CSOs. However, funding is the greatest challenge and the scarcity of resources means that CSOs do not have the means to implement whatever good ideas they may have. The work of CSOs in security and justice is fragmented, short term and generally unfocussed. A needs assessment could identify priority areas and clarify challenges and opportunities.

Key CSOs and networks that DFID may be able to work with directly
Depending on priorities, DFID and other donors could feasibly work with: The Centre for Human Rights and Rehabilitation, the Centre for Peace and Conflict Resolution at Chancellor College, and the Centre for Security Studies at Mzuzu University.

Programme suggestions as how to best support Southern security and justice CSO capacity
There is a need for community mobilisation and empowerment, research and analysis, judicial reform and the provision of legal aid services, and civic education. Capacity building for CSOs would be particularly beneficial in the areas of fundraising and monitoring and evaluation.

7.2 Mozambique

A brief overview of security and justice issues
The political situation in Mozambique is not as turbulent as it was about a decade ago but its society still experiences high levels of insecurity. Formal justice is dispensed through a plural legal system where the majority of citizens are still governed by Customary Law; citizens are thus largely unable to demand their rights from the state. The state has neither the requisite institutional capacities nor the political will for justice and security provision. For example, the design of police cells, which are not compliant with international standards, is a major cause of violence and abuse of rights, even if there is no intent to kill inmates. There are gaps in state security and justice provision in the areas of arrest and litigation, democratic and civilian control of security services and adherence to human rights norms. People are generally reluctant to seek recourse from the state's justice machinery since the country has limited legal expertise (some laws and policies in the justice and security sector are contradictory and confusing) and few practitioners (defence lawyers, prosecutors and judges). Security threats and human rights abuses arise from: state action (torture, extra judicial killings and arbitrary arrests and detentions); or communities or individuals taking matters into their own hands (e.g. through vigilante killings). The way in which the government attempts to bridge the gaps between the different legal systems (or its failure to do so) is important to people's perception of justice and fairness. CSOs require funding for activities to improve access to security and justice for ordinary citizens as well as to effectively monitor projects, policies and laws relating to citizen security. This implies that mechanisms for holding the government accountable to its people, and not just to donors, may be beneficial.

An assessment of the 'general health' of the CSO security and justice sector

The operational environment for CSOs in Mozambique seems largely congenial to those organisations that are closer to the state. Those operating further from the state and seeking to engage with the state on issues such as access to justice, information dissemination, and security sector accountability and reform avoid challenging the government for fear of reprisals. This culture of fear is due to the country's history of political violence. Generally, CSOs in Mozambique are neither strong nor sufficiently organised. Some notable CSOs, though formally well established, lack a clear mandate and tend to act in areas where there is funding. They do little to cover their running costs and therefore have no culture of sustainability. It appears that justice-oriented CSOs are more active than those focusing on the security sector, supposedly due to the sensitive and challenging nature of engaging on security matters in Mozambique.

An assessment of the linkages and coordination, if any, between those organisations working in the security and justice fields

The coordination of CSOs that have interests/activities in similar issues is not strong. Connections between them have been further hampered by political interference. CSOs are mainly challenged in terms of capacity. When consulted by government, CSOs do not have the capacity or time to input. A great deal of capacity building and training is required. Coordination is largely ad hoc, informal and without clear and transparent criteria. Security and justice seem to operate in silos and there is little evidence of crossover. This results in unnecessary fragmentation and CSOs have failed to capitalise on opportunities to adopt a nationally inclusive and broad-based civil society strategic framework.

How can security and justice CSOs best coordinate to deliver improvements in the provision of security and justice?

There is a need to organise regular national debates on security and justice issues. There is also a need to improve information dissemination and to launch campaigns to urge the state to ratify relevant international instruments on security and justice. DFID and like-minded donors could assist in lobbying for the strengthening of the Ministry of Justice budget so that human capacity can be increased to get things moving quickly. The Ministry of Justice is one of the more poorly-funded departments in the State budget.

The newly-created CSO Confederation (Rede de Organizacoes da Sociedade Civil, or ROSC) is expected to produce a comprehensive CSO database. This should lead to better coordination and participation by smaller CSOs.

Opportunities and challenges facing existing CSOs and networks

Political opposition needs to be strengthened for purposes of democratic consolidation, and this is an opportunity for CSOs to promote citizen participation. Challenges include: the lack of political will to address human rights abuses, corruption and access to justice; the lack of sufficient personnel with experience and technical skills; the lack of a clear and adequate national programme of action by CSOs; and inadequate organisational and leadership capacity within civil society. There is also an attempt by the government to regulate the operation of CSOs. Bearing in mind that most people are governed by Customary Law, access to justice will hopefully be addressed by the passing of a Bill on "Community Courts".

Key CSOs and networks that DFID may be able to work with directly

Depending on priorities, DFID and other donors could feasibly work with: The Mozambican League of Human Rights, the Defence and Security Management Project at Eduardo Mondlane University, and Women and Law in Southern Africa (WLSA Mozambique).

Programme suggestions as to how best support Southern security and justice CSO capacity

If real change is to be achieved, it may be appropriate to engage with the institutions responsible for the areas of concern, and to try to influence them to address the problems. A capacity building programme to help CSOs to meaningfully, strategically and tactically engage with the state and citizens might therefore be useful. Civic education, for example, could help ensure that people are aware of their rights and responsibilities as well as of the roles of state institutions, particularly the security and justice apparatus. There is also a need to support the

formation of a national Human Rights Council and a national Security Council, which would monitor and promote security and justice.

7.3 Zambia

A brief overview of security and justice issues

Conceptions of justice in Zambia revolve around the crafting of the constitution and how the ruling party is directing this process, and a number of CSOs are working in these areas. The view of CSOs in Zambia is that the dispensation of justice is flawed, although such views may be held for opposite reasons; the prosecution of the former president Chiluba is a case in point. Some people took the view that he was a victim of a witch-hunt. However, many CSOs protested at his recent acquittal of corruption charges, claiming that the President and ruling party had influenced the outcome. There are few internal security threats, but several external threats such as fears of a spill-over of conflict from the DRC. There is also a problem of illegal immigrants entering from Rwanda, DRC and Zimbabwe, and of hired criminals from Angola (called "Caravinas") killing elderly people suspected of practicing witchcraft. Further security and justice problems include: internal displacement due to floods; gender-based violence (including domestic violence) and corresponding security sector responses; abuse of underage girls and children by men; land issues; human rights abuses; HIV/Aids; and corruption.

There are four security and justice-related CSOs in Zambia. Two of these primarily work on issues of security and justice: the Defence and Security Management Project (based at the University of Zambia) and the Law Association of Zambia. Together, these organisations cover the following security and justice sector issues: access to justice; civil-military liaison; civil society inclusion/participation; conflict prevention and peacebuilding; corruption; defence reform; gender; governance and democratic oversight; judicial reform; legal aid for the poor; police reform; and rule of law. This represents a broad range of issues, but the small number of security and justice-related CSOs in Zambia means that there is no depth of coverage in any of them.

An assessment of the 'general health' of the CSO security and justice sector

Civil society is vibrant, though not well coordinated. Many CSOs contain experienced people, and this has enabled them to attract donor support over the years, but this support is often viewed with suspicion by the government. Most CSOs are well established but lack funding, and most of them only have a minor focus on security issues. A new NGO Act has been passed which, depending on how it is enforced, may prevent CSOs from championing donor agendas with which the government disagrees. There are also, however, some CSOs which have been discredited by donors due to questionable credentials.

Some CSOs are owned by the individuals who founded them, and do not have internal accountability mechanisms. CSOs should ideally have constitutions and clauses for retirement, change of leadership provisions and be required to keep audited accounts. The new NGO Act is aimed at addressing these issues.

An assessment of the linkages and coordination, if any, between those organisations working within and across the security and justice fields

There is poor coordination between those CSOs working on justice and security issues. CSOs to a large extent within the individual sectors work in isolation, and send mixed signals to the government. CSOs also tend to compete to attract donor support and thus undermine each other.

How security and justice CSOs can best coordinate to deliver improvements in security and justice

The CSO umbrella body in Zambia, the Non-Governmental Organisation Coordinating Council (NGOCC), is weak, and unable to coordinate the activities of CSOs well. CSOs need to establish collective frameworks through which to explore possible synergies – and a first step could be for CSOs to provide better support to NGOCC. There is resistance to the new NGO Act for the regulation of CSOs, but there are few self-regulatory measures in place. Networks such as the NGOCC could employ full-time coordinators with permanent secretariats. CSO staff also need additional training in areas such as monitoring and evaluation. The newly-created Zambia Governance Fund not only provides larger, more capable CSOs with financial aid, but also provides capacity building support for smaller

CSOs in areas such as strategic planning, financial management, project management, and monitoring and evaluation.

Opportunities and challenges facing existing CSOs and networks
Opportunities exist for CSOs to fill current gaps in civic education, particularly towards increasing public understanding of the need to augment political processes (especially because security threats have much to do with politics). Zambian CSOs by and large still enjoy good will from donors, and they need to coordinate their activities to keep donor support flowing. The government could engage more constructively with CSOs, rather than seeing them simply as opponents. While it is legitimate for CSOs to challenge the government where appropriate, they would probably have greater impact if they worked with the government as a partner rather than being perceived as constantly oppositional.

Key CSOs and networks that DFID may be able to work with directly
Depending on priorities, DFID and other donors could feasibly work with: The University of Zambia Southern African Defence and Security Management (SADSEM) Project; the Law Association of Zambia; the Legal Resources Foundation; and the Child Justice Forum (which is part of the Zambia Civic Education Association).

Programme suggestions as how to best support Southern security and justice CSO capacity
Civic education on security sector governance is a priority area for some of the CSOs identified here and is therefore an area that could benefit from donor support. DFID and other donors could encourage coordination amongst CSOs by building incentives into its grant schemes and by targeting new and emerging CSOs and networks. Donors could consider assessing the following competencies when making funding decisions: monitoring and evaluation capabilities; strategic planning; and mechanisms to ensure the effective implementation of programmes.

7.4 Zimbabwe

A brief overview of security and justice issues
There has not been a real debate on security sector reform in Zimbabwe, so there is still need to analyse the country's security needs. Under the Global Political Agreement (GPA), which was signed in October 2008, there should be full civilian control of security forces. However, this is not the case – as evidenced by the fact that the National Security Council has hardly met since the GPA. In terms of justice, the police are perceived to interpret the law in a flippant manner and there is evidence that the court machinery has been operating in a partisan and impartial fashion for nearly a decade. The Public Order and Security Act (POSA) of 2000 (amended in 2007) has been a major stumbling block to those who endeavour to further the justice and security agenda. Since its inception in 2000, the POSA has been used by the ruling party to infringe on the fundamental right to freedom of association and civic organisation.

An assessment of the 'general health' of the CSO security and justice sector
Zimbabwean civil society has produced a sizeable literature documenting the operations of security forces. They have also mounted over a thousand civil litigations against human rights violations. However, it is currently difficult for security and justice CSOs to function due to constant blocking of initiatives by the state. The introduction of legislation designed to regulate the non-governmental sector prevents the monitoring and documentation of human rights violations and excesses perpetrated by security forces. CSOs dealing with security and justice issues are hamstrung because at times the legislation is invoked to prohibit them from receiving foreign funding.

Civil-military relations are confrontational and this has compromised parliamentary oversight of security organs. Overall capacity has been depleted by the political crisis and coordination is a key problem, especially in the security sector. Some organisations have lost their independence and relevance as a result of the nationwide assault on CSOs by the state.

CSOs in Zimbabwe have significantly more experience and knowledge of justice than of security matters. Despite relentless government propaganda, organisations such as the NGO Human Rights Forum, Zimbabwe Lawyers for Human Rights and the Catholic Commission for Justice and Peace in Zimbabwe, to mention a few examples, have continued to make the world aware of land reform injustices, systemic human rights abuses and civil and political violations.

Linkages and coordination, if any, between those organisations working within and across the security and justice fields

Security and justice are not treated in isolation of each other because of the political implosion in the country. There are a plethora of coalitions but it is difficult to achieve meaningful coordination because the CSOs have been marginalised and deconstructed by the state. This produces confusion as to where authority and mandates come from. There is no comprehensive strategic analysis of problems and solutions, and many organisations find themselves working at cross-purposes and engaging in unhealthy competition for prominence.

How can security and justice organisations best coordinate to deliver improvements in security and justice?

The first step is to create a strategic alliance between CSOs. Members could then be deployed according to their expertise and persuasions, while all working on a common strategy. This could be achieved by channelling support to CSOs according to sectors instead of projects. There is a need to create guidelines and manuals on security sector reform. In addition, dialogue between political parties and CSOs on themes of justice and security could be used as a basis to develop guidelines on a national justice and security strategy.

Opportunities and challenges facing existing organisations and networks

Zimbabwe had a well functioning security and justice system that has been damaged by the political crisis. The GPA and the power sharing arrangement, however, have created new political and civic spaces through which CSOs can engage in a more forthright manner. The capacity for collective action is enormous, but opportunities to make an impact may be scarce. The risk is that Zimbabwe will have to face an election in the near future and, depending on the outcome, the currently available space may close. There is a lack of political will for reform by political leaders who are benefitting from an over-politicisation of the justice and security sectors. Further, the humanitarian, political and financial crisis in Zimbabwe has meant that global trends in security and justice have passed Zimbabwe by, and whilst some organisations have lost credibility since moving closer to the state, others have been completely destroyed. Many CSOs are elite technical bodies and do not represent a particular constituency of citizens; others do not have any inbuilt accountability processes and experience challenges of self-regulation.

Key CSOs and networks that DFID may be able to work with directly

Depending on priorities, DFID and other donors could feasibly work with: The Centre for Defence Studies, University of Zimbabwe; the Zimbabwe Peace and Security Programme; the Zimbabwe Peace Support Programme; the Amani Trust (now called the Counselling Services Unit); and Zimbabwe Lawyers for Human Rights.

Programme suggestions as how to best support Southern security and justice CSO capacity

Support could be channelled towards national security planning with a focus on accountability and parliamentary oversight of the security sector. It might also be directed towards laying the foundations for future reform by carrying out baseline research or by writing think pieces where the politics permit.

8. WEST AFRICA

By Eboe Hutchful

It is no coincidence that the West African sub-region is both one of the poorest and the least stable regions in the world. Conflicts, coups, dictatorships, transnational organised crime and weak central governments have characterised its recent past. These concerns continue to pose a considerable challenge to national and regional stability as well as to human security.

Security threats vary across the region: several countries including Nigeria contend with ongoing insurgencies; Sierra Leone is in a post-conflict phase with a pronounced international presence; whilst Ghana is working towards entrenching democracy, although the latter has had to face instability and violence associated with the previous elections as well as tribal tensions in the north-east.

The situation with regard to the CSO sector can best be described as cautiously positive, and whilst some organisations could be deemed 'vibrant' and 'technically strong', these are probably in the minority rather than representative of the CSO sector as a whole.

8.1 Ghana

A brief overview of security and justice issues

Ghana is seen as offering the most benign and facilitative environment in West Africa for security and justice CSOs. The government itself, the legislature and security agencies are seen as responsive to overtures by CSOs. In striking contrast to Nigeria, the security institutions are viewed as more open to collaboration with CSOs, with the judiciary somewhat less so.

This positive picture is not without its downside, however. First, Ghana's 'good governance' stamp of approval is marred by a number of issues including:

- An inability to resolve the long-running conflict in the North-east;
- Poor service delivery and lack of accountability of both public and private sector service agencies;
- A weak and under-funded judiciary (a shortage of magistrates is a particular problem);
- Justice sector reforms (especially those funded by the World Bank) that have so far been of a technical nature, designed to improve judicial infrastructure but apparently less interested in addressing problems of accessibility;
- Fractured views of the security and justice sector: both the police and judiciary are perceived as corrupt, and public opinion surveys have placed them last in integrity and public respect; the military on the other hand is seen as the most respected national institution;
- Lack of a learning curve in parliamentary oversight or defence and security management (with electoral turnovers leading to fitful stop and starts), and an absence of a national security policy framework;
- Little regulation of the burgeoning private and informal security sector (the notorious 'landguards' in particular);
- Drug scandals that during the last few years have highlighted increasing corruption among poorly paid security and public officials. There is concern, too (based on Nigeria's experience), that oil exploitation may expose Ghana to new domestic security challenges;
- Concern over oil security that may be moving the entire security architecture (especially the navy) from an international peacekeeping toward a 'Maritime Security' posture. (However, the naval force finds itself in competition with well-connected international private security providers);
- An almost total lack of instruction in Security (or Conflict) Studies in institutions of higher learning and a corresponding paucity of evidence-based research in the area by universities, think tanks and CSOs (although the donor-funded Ghana Research and Advocacy Programme (G-RAP) has tried to address this in the broader policy arena).

All these factors have contributed to an appearance of complacency in addressing underlying security and justice challenges, a complacency which seems to be shared by the donor community.

An assessment of the general health of the CSO security and justice sector

Correspondingly, Ghana's CSO sector is seen as fairly robust (even thriving), reflecting a deepening (and increasingly self-confident) democratic culture. It is possible to identify CSOs (and even networks) that are vibrant, well-established, experienced, and technically strong, or organisations that enjoy good access to and collaborative relationships with formal security and justice institutions. Several CSOs seem to have a high profile in this area: for example, African Security Dialogue and Research (ASDR) runs a parliamentary oversight training programme and a 'Security Sector Governance and Management' (SSGM) course on behalf of the National Security Council.

However, the positive qualities ascribed to CSOs are seen as applying to only a very few CSOs. Overall, the sector is viewed as fragile and vulnerable to a number of pressures: it is primarily donor-funded and thus open to donor agendas, and lacks adequate funding across all phases of activity – for institutional development in particular. The sector also has difficulty in hiring and retaining competent staff, aggravated by competition from and 'poaching' by better-established and funded private and international institutions. The loss of key individuals has sometimes led to the collapse of major programmes.

Few CSOs are actually involved in sustained security and justice work. Those that are, include: ASDR (parliamentary oversight, SSR, defence and broad national security issues); Women in Peace and Security Network (WIPSEN) (gender and SSR); Commonwealth Human Rights Initiative (police accountability); Legal Resources Centre (police-community relations, legal aid); International Federation of Women Lawyers (FIDA) (legal work in support of women); the Ghana Centre for Democracy and Development (occasional public opinion surveys and other work on security and justice issues); the Media Foundation for West Africa (regional and human security via media), with the Third World Network addressing issues of resource-based violence, among other issues of development policy. To this list may be added the Ghana Bar Association, which would consider itself to be a 'professional association' rather than a CSO in the conventional sense. More CSOs engage with security than with justice issues. The focus tends to be almost exclusively on the formal sector, but even here, the approach has been selective and piecemeal, with attention to police and (to a lesser degree) military issues, but not to intelligence, corrections or the prosecutorial system. CSOs lack meaningful engagement with the informal and customary security and justice sector.

An assessment of the linkages and coordination, if any, between organisations working within and across the security and justice fields

There is little crossover or joined-up work, though some occurs within the framework of police accountability, human rights and, to a lesser extent, gender. Coordination is weak, contributing to an impression of fragmentation, competition and working in silos. Evidence of low interest in and little collaboration by CSOs around security and justice issues is clear: for instance, CSO participation in the Parliamentary Oversight and SSGM courses tends to be low. Hence, ASDR (which runs both programmes) enjoys close relations with the defence and national security apparatus and the parliamentary defence and interior committee, but does not appear to have had much success in bringing other CSOs on board. CHRI has done notable work on police accountability, but remains the only organisation engaged in this area. WIPSEN remains alone in pursuing work on gender and security (even though a gender focus is common among CSOs). Similarly, sustained collaboration with public oversight institutions such as the Commission for Human Rights and Administrative Justice (CHRAJ) tends to be low. Nevertheless, CSOs have demonstrated an ability to coordinate on particularly controversial issues, such as water privatisation and the Freedom to Information bill.

Opportunities and challenges facing existing CSOs and networks

In addition to the constraints cited earlier, a number of more specific challenges and opportunities confront the small number of organisations working in the security and justice arena. On the one hand, the generally receptive (or at least permissive) environment referred to earlier would appear to offer CSOs the opportunity for greater engagement with the security and justice sector. Arguably, the security institutions, long isolated from civil life and

facing rapid changes that are curbing their political influence and social privileges, are looking to make friends and influence people, thus offering opportunities for CSOs to act as interlocutors.

There are several reasons, however, why CSOs in Ghana nevertheless tend to shy away from engaging in security and justice issues. Firstly, the perception still persists that security is a 'hands-off' area, and justice sector institutions are largely seen as remote, foreign, elitist, and unresponsive. In addition, the lack of national security, defence and public safety policy frameworks makes it difficult to engage with security issues in an informed and meaningful way and hinders transparency. There is no formal SSR – although incremental improvements have refurbished the public image of security institutions and led to marginal improvements in effectiveness (at least in the capital city). However, fundamental challenges facing the sector such as lack of policy direction, under-funding, logistics, and accountability deficits have not been addressed.

Work in this area is further complicated by a lack of expertise in security and justice issues, and the lack of research and an evidence base to inform public discussion and policy choices. Furthermore, given the politicisation that affects much to do with security and justice, maintaining a sense of independence and non-partisanship – not to mention surviving across regimes – becomes a difficult and delicate task.

Indication of the major CSOs and networks that DFID may be able to work with directly
Depending on priorities, DFID and other donors could feasibly work with: Legal Resources Centre; Women in Peace and Security Network (WIPSEN); African Security Dialogue and Research (ASDR); Commonwealth Human Rights Initiative; Media Foundation for West Africa (MFWA); Centre for Human Rights Advocacy; Centre for Public Interest Law; Ghana Centre for Democratic Development (G-CDD).

8.2 Nigeria

A brief overview of security and justice issues
Nigeria provides many examples of robust CSO work but is also the most problematic operational environment in West Africa. It faces a long list of security and justice challenges, conveying an impression of a society facing profound crises of both governability and citizenship. These include: blatant electoral fraud; proliferation of political, criminal, religious, communal and resource conflicts; poor detection of early warning signals and poor conflict management; lack of effective and accountable policing, security services characterised by brutality and a sense of impunity (including extrajudicial killings); and limited parliamentary oversight in spite of a dense network of parliamentary defence, policing, and intelligence committees (with large staffs, by African standards) that were mandated by the 1999 constitution.

If anything, perceptions of the justice sector are even more damning. They involve: poor access to justice; an insufficient number of judges; technological backwardness of the court system (only some courts in Abuja have modern facilities); and poorly educated, unprofessional court support staff. In addition, there are: trial delays and court congestion; a high remand population (and, all too often, virtually indefinite pre-trail remand); prison overcrowding; and lack of adequate oversight of prisons, police cells and other detention facilities. The overwhelming perception is that the return to electoral democracy has not resolved any of the endemic/underlying threats to security and justice in Nigeria (probably the contrary).

An assessment of the general health of the CSO security and justice sector
The modus operandi of Nigerian CSOs in many respects replicates those of their Ghanaian counterparts. Thus, the research found that CSOs operating in the security and justice field tended to be a relatively select minority. However, there are also several differences. Nigeria has:

- A tradition of security/strategic studies and analysis that is better developed in institutional circles beyond CSO action. The Nigerian Institute for International Affairs (NIIA), National Defence Colleges, universities and think tanks reflect Nigeria's pretensions as a regional power and the more institutionalised influence of the military and the 'militocracy';

- A tradition of both legal and political activism in the face of military authoritarianism, with a pantheon of legendary lawyers, which has tended to spill over into SSR advocacy (though in a very general way, lacking specific proposals and sustained engagement with the issue);
- Arguably more developed disciplinary expertise (e.g. CLEEN was cited by Ghanaian colleagues as a model in the area of police reform);
- As the host country of ECOWAS, Nigeria has become a base for regional networking (WACSOF, WANSED, CDD, etc.), although the focus again is on regional security and peacebuilding rather than justice.

An assessment of the linkages and coordination, if any, between those organisations working within and across the security and justice fields

CSOs are narrowly focused on *either* security *or* justice. The few examples of joined-up work again occur in the areas of police accountability/reform and human rights, and primarily target the formal security and justice sector (though here too in a piecemeal fashion). Thus, there is little coordination within or between security and justice organisations and actors.

While this lack of coordination may be attributed to competition for resources and the narrow agendas that drive most CSOs, particular reasons for the failure to link security and justice work may be grounded in the fact that the national security and justice sectors are two separate (and often antagonistic) communities. They have divergent institutional cultures frequently operating in silos (outside the police-prosecution arena), and the fragmentation of CSO activity tends to reflect this institutional cleavage. Though true of all three countries, this is nowhere more clearly demonstrated than in Nigeria. While there is still a lack of coherence between the formal and informal justice systems (attributed to attitudinal resistance to alternative dispute resolution mechanisms such as arbitration), the 2010 completion review of DFID's Security, Justice and Growth programme showed encouraging signs of improvement. In Lagos ADR is picking up speed, primarily driven by businesses. In Northern Nigeria, ADR is mainly being used for family matters. There are also emerging signs of better collaboration between the Sharia court system and the formal system.

Opportunities and challenges facing CSOs and networks

Dysfunctions of the state sector (particularly in security and justice) are seen to be providing endless opportunities for work and thus are giving CSOs a perverse investment in the current situation. Further, CSOs are sometimes perceived as taking a formalistic approach to their work (in part to justify funding), regardless of whether or not it makes a real difference on the ground.

Nevertheless, it is felt that there is greater openness and cooperation between the state and CSOs on justice-related issues than on security-related issues, though some CSOs have worked successfully if unevenly with security institutions (e.g. CLEEN's work with the police). On the other hand, the lack of engagement with security institutions has also been attributed to the loss of CSO activism with the dismantling of the military dictatorship in 1999, since military intervention in politics provided the main motivation for their engagement.

The challenges confronting CSOs are broadly similar to those in Ghana, but additional factors cited were the high transaction costs associated with an underdeveloped infrastructure, corruption and bureaucracy. This is also growing competition between traditional CSOs and international consulting companies. However, Nigerian CSOs are facing an even steeper curve than those in Ghana, operating in an environment riven by conflict, a political leadership that is factionalised, corrupt, and felt to be lacking broad public legitimacy, and a political landscape dominated by freewheeling political parties.

Key CSOs and networks that DFID may be able to work with directly

There is a huge range of CSOs in Nigeria that undoubtedly merit consideration. Depending on priorities, DFID and other donors could feasibly work with the following, which were identified in the first phase of this study: Access to Justice; Centre for Law Enforcement Education (CLEEN Foundation); Prisoners Rehabilitation and Welfare Action (PRAWA); BAOBAB for Women's Human Rights; Initiative for Strategic Development (ISD); Community Policing Partners; Constitutional Rights Project (CRP)**;** African Strategic and Peace Research Group (AFSTRAG).

8.3 Sierra Leone

A brief overview of security and justice issues

The political environment in Sierra Leone for security and justice CSOs is positive and there has been a discernable improvement in the overall security situation. However, environmental factors that undermine human security include corruption, organised crime, state-corporate crimes, money laundering, smuggling, human trafficking, and weak regulatory and government policies. Further problems include limited access to justice, overloading of the court and prosecutorial system (forcing the majority of the population into dependence on the customary and informal justice systems), youth unemployment, low salaries and poor conditions of service in both the security and justice sectors.

While many successes have been realised as a result of security and justice initiatives in Sierra Leone (in particular, an effective, decentralised national security architecture that has allowed largely peaceful elections and change of government), several 'deficits' remain:

- Governance of security remains an issue, with weak parliamentary oversight and a concentration of power in the Office of the President and (operationally) in the Office of National Security (ONS);
- In spite of welcome recent donor funding for security and justice programmes – including the 'Access to Justice' programmes of DFID and the UNDP, the 'Justice for the Poor' initiative of the World Bank, the OSIWA-supported 'Timap for Justice', and GTZ's 'Promoting the rule of law and justice in West Africa', the sector remains under-supported. A lack of access to formal justice remains very much an issue, with an estimated 87 per cent of the population depending on customary and informal justice institutions that remain largely unregulated. Donor funding has tended, correspondingly, to reflect a bifurcated ('two-tier') approach, focusing on supporting either the formal or informal and 'customary' justice sectors (and sometimes both), but with little real understanding of how the two sectors interface (if at all), or, how customary justice institutions actually operate, and with what short-and long-term impacts;
- Corruption in the security and justice sector (and particularly in the police) remains an issue;
- Sierra Leone is still one of the poorest countries in this region and the world, with high youth unemployment and exclusion.

An assessment of the general health of the CSO security and justice sector

Sierra Leone differs from Ghana and Nigeria in several ways, one of these being that CSOs tend to focus on 'justice' rather than 'security'. While a number of organisations (Timap for Justice, Access to Justice Law Centre, Lawyers Centre for Legal Assistance, etc.) are involved in cutting-edge work in the justice arena at community level (and in rural communities in particular) offering legal aid and paralegal services, relatively few (among them Conciliation Resources and the Centre for Development and Security Analysis) engage with SSR on a professional and sustained basis (via policy engagement, research and analysis, training and capacity-building). In the area of SSR, the government and the ONS (with the liberal support of donors and external actors) have tended to exercise firm strategic leadership.

While a number of these CSOs are viewed as well-established, vibrant and commanding experience and expertise, nevertheless a range of challenges and capacity issues were seen to confront the sector (see below).

An assessment of the linkages and coordination, if any, between organisations working within and across the security and justice fields

Coordination is viewed as less of a pressing issue than in either Ghana or Nigeria. Indeed, some joined-up security and justice work exists among organisations such as Conciliation Resources, Partners in Conflict Transformation (PICOT), and the National Movement for Development and Justice. Similarly, there are examples of vibrant networking (such as the Bo Peace and Reconciliation Movement (BPRM) and the Kailahua District Civil Society Organisations (KAIDCSO)). However, such networks appear to operate primarily on local, district, and provincial levels, and are often based on personality rather than effective systems, with national networking appearing more

tenuous. Networking also seems to be less prevalent in the urban centres of the Western Area, which have both a higher proliferation of CSOs and a tendency to more fragmented forms of activity. The lack of a comprehensive security and justice sector policy has also proved an obstacle to integrated work, even though, in practice, the acute and overlapping nature of issues of poverty, insecurity and justice (in particular limited access to the law in dealing with the many human rights abuses which were a legacy of the civil war) have made it unrealistic to separate these zones of activity to the extent evident in either Ghana or Nigeria. Fortunately, this policy environment is changing; the justice sector now actively engages in the national security architecture via the National Security Council Coordination Group, and there are discussions regarding the merger of the security and justice strategies. These changes are welcome, of course; nevertheless, the perception persists that while channels may exist (or are opening up) for networking, these are not always effectively exploited, perhaps due in part to capacity constraints. While issues of capacity need to be addressed at multiple levels, one cannot overstate the contribution that an active and well-functioning *national SSR network* could make to such an endeavour.

Opportunities and challenges facing existing CSOs and networks

CSO engagement with SSR in Sierra Leone has been slow and limited, and relations between the security sector and civil society are still limited. There are several reasons for this: firstly, Sierra Leone emerged from the civil war with a legacy of bitterness and division between civil society (particularly women and the youth) on the one hand and the security sector on the other, with attendant (and almost universal) initial scepticism toward SSR. Secondly, deep suspicions inherited from the civil war (in particular very negative national self-perception and erosion of self-confidence) inhibited community action and willingness to engage with national processes. Another consideration is that participation by civil society in the peace negotiations in both Abidjan and Lome was marginal; and lack of specification of the expected role of civil society in the early stages of SSR, combined with severe lack of capacity on the part of both government and CSOs also inhibited engagement. Finally, the strong UK bilateral lead, the high-profile involvement of the international community (in particular the UN and IMATT), and the large number of international NGOs that flooded Sierra Leone, though welcomed positively by the majority of Sierra Leoneans, initially eroded possibilities for national ownership.

However, this environment has substantially improved over time. Sierra Leone is the only one of the three West African countries that has attempted systematic security and justice reform, and has a formal policy and strategy framework in place that actually assigns roles to CSOs. In particular, the Security Sector Review of 2005 afforded an opportunity for CSO participation and networking. A good example of this was the *Strengthening Citizen Security* initiative launched by Conciliation Resources to coordinate CSO participation in the Review. Furthermore, the new security paradigm sought to build CSOs into the security architecture, particularly in terms of recognising their contribution to border security, intelligence, early warning, and conflict management and reconciliation. CSOs were subsequently granted limited representation on the District Security Committees (DISECs) and the Provisional Security Committees (PROSECs) as well as the Local Policing Partnership Boards (in the justice sector, there is the 'Civil Society Justice Sector Coordinating Group' (CSJSCG) which is a member of the Justice Sector Task Force). While the ONS has officially encouraged this partnership, capacity issues have also limited the extent to which these openings can be exploited by CSOs.

On the one hand, the lack of a comprehensive policy embracing the two sectors has tended to inhibit (though not entirely prevent) coordinated action across security and justice. Furthermore, within each of these there has been a lack of a sector-wide approach. While the Justice Sector Development Programme (JSDP) adopted in 2005 addressed the need for a holistic, sector-wide approach (encompassing both state and non-state justice sectors), it still resisted efforts to integrate the two sectors. However, this policy context is changing, with agreement by both the ONS and the Justice Sector Coordination Office for integrated security and justice programming.

There are potentially endless opportunities for CSO work relating to various dimensions of post-conflict reconstruction, including security sector reform, parliamentary strengthening, justice sector reform, and peace and reconciliation. The forthcoming update of the Security Sector Review by the ONS represents a substantial opportunity once again for civil society to engage with and evaluate SSR and progress made thus far.

On the other hand, there are numerous challenges:

- Donor support has led to a 'two-tier' system of programmes focused on: (a) enhancing state capacity (a prodigious task in itself); and (b) direct service delivery that by-passes the state and has generally excluded capacity-building and policy-influencing. Dialogue is needed on how state and non-state actors supplying security and justice services can interact with each other;
- There is a lack of overall capacity, particularly in the provinces and outside the capital. The ability of CSOs to engage in policy discussions is also limited, as is their ability to base their policy debates on a detailed evidence base from the grassroots;
- Reliable, adequate institutional funding and support is lacking, leading to difficulty in funding staff salaries and retaining professional staff and in sustaining programmes;
- There is a lack of training and capacity building for staff and interns, and of academic and research material and facilities;
- There is a lack of coordination mechanisms for civil society engagement with the government, and a perceived absence of political will and governmental encouragement and support;
- There is an over-dependence on external support.

Key CSOs and networks that DFID may be able to work with directly

Depending on priorities, DFID and other donors could feasibly work with: Centre for Development and Security Analysis; Conciliation Resources; Timap for Justice; Access to Justice Law Centre; Lawyers Centre for Legal Assistance (LAWCLA); National Movement for Justice and Development; Bo Peace and Reconciliation Movement (BPRM); AdvocAid; Advocacy for Reform of Laws Discriminatory against Women in Sierra Leone.

8.4 Programme suggestions as how to best support Southern capacity in West Africa

For those organisations and networks operating at the regional level, ECOWAS is seen as offering a receptive environment for CSO work (actually in some respects ahead of the individual states), involving some of the prominent networks in the sub-region (WACSOF, WANSED, ASSN, WANEP). However, with the exception of WANEP (and its more diffuse mandate), these sub-regional networks focus on security and peacebuilding to the exclusion of systematic work in the justice arena. The proposed *Mano River Security and Justice Network* (encompassing Guinea-Bissau as well as the four MRU members of Sierra Leone, Liberia, Guinea and Cote d'Ivoire) may well mark a departure.

Donors should have little difficulty identifying organisations to support or work with directly in Sierra Leone, which arguably has a more congenial environment for linking security and justice work on the ground. While urban-rural cleavages do exist as in Ghana and Nigeria, (in part manifest through differences in capacity); significant networking does appear to exist among rural CSOs, with many already working (crucially) to bridge the gap between the formal and customary legal regimes.

The new DFID Security and Justice programme could increase focus on demand-side security and justice service delivery. DFID could feasibly support, promote or provide:

- Networking and common consultative fora where security and justice organisations could work together or review the mutual impact of their work. Organisations working on parliamentary capacity-building would benefit from opportunities to join up the work of the security and judicial committees, as a first step in providing the necessary institutional and legal synergies;
- Enhanced gender presence in CSO security and justice work at all levels, as well as in Parliament and related bodies;
- South-south sharing of experiences and lessons learned;
- Funding that encourages and rewards joined-up work;
- Joint funding of security and justice organisations;

- Internships designed to expose young professionals to both security and justice environments and create awareness of the integrated nature of issues affecting the two environments;
- Funding for institutional development that specifically addresses capacity to promote joined-up work and overarching security and justice competencies;
- Small grants schemes to encourage joint research and advocacy;
- Seed funding for new organisations, particularly those interested in working in the rural and customary and informal sectors.

9. SOUTH ASIA

By Mallika Joseph

Countries in South Asia fall under two categories – those that are evolving from a conflict situation to a post-conflict one, and those that are plagued by internal conflict. The post-conflict states are small and characterised by high-levels of international presence and assistance. Due to increased international interaction and donor priorities, there is a greater understanding of the security and justice sectors and the reforms required therein. The reform agenda is top-down, and the countries that fit into this frame of analysis are Afghanistan, Nepal and Sri Lanka. (In this report, however, attention has been given only to Afghanistan and Nepal as DFID priority countries). CSOs are strong in these countries, but civil society per se is weak.

The second set of countries includes Pakistan, Bangladesh and India. Each of these has a plethora of internal problems, with the largest growing populations, and a range of ongoing reforms. There is a general lack of knowledge on security and justice, except for a handful of individuals and organisations who form the strategic community (those working for think tanks or engaged in policy analysis). As a result few organisations work primarily in the security and justice sector, and even fewer on security or justice reforms, therefore the push from the bottom up is having little effect.

The bulk of CSOs in South Asia work on governance and democratic oversight, human rights, conflict prevention and peacebuilding, civil society inclusion and participation, and the rule of law. According to research conducted during the first phase of this mapping study, there are over 18 CSOs in the region working primarily on these issues. Conversely, fewer than five CSOs work primarily on important sub-sectoral issues such as DDR, border security, intelligence reform, media, refugees, private security and penal reform. However, a number of CSOs working on development and foreign policy also have a secondary focus on such sub-sectoral issues. These CSOs include the regional Commonwealth Human Rights Initiative (CHRI) and the Bangladesh Legal Aid Services Trust (BLAST).

9.1 Afghanistan

A brief overview of security and justice issues

Despite increased foreign troop presence in Afghanistan post 9/11, and the removal of the Taliban from the seat of power, the conflict in Afghanistan is far from over. The security systems are being rebuilt and challenges remain in marrying a traditional system with a Westphalian model. Of the array of security sector interventions currently underway, the sector needing most attention is the police. There is a high level of dissatisfaction among the people with regard to the police – in contrast to the Afghan army, which appears to be well trained and well equipped. The Afghan National Police is considered by the public to be ill equipped, lacking in training, psychological profiling, investigative capabilities, and not people-friendly.

The judicial sector and prisons are also of high concern. The judicial sector exhibits low accountability and is marked by a lack of transparency; the court system is very weak, particularly in the Southern and Western regions of the country which are home to the Pashtun community. Most justice is meted out through the informal and traditional justice systems. Weak courts, ill trained judges and a high level of corruption has resulted in low faith in the governmental judicial apparatus, as a result of which the majority of the population prefer to approach the traditional justice system. The popular perception is that, instead of dismantling these traditional systems, efforts need to be made to mainstream them. Through mainstreaming, these informal systems can be exposed to reform, thereby providing them with better enforcing mechanisms, introducing gender parity or more transparency. Prisons require a lot of attention, particularly given the fact that many prisoners are held beyond their term of sentence. Prisons provide a breeding ground for radicalisation and indoctrination.

Very few CSOs work in the security and justice sectors. Of these, however, indigenous CSOs have great reach and access to the population as well as to the government. CSOs with predominantly foreign staff and support have

contributed towards increasing the standards of research and service delivery in the country. The Afghan state is not particularly encouraging towards CSOs operating in justice and security sectors and in some instances can even be hostile, especially in cases where the role of state security and intelligence comes under scrutiny. Nevertheless, a few CSOs have managed to build public opinion on issues of human rights and gender issues. Civil society itself is still unorganised and ill developed, hence its reach and effectiveness are somewhat constrained.

An assessment of the general health of the CSO security and justice sector

The CSOs sector can be described as healthy. A primary reason for this is the nature of the conflict and subsequent intervention which has opened up space for CSOs. One cannot, however, predict the future trajectory of this space, as a vocal and informed civil society is not yet engrained within Afghan society; the state, polity and society are equally weak and still evolving. However, within the available space, the current status of CSOs is healthy and vibrant. For example, a survey/study undertaken by the Centre for Conflict and Peace Studies in 2006 in Kandahar recommended the creation of a common platform for increased interaction between the people and the government on issues of security provision. This recommendation eventually evolved into the Afghan Social Outreach Program, launched in 2007. The credibility enjoyed by the CSOs among major stakeholders points to the credibility they enjoy among the people, external donors and the government.

The majority of the CSOs operating in Afghanistan are foreign. Of the CSOs working on the security and justice sectors, either primarily or secondarily, most work towards civil society inclusion and participation, and human rights.

There is some funding available from the Bureau of Population and Refugee Migration for refugees and IDPs, and from DFID specifically for IDPs in Helmand. The EC is encouraging CSOs to address gender and minority issues. Little funding is available for security and justice sector reform in its broader sense, and generally CSOs are not forthcoming in addressing security and justice issues, due to their highly politicised nature.

Linkages and coordination, if any, between those organisations working within and across the security and justice fields

There is no clear distinction between organisations that work exclusively on security or justice. But there is generally more engagement with the security sector and its systems, and much less on issues relating to the justice sector. For example, there are no CSOs that work on penal reforms, though there are CSOs which in addition to their regular mandate work on transitional justice, rule of law and legal protection of refugees and IDPs. Little cooperation, linkages or coordination is apparent between the various CSOs working on security and justice, and while the atmosphere can be described as competitive, it is not acrimonious.

How can security and justice CSOs best coordinate to deliver improvements in the provision of security and justice?

No mechanisms exist to bring CSOs together on a common platform or to facilitate communication. Given the lack of coordinating mechanisms, efforts in the security and justice sector are scattered, often leading to duplication and thereby limiting the effectiveness of interventions. Joint projects and networks may help to build cooperation between CSOs. However, these cooperative measures can best be formalised between partners and competitors who are equal. Herein lies the biggest challenge, as the size, capacity and reach of CSOs varies.

Opportunities and challenges facing existing CSOs and networks

Funding is, and will continue to be, a principal challenge for many CSOs. Funding is scarce when it comes to building local knowledge and capacity. Some organisations have worked on concept notes that need to be developed into projects, which eventually could result in recommendations for better local governance and administration. Therefore seed money for solid research is a requirement.

If funding becomes available, it may be advantageous to involve a local Afghan CSO in partnership with an international CSO based in Afghanistan, since many local CSOs do not have the capacity to use funding effectively and transparently. There is a need for support towards: (i) studies relating to the mapping of security agencies at the provincial level so as to identify citizens' security concerns; and, (ii) training and capacity building across all

sectors. It was also noted that while funds are unavailable for local governance, money is being spent on helping foreigners understand why local governance in Afghanistan is problematic.

Programme suggestions as how to best support Southern security and justice CSO capacity
Building capacity in the CSOs, particularly those that have the reach, is fundamental to improving their contribution towards strategic decision making. Institutional grants would be a good investment. Interventions in the security and justice sectors are highly political processes that need to be locally owned; it is therefore important that the indigenous CSOs determine and prioritise the issues for intervention. Planning is required to create a coordinating mechanism that will facilitate communication between the CSOs that are operating on similar issues. Three issues that require attention are the Afghan National Police, the judicial sector and prisons. Therefore, it would be worthwhile to invest resources in building the capacity of CSOs to address these three critical sub-sectors.

Key CSOs and networks that DFID may be able to work with directly
The Centre for Conflict and Peace Studies is a local organisation with credibility and reach among civil society as well as in the government, and could be supported by DFID and other donors to carry out some of the identified activities in Afghanistan.

9.2 Bangladesh

A brief overview of security and justice issues
Even though there are no major conflicts in Bangladesh, the state of internal security in country is not very reassuring for its people. The Awami League government, since coming to power in December 2008, has begun to address and take the necessary steps to improve the state of public policy in Bangladesh. However, in recent times the Government of Bangladesh has systematically worked towards weakening key governance and oversight institutions including the anti-corruption commission, human rights commission and election commission. Priority issues the government says it will address include rampant corruption in most of the public institutions, political patronage and nepotism, lack of bureaucratic transparency and accountability, and the inefficient and corrupt nature of the state police forces.

The most prevalent and common security and justice issues that CSOs work on are counter-terrorism (broadly defined), civil society inclusion/participation, civil-military relationships, and small arms and light weapons. Other crucial issues include legal protection of refuges and IDPs and defence reforms. It is evident that since counter-terrorism in Bangladesh is defined so as to include the corruption of justice and security institutions, it cannot be pursued until these institutions are strengthened. This once again highlights the issue of corruption and the challenges involved in strengthening democratic institutions. With regard to the justice sector, the bulk of CSOs in Bangladesh work on human rights, rule of law, and access to justice. The well established CSOs in the country in terms of research quality, capacity and influence are those that are supported by the government.

Civil society has a minimal role in shaping the state security and justice apparatus and there are no institutional mechanisms to bring these two actors together. Furthermore, the functioning of the police and law enforcement agencies, which are highly politicised, and intelligence agencies, which operate outside the purview of democratic oversight, have further distanced society from state security and justice mechanisms. The Home Ministry has initiated a few measures to make some institutions more accountable. However, despite democratic leadership, there is little accountability and transparency in their decision making and operations, which frequently leads to them being used for political interests. Most often, the security sector, particularly the police, is seen as an instrument of regime stabilisation rather than a means of providing security for the people. In this context, CSOs are attempting to bridge the gap between society and security actors by providing platforms for the exchange of views. The media, in particular, has been very active during and after the caretaker government period in raising awareness with regard to the security sector, particularly its level of corruption. Bangladeshi society is relatively well informed and has an appetite for information, especially on issues relating to national governance and security. Recent studies suggest that the most viewed programme on Bangladesh television is the news.

Consequently, the positive role played by the media in raising people's awareness is critical, although there are concerns about political bias.

An assessment of the general health of the CSO security and justice sector
The general health of CSOs can be described as eager and enthusiastic, with the present government not directly opposing their functioning. The structures of state, polity and society are well developed; however, they are not aligned so as to enable society as a whole to positively influence state policy. Small steps are being made, but much more remains to be achieved. For instance, the current counter-terrorism strategy adopted by the government is a good example of a public policy document that has its origins in civil society, having been facilitated by a CSO.

Linkages and coordination, if any, between those organisations working within and across the security and justice fields
Despite the crucial role the CSOs are capable of playing, the level of collaboration between the CSOs is minimal. There are not enough organisations willing to collaborate and there is limited infrastructural support for those who are.

Opportunities and challenges facing existing CSOs and networks
Three significant challenges became apparent during interviews with CSOs in Bangladesh. First, with respect to funding, insufficient resources were available to promote quality research or facilitate an advisory committee or mobilise communities and security agencies together at a regional level. Most CSOs are non-profit entities and therefore funding is a big challenge. Significant CSO projects relating to the security sector have been initiated by the government, based on a needs assessment undertaken by the government. The second biggest challenge is that of human resources: the pool of expertise for security and justice sector issues is very small in Bangladesh. And third, the highly centralised nature of government offers little space for local governance bodies to play any substantive role in security and justice issues.

During the next five years, democratic control of intelligence and its accountability and transparency will be one of the most crucial issues. Although it is part of the current security discourse, it will emerge as an independent agenda in the future. Another emerging issue of concern is likely to be migration – regional, internal and environmental. Penal reforms will be another issue to contend with in the near future.

Programme suggestions as how to best support Southern security and justice CSO capacity
There is a need to deepen and widen the knowledge base that exists within the strategic community. There is also a need to enlarge the size and capacity of the strategic community to address all security and justice sector issues. Bangladesh has a relatively strong civil society, which if exposed to security and justice reform principles could become a key stakeholder in the reform process. Secondly, there is a heavy reliance by the main security and justice NGOs on government resources whilst others are more reliant on donors. If funds do become available for broad security and justice capacity building and knowledge growth, CSOs could significantly enrich the security and justice sector debate in the country.

Key CSOs and networks that DFID may be able to work with directly
The Bangladesh Enterprise Institute (BEI), and the Bangladesh Institute of International and Strategic Studies (BIISS), are two of the oldest think tanks in the country which have proven records of delivery and programme management, along with high level of traction within the government and civil society. The Bangladesh Institute of Peace and Security Studies (BIPSS), a recent entrant into the list of organisations that work on security issues, is also worth considering partnering with for SSR initiatives in Bangladesh. Other organisations that DFID and other donors could support are Ain O Saillish Kendra (ASK), Bangladesh Legal Aid and Services Trust (BLAST), and Madaripur Legal Aid.

9.3 India

A brief overview of security and justice issues

India faces significant external and internal security challenges. Externally, India is in a hostile neighbourhood with a long-standing dispute with Pakistan. The spread of terrorism in Afghanistan and Pakistan directly affects the security situation in India. It is only very recently, since the election of the Awami League in Bangladesh, that relations between India and Bangladesh have begun to improve. India's future relations with Sri Lanka depend on how the government in Sri Lanka will deal with the Sri Lankan Tamils and whether they are integrated socially and politically into the mainstream. An additional concern is the growing Chinese influence in South Asia, which will influence New Delhi's foreign policy in the region. Internally, India is facing security challenges at different levels. Prominent among them is the threat of terrorism from non-state actors who are externally funded. This is no longer restricted to the state of Jammu and Kashmir; the 26/11 Mumbai attacks exposed the magnitude of the threat from externally funded terrorist groups. Another rapidly emerging security threat is the violence perpetrated by leftist extremist groups under the banner of Maoism. Insurgency and violence in other parts of the country are largely contained, but corruption and lack of governance have the potential to accentuate these security concerns.

Human security continues to be a challenge, with key issues being: the prominence of violence against women, legal protection to refugees and IDPs, lack of police and prison reforms, lack of legal aid to the poor, gender issues related to security and justice, corruption of justice and security institutions, lack of community safety, and a lack of access to justice.

Judicial reform is a crucial area of concern: the lack of access to justice is one of the main concerns for the public in both urban and rural areas. A significant percentage of the population is of the view that justice is meted out only after a heavy investment of time and money, and this deters the average Indian from filing cases[3]. This is also one of the main reasons for the general lack of public faith in the judicial process.

CSOs in India work on an array of security and justice issues, albeit in a piecemeal fashion, including access to justice, violence against women, small arms and light weapons, peacekeeping, human rights, governance and democratic oversight of security and justice, conflict prevention and peacebuilding, counter-terrorism, counter-insurgency, media, civil-military liaison, border management, defence reform and judicial reform.

An assessment of the general health of the CSO security and justice sector

In the last decade there has been an abrupt rise in the number of CSOs working on security and justice issues and this is widely considered to be a result of the state's lethargy in providing basic governance. 'Equal' access to security and justice is considered to be abysmally low – largely due to the skewed civilian-police ratio and the inadequate number of courts.

CSOs require funding for conducting significant awareness-raising programmes. The average Indian is unaware of security and justice mechanisms and the provisions available. This is one of main reasons, apart from corruption, bureaucratic hurdles and lack of implementation, for the poor performance of many security and justice policies. For example, 90 per cent of Indians are not aware of the Right To Information (RTI) Act and the procedures to file an RTI, despite large campaigns by media houses and NGOs[4].

[3] Observation based on interviews conducted as part of phase 2 research. See also *TII, 2007, 'TII-CMS India Corruption Study 2007', Transparency International India, New Delhi available at* http://www.cmsindia.org/highlights.pdf. The study finds that a percentage of BPL households who tried to avail police and land records registration services found that procedural delays and corruption had increased in the prevailing year.

[4] See PRIA, 2006, 'Tracking progress of Right to Information in 12 States', Society for Participatory Research in Asia. Available from http://cic.gov.in/StudyReports/Tracking%20progress%20of%20RTI%20-%20PRIA.pdf

CSOs in India have ample legal space to operate. However, for CSOs that work on national security issues (both internal and external), access to information is restricted and there is no periodic declassification of security information. While the government is not hostile to the establishment of CSOs, it is not directly supportive either, and actually rather indifferent towards CSOs on matters of security and justice: CSO reports and studies relating to counter-terrorism, counter-insurgency, and foreign policy are hardly consulted. Of a more fundamental nature are the severe visa regulations imposed by the government which prevent a free exchange of scholars. The government therefore has mechanisms in place that indirectly control the activities of CSOs, especially those that involve international collaboration on the security and justice sectors. Despite these hurdles, CSOs have managed to create a debate on most of the issues, although their impact on public policy has been limited. With regard to transparency in functioning, annual auditing (mandated by the Societies Act) has ensured fiscal responsibility and management.

Linkages and coordination, if any, between those organisations working within and across the security and justice fields

There is cooperation as well as competition between CSOs working on security and justice issues. The competition is evident especially among CSOs working on security issues because the think tank culture, specialising in security and foreign policy issues, is a relatively new phenomenon. A number of think tanks mushroomed after the nuclear tests in 1998 and almost all of them are based in New Delhi, thereby limiting the discourse on India's foreign policy issues to a small strategic fraternity in the capital. Likewise, CSOs working on justice issues such as human rights, women's rights education, and child rights are disconnected from each other; a concerted effort in collaborating and coordinating would make a huge difference to programme delivery because of the sheer number of NGOs working on these issues.

Opportunities and challenges facing existing CSOs and networks

There are many opportunities available for CSOs. Financial support (predominantly from NGOs and foundations) is available as well as human resources and CSOs can, and have been, agents of change. There is also ample media support available and this can be used to initiate large-scale awareness programmes. While resources are available for conferences and high-level meetings, there is much less available for research.

Over the next five to ten years, there is likely to be increased CSO interest and engagement with regard to security and justice issues. A sizable increase in the number of reports, frequency of events and extensive interaction is likely. The government is slowly opening up to the expertise that is available within the strategic community. In the next few years, hopefully, CSOs will be considered one of the key stakeholders in government policy formulation.

Southern security and justice CSO capacity

As in other countries in the region, the strategic community in India is small and comprises mainly of former military personnel, Foreign Service officials, academics and journalists. There is a need to expand this small group of knowledgeable people. Secondly, there are many reforms that are currently underway in India. But there is no knowledge about security or justice sector reforms within the strategic community. Capacity building of the strategic community should be of high priority if society is to take the lead in calling for a holistic reform agenda. There is also a need to mainstream justice sector expertise. Because the reforms will be self-initiated with no external funding support, there is limited opportunity for external actors to engage with the government in these sectors.

Key CSOs and networks that DFID may be able to work with directly

The Institute of Peace and Conflict Studies, the Institute for Defence Studies and Analysis, Centre for Civil Society and the Centre for Land and Warfare Studies can be partnered with to sensitise and build capacity within the strategic community with regard to security activities. Organisations working in the justice sector are scattered and diffuse but the Centre for Policy Research has a parliamentary research service which could be supported to further justice reform objectives.

9.4 Nepal

A brief overview of security and justice issues

By late 2009, Nepal was continuing to struggle through a fragile peace process that had seen three changes of government in the three years since the signing of the Comprehensive Peace Agreement. Security related debate is dominated by two issues; the future of the Maoist army (integration into security forces versus reintegration into civilian life) and the deteriorating public security situation. The Maoist army issue is highly divisive but central to the peace process, and linked to the peace agreement commitment to 'democratise' the Nepal Army (improve democratic control and representativeness of the army). The Nepal Army no longer reports to the Royal Palace, but control and oversight by the Ministry of Defence and other bodies is extremely weak. There is widespread acceptance that a National Security Strategy is desperately required to inform such debates, but short term peace process decisions will have to be made in its absence. To tackle the worsening public security situation, the government has introduced a Special Security Plan (primarily resulting in an increased number of Armed Police Force personnel). Police reform is not being seriously debated, although the imminent national move to federalism and need for police service delivery to be restructured accordingly may prove a catalyst for change. Access to state justice institutions is likewise problematic, with relatively vibrant and growing informal mechanisms increasingly filling the state vacuum.

An assessment of the general health of the CSO security and justice sector

In Nepal, CSOs have adequate space to engage with the government, political parties and security institutions in making the security and justice sector more democratic, inclusive, transparent and accountable. While CSOs have been involved in advocacy and awareness programmes on security and justice issues, they have not been successful in influencing public opinion on security and justice issues. The bulk of the CSOs surveyed work on civil society inclusion, conflict prevention and peacebuilding, governance and democratic oversight, human rights, and gender issues. Despite space for CSO functioning, which is unavailable in most other countries in the region, CSOs in Nepal lack the capacity and resources to work on critical issues relating to civil-military relations, defence, border and police reforms. The health of the CSOs seems similar to that of the state and the polity. However, it must be noted that these three structures – state, polity and society, are all weak in Nepal.

Opportunities and challenges facing existing CSOs and networks

Funding is not a constraint in Nepal. Most INGOs have found it beneficial to partner with local CSOs, and while Nepali CSOs provide INGOs with local knowledge, INGOs have complemented this knowledge with technical analysis and resource sharing. Whilst the general health of CSOs in Nepal is encouraging, their trajectory is dependent upon the political situation in Nepal, which at the moment is very uncertain.

The state until recently has been struggling for its sovereignty, the polity is still evolving and society is learning to cope with a failed monarchy, corrupt politicians and revolutionary Maoists. The end of the conflict opened up space for many international actors to initiate and support SSR debate in Nepal. As a result, there is a general awareness of security issues and ongoing SSR discussion. However, awareness has not translated into expert knowledge that can help the community or the state to determine its own SSR agenda.

Programme suggestions as how to best support Southern security and justice CSO capacity

In contrast to knowledge on SSR, the level of understanding and presence of actual justice sector reform programmes is low. One of the critical concerns in Nepal today is the drafting of the constitution. If resources were available to engage the constituent assembly members, it would be possible to include some of the salient features of the security and justice sectors, (particularly democratic control and oversight), in the constitution. Resources are also required to augment the capacity of the Ministry of Defence if it is to provide oversight to the defence forces.

Key CSOs and networks that DFID may be able to work with directly

Depending upon priorities, DFID and other donors could feasibly work with: The Centre for South Asian Studies, the Nepal Institute for Policy Studies and the Nepal Security Sector Network.

9.5 Pakistan

A brief overview of security and justice issues

Pakistan has witnessed recurrent political upheavals and security threats – both internal and external – which have undermined attempts to build strong democratic institutions. This includes a weak security sector and governance agencies that are facing their biggest internal and external security challenges since 2007. The loss of state control in Khyber Pakhtunkhwa (formerly known as the North-West Frontier Province) and the gradual spread of the Taliban to other parts of the country have led some to argue that Pakistan is on the verge of becoming a 'failed' state. As a state that possesses nuclear weapons, the current pressure on Pakistan to protect its borders, its people and its nuclear arsenals is unprecedented.

The main security and justice issue in Pakistan is terrorism and the deteriorating law and order situation across the nation. The spread of extremism and a record spate of suicide bombings in the last two years have resulted in significant civilian causalities and an extremely fragile state of internal security. The spread of extremism, also feeds into the critical problem of radicalisation of the youth. Other crucial issues that feed in directly or indirectly to the problem of youth radicalisation and extremism include inadequate governance and reforms including rule of law, police reforms, judicial reform, and corruption of justice and security institutions. The Pakistan Lawyers' Movement initially presented an opportunity for judicial reforms but later became more politicised, like most associations which have a political wing.

Access to justice is an area of high concern. While the legal machinery is available, the judicial crisis has retarded the justice delivery process to a great extent. With a significant backlog, and new issues such as anti-terrorism legislation and missing persons' cases, the pressure to overhaul the justice system remains significant. The weak justice sector has compounded the problem in the NWFP where people rely on a 'quick' justice delivery system offered by the Taliban, which gives them a strong foothold in the province. This has a direct impact on the insurgency in the province as well as on governance and state functioning.

An assessment of the general health of the CSO security and justice sector

The main providers of security and justice services in Pakistan are the state institutions. CSOs working on security and justice sectors are minimal or non-existent. There is a clear demarcation in the sense that the CSOs that work on social reform issues stay away from security and justice, which is strictly considered as the domain of the state. While there is legal space for the creation and functioning of CSOs, there is minimal political space to work on security and justice issues. Subjects such as defence budgeting and accountability, or a critical review of the Pakistan army are viewed as better left alone. The state-dominated discourse on security issues does not allow CSOs to initiate activities that directly address the weaknesses of the state system. Since security and justice reforms pertain to reforming the state apparatus, CSOs face a lack of encouragement from the state, if not hostility. On the other hand there seems to be a self-imposed restraint on the part of CSOs to working on these issues.

Of the CSOs surveyed, the bulk of them work on governance and democratic oversight, gender, civil society inclusion and participation, human rights, conflict prevention and peacebuilding, and rule of law. Despite the contextual relevance, no CSO was working on corruption, border control, or civil-military relations.

With regards to the level of funding and the ability of the CSOs to use that funding productively, from the interviews conducted, it was apparent that the CSOs functioning in Pakistan are mostly donor-driven. The funds provided by donors focus on issues that are in vogue i.e. gender and human rights. The general health of CSOs can therefore be said to be weak.

Linkages and coordination, if any, between those organisations working within and across the security and justice fields
While some level of cooperation was observed among CSOs, mostly because of the overlap of agendas, intense competition exists among them in terms of securing funding. In fact, there is a sense that particular CSOs are monopolising the area that they work/focus on.

Opportunities and challenges facing existing CSOs and networks
Some opportunities are available for raising funds within the country. For example, a few CSOs received funding from the Ministry of Defence to conduct specific public surveys. However, the benefits of the surveys could not be maximised as most of these ended up being classified. The EU has recently granted the Pakistani government ten million Euros to set up a National Authority for Counter-Terrorism. Therefore opportunities for funding in the area of security and justice are opening up. The key challenge, however, lies in selling the 'reform' to the government and creating an atmosphere of internal inspection regarding the existing security and justice apparatus. It is also felt that as long as Pakistan is involved in the war on terror, the law enforcement and justice system will pose a major security dilemma in the country.

Internal security will be the key focus in the next five to ten years. Violent armed groups, terrorists groups, threats posed by non-state actors, cross-border security, and suicide terrorism will be the key security issues in the future. Given the current state of internal security, governance reforms are the lowest of priorities in Pakistan and it was felt that the next five years is too short a time to predict any success in this regard. Another key challenge is the role of the intelligence agencies. Any work on the functioning of the intelligence agencies is a taboo subject and therefore few opportunities for engagement in this field exist.

Police reforms that were initiated in 2002 with the aim of depoliticising the service were abandoned later the same year in the run up to the Presidential elections. It could be worthwhile to work towards reintroducing or resuming the reform process.

Programme suggestions as how to best support Southern security and justice CSO capacity
Reform activities remain vague because there is very little understanding of local sensitivities. Therefore, there is a need for introductory sessions on security sector governance; this could then be built upon by way of investing in workshops and seminars on security sector challenges in Pakistan. There is also a need to strengthen and engage with existing CSOs and local stakeholders to develop an in-depth understanding of the many problems to be addressed.

Key CSOs and networks that DFID may be able to work with directly
Organisations that could be engaged in this process are: the Pakistan Institute of Legislative Development and Transparency, the Pakistan Institute for Peace Studies, Community Appraisal and Motivation Programme, and the Center for Research and Security Studies. The Department of Defence and Strategic Studies, located at the Quaid-i-Azam University, is currently in the process of drawing up the syllabus for a course on security and justice sector reform.

10. SOUTHEAST ASIA

By Karla Mae Pabelina

Southeast Asia is largely free from interstate conflicts. The quality of domestic governance varies widely as do the political regime types. Ethnic separatism continues to challenge domestic security in Indonesia, Myanmar, the Philippines (also still battling communist insurgency), and Thailand. The main security and justice issues that prevail in the sub-region are: human rights violations, land disputes, gender issues related to justice and security, access to justice and legal aid to the poor. While CSOs and networks focused on security and justice issues have proliferated in four older ASEAN member-states (Indonesia, Malaysia, the Philippines and Thailand), the political environment in Cambodia, Laos, Myanmar and Vietnam continues to constrain the growth of these organisations and networks.

The DFID priority countries of Cambodia and Vietnam are also different from each other in this regard. While relatively independent (from government and party) CSOs in Cambodia have emerged following the country's new political openness after the UNTAC-supervised elections in the early 1990s, similar formations in Vietnam have yet to emerge. In the latter, the formations outside of formal government and the party remain either initiated and/or supervised/controlled/constrained by, or associated with either government or party. They began as women's, labour, rural development, or other sectoral groups within the party, or organised and run by the government. CSOs as generally understood (as voluntary, independent, non-governmental groups of citizens) are yet to emerge in Vietnam.

10.1 Cambodia

A brief overview of security and justice issues

The main security and justice issues in Cambodia include: human rights violations, land disputes, gender issues related to justice and security, access to justice and legal aid for the poor.

The main sectors in which CSOs and networks operate are: human rights, gender issues related to justice and security, access to justice, rule of law, legal aid for the poor, legal protection of refugees and IDPs, and conflict prevention and peacebuilding.

An assessment of the general health of the CSO security and justice sector

The UNTAC period (1992-1993) marked the re-emergence of civil society organisations in Cambodia; this can be attributed to significant financial input from international donor agencies, the influx of regional and international CSOs, and the establishment of a more liberal political atmosphere during this period.

Currently there is no law that provides for a comprehensive and clear legal framework for the operation of CSOs in Cambodia. There have been a few draft versions of a NGO bill but it seems that a final version has yet to be completed. Nonetheless, CSOs in Cambodia are subject to the laws of the land: they are required to register in relevant government offices; CSO staff are subject to income taxes; and they must comply with the audit laws and other financial and legal regulations.

Given the relative novelty of civil society in Cambodia (when compared to other ASEAN-5 countries), some government members regard them as anti-government and oppositional. This is especially apparent for civil society actors promoting good governance, greater democratic values, justice and security.

Coverage amongst CSOs is skewed towards justice issues such as access to justice, legal protection for IDPs and refugees, land disputes and domestic violence. This can be attributed to that the fact that justice appears to be a priority of international donor agencies. In comparison there are no independent organisations working on core security sector issues such as border security, civil-military relations, DDR, Intelligence reform, police reform and private security. Such issues remain confined to government-supported organisations and institutions.

The financial position of CSOs in Cambodia is generally weak as the majority depend solely on foreign sources of funding.

Linkages and coordination, if any, between those organisations working within and across the security and justice fields
It can be said that the complex line between "security" and "justice" is blurred in Cambodia, with CSOs working on interconnected issues that cover both fields.

For example, the ASEAN-ISIS (ASEAN Institute of Strategic and International Studies), which includes the Cambodian Institute for Cooperation and Peace (CICP), is a regional organisation that operates on issues related to security and justice. Another noteworthy network is the Council for Security Cooperation in the Asia-Pacific (CSCAP), which has a Cambodian member committee and is subsidised by the Cambodian government. CSCAP provide policy recommendations to the ASEAN Regional Forum (ARF), and conduct policy studies on hard and soft security issues.

How can security and justice CSOs best coordinate to deliver improvements in the provision of security and justice?
For security-orientated organisations like CICP, there is a need to undertake intensive and extensive personnel recruitment, training and education for them to better interface with their justice counterparts who tend to be more autonomous, visible and proactive. It is also necessary to improve programming to reduce harmful competition, particularly in those justice and human rights issues that are more predominant, and to maximise use of resources and improve impact on policy.

Opportunities and challenges facing existing CSOs and networks
The re-emergence of civil society in Cambodia was tolerated, if not sanctioned, by the government following the UNTAC years. CSOs have therefore gained traction and have established links with regional networks which the government has had to accommodate. A few have also worked in partnership with government institutions – such as CICP, CSCAP Cambodia, Cambodian League for the Promotion and Defense of Human Rights (LICADHO) and the Cambodian Centre for Human Rights (CCHR). Nonetheless, civil society and the government in Cambodia are equally weak, and both need further assistance from the international community.

Key CSOs and networks that DFID may be able to work with directly
Depending upon priorities, DFID and other donors could feasibly work with: Cambodian Institute for Cooperation and Peace (CICP); Cambodian Centre for Human Rights; Cambodian League for the Promotion and Defense of Human Rights (LICADHO); The Protection of Juvenile Justice (PJJ); Center for Social Development (CSD); Council for Security Cooperation in the Asia Pacific (CSCAP); Global Partnership for the Prevention of Armed Conflict; and Action for Conflict Transformation (ACTION ASIA).

10.2 Vietnam

A brief overview of security and justice issues
The main security and justice issues in Vietnam include: domestic violence, gender issues related to justice and security, access to justice, and legal aid for the poor. There are no 'real' CSOs in Vietnam. Formations outside formal government structures are initiated and/or supervised, controlled, constrained by or associated with the government and party.

There are significantly more organisations working on issues of domestic violence and gender, which are considered to less politically sensitive and are significant entry points for work on the rule of law and access to justice. Furthermore, non-governmental (or quasi-governmental) actors working on issues such as rule of law and access to justice are relatively new.

An assessment of the general health of the CSO security and justice sector

It is only up until recently that the Socialist Republic of Vietnam allowed for limited and controlled space for growth of what might be called an independent civil society. This can be attributed to the openness brought about by ASEAN membership, rapid economic growth and its social consequences, as well as globalisation in general. Previously, any form of organisational expression of collective identity beyond that of the Communist Party of Vietnam and Friendship organisations was suppressed. Nevertheless, following *doi moi* the political and economic context of the country has been changing. Since the mid-1990s, the institutional environment has been shifting from that of total state control to the recognition of the contributions of other development actors for which limited and well-defined space has been allowed. Thus, Vietnam can now be described as being slowly increasingly tolerant of autonomous civil activities, but civil society and its activities remain highly contested and politically sensitive.

There have been a number of individual decrees issued as basis for the establishment of CSOs in Vietnam. Nonetheless, such ad hoc regulations do not provide for a comprehensive and clear legal framework for the operation of CSOs in the country. The government is currently trying to draft new laws that will set out a legal framework.

CSOs and networks in Vietnam are weak in comparison with their counterparts in other ASEAN-5 countries (Indonesia, Malaysia, Philippines, Singapore and Thailand). This can be attributed to a lack of financial resources, capacity and legal framework.

The primary sectoral focus of security and justice is domestic violence. There are no independent organisations working on issues of border security, civil-military liaison, defence reform, intelligence reform, penal reform or private security. These areas remain firmly in the domain of the state.

All of the CSOs and networks in Vietnam lack financial resources. Many receive support from foreign donors and INGOs to implement projects and conduct research. A number also receive varying forms and amounts of government subsidy.

Linkages and coordination, if any, between those organisations working within and across the security and justice fields

There are no CSOs (voluntary, independent, non-governmental groups of citizens) or networks in Vietnam working on issues of security per se. The few research institutions and think tanks that focus on security and justice operate within the framework of the government and are best described as quasi-governmental. They are not "independent voices" that provide alternative recommendations for policy-making. It is therefore difficult to consider security and justice linkages in the Vietnamese context.

The ASEAN-ISIS (ASEAN Institute of Strategic and International Studies) is a regional organisation that operates on issues related to security and justice. It has a member institution from Vietnam which is The Diplomatic Academy of Vietnam (formerly the Institute for International Relations). Another noteworthy network is the Council for Security Cooperation in the Asia Pacific (CSCAP), which has a Vietnamese member committee. CSCAP Vietnam is one of CSCAP's most active members, co-chairing one of its most active study groups (on Weapons of Mass Destruction, and the related issue of Export Controls in support of UN Security Council Resolution 1540), and participating actively in the other study groups whose focus is of interest to Vietnam. It is subsidised by the government.

How can security and justice CSOs best coordinate to deliver improvements in the provision of security and justice?

It would be beneficial for CSOs to focus on less politically sensitive but economically necessary aspects such as the rule of law, human resource development and capacity building. CSOs could also find allies in government that can effectively serve as champions of security and justice from within. Independent voices need to avoid strategies and tactics that threaten the government's "comfort zone" – i.e. the general set of conditions where the Vietnamese

Government does not feel that their legitimacy or functions are being threatened. This essentially means adopting a non-confrontational approach to security and justice advocacy.

Opportunities and challenges facing existing CSOs and networks
Civil society in Vietnam is still in an embryonic stage. Formations outside the state are initiated, subsidised, supervised, controlled, constrained by or associated with the Party. For independent voices to move from the margins into the mainstream, they need to continue to engage with the government and donor community on less politically sensitive issues like gender violence and the rule of law.

Key CSOs and networks that DFID may be able to work with directly
Depending upon priorities, DFID and other donors could feasibly work with: Domestic Violence Prevention Network in Vietnam (DOVIPNET); Vietnam Lawyers Association (VLA); Centre for Legal Research and Education Studies (LERES); Institute for Research and Policy, Law and Development (PLD); Vietnam Union of Friendships Organization; Council for Security Cooperation in the Asia Pacific (CSCAP); Global Partnership for the Prevention of Armed Conflict; and Action for Conflict Transformation (ACTION ASIA).

10.3 Programme suggestions as how to best support Southern security and justice CSO capacity in Cambodia and Vietnam

Since both Cambodia and Vietnam share many socio-political features that tend to inhibit security and justice activities, the same programme suggestions are relevant to both countries.

It would make sense for DFID to provide technical and financial support for the activities of those academics and non–governmental actors who are trusted by the government. Partnership and collaborations could be encouraged between and among the identified CSOs and networks. Support could also be given so that CSOs are able to engage with the appropriate government agencies.

11. MIDDLE EAST AND NORTH AFRICA

By Mustapha Adib

Countries in the Middle East and North Africa region are divided into two groups: (1) Iraq and Palestine, where a situation of security chaos prevails and where civil society is funded and supported by international donors; and (2) a set of very strong, if not entirely authoritarian, states in which security matters are considered not as the guarantee of the survival of the country, but as the guarantee of the survival of the regime.

Therefore, all matters related to the security and justice sector are very tightly controlled by the state. Civil-military cooperation is kept to a minimum, while civilian oversight remains minimal. Needless to say, there is little space for civil society organisations to advocate for civil and political freedoms, human rights, penal reform, and judicial reform, and for the ceasing of the violations committed by security sector personnel.

11.1 Yemen

A brief overview of security and justice issues

Yemen faces a number of security and justice challenges as a result of the war, the poorly managed reunification (which created huge dissatisfaction in the South) and the tribal structure of the society. The absence of the rule of law jeopardises the security of the whole Arabian Peninsula.

There are numerous security challenges presented by the presence of non-state actors such as the "*Houthi*" militias, which are Zaidite Shiite groups and operate in the Sadah governorate. In addition, the "Southern Movement" is a loosely organised secessionist movement operating in the South as a response to the perceived mishandled unification of the country. Some Southern groups have been privileged by the union, which has created further discontent amongst groups who feel that they have been marginalised. Although it has not yet accepted this endorsement, the Southern Movement has been officially supported by the leader of "Al Qaeda in the Arabian Peninsula" (AQAP), Nasser Al-Wahayshi. The "*Kataeb el Ansar*" are tribal militias directly yet unofficially supported by the state, and other tribes represent *de facto* non-statutory forces. Obviously, the proliferation of small arms and light weapons is closely associated with the profusion of these non-state actors in their multiple forms. The presence of extremist and terrorist movements is a particular concern, with Yemen becoming the new headquarters of AQAP after counterterrorism measures in Saudi Arabia forced them across the border.

Other security concerns include: piracy along the coast; conflicts around water (likely to increase as misused resources run out); the cultivation of "*qat*" (which impairs the production of food, consumes precious water resources, and thus exacerbates the risk of future major instability); the use of child soldiers; difficulties in the DDR of former combatants (a strong factor being the lack of alternative livelihood opportunities sufficiently enticing to convince combatants to leave militias); Somali refugees, Ethiopian migrants, and internally displaced persons; and constant violations of human rights by the various statutory, state-supported and non-state actors of the formal and informal security sector, including prison personnel.

Basic access to justice for excluded groups is arguably the most significant justice-related challenge. Access to justice and safety in Yemen is uneven and inequitable; many citizens have limited access to the formal justice and security system. In large parts of the country, the government does not and cannot deliver justice and safety services because of limited human resources and capital infrastructure. Where formal services are provided, judicial processes are lengthy, often costly and decisions tend to be influenced by social or political bias. Other justice challenges centre on violations of human rights, including torture and sexual assaults committed by security personnel, prison staff, and state-supported militias who are not brought to trial. In addition, penal courts do not respect international norms and standards and the accused are often denied a fair trial. Criticism of the state is not well tolerated: the press is censored and threatened into not reporting these violations and the number of political

prisoners is significant. Laws largely remain discriminatory to women and the death penalty is still applied, even to offences carried out by children.

An assessment of the general health of the CSO security and justice sector
There are three types of CSOs in Yemen: a medium-sized group of inefficient ones, a small group of around ten independent CSOs, and a number of CSOs working with and depending on the state. There are many Yemeni CSOs dealing with broader human rights issues, but only a few primarily working in the field of security and justice. In fact, only six primary security and justice CSOs were recorded during in the first phase of this study. These CSOs are chronically understaffed and funding levels are barely sufficient to produce studies and reports, and certainly not sufficient for the provision of services such as legal assistance.

Linkages and coordination, if any, between those organisations working within and across security and justice fields
Coordination between CSOs has always been a problem, partly because of cultural reasons (lack of national unity, communitarian trends), and partly because of political ones (the fear of being registered as an "anti-government" CSO). There is only one national network (which is supported by Denmark), the Yemeni Network for Human Rights, which includes six CSOs.

How can security and justice CSOs best coordinate to deliver improvements in the provision of security and justice?
Mechanisms could be put into place to facilitate dialogue and collaboration amongst CSOs and between NGOs and local community groups. For example, collaborative and neutral academic studies on terrorism and arms proliferation could help reconcile differing points of view, which would lead to increased linkages between CSOs. These studies should not be limited to desk research, but need to involve as many CSOs and local actors as possible in order to build consensus and increase linkages.

Opportunities and challenges facing existing CSOs and networks
The main opportunities for Yemeni security and justice CSOs come from international donor funding. CSOs support issues of concern to the population (although most people would not dare to oppose the state individually). In addition, many CSOs have been created over the past few years, which is seen by some as a positive sign. Challenges include the lack of support from the state – which tends to work only with those CSOs deemed to be "pro-state" and not with those which deal with sensitive subjects. The lack of funding available for service provision and front-line activities also presents a substantial challenge, as does the lack of expertise within some of the smaller CSOs, the lack of planning and the lack of experienced staff.

Although the security situation makes it increasingly necessary to address issues of security and justice, growing fragmentation and rising poverty levels mean that it is increasingly difficult to carry out efficient programmes.

Key CSOs and networks that DFID may be able to work with directly
Depending on priorities, DFID and other donors could feasibly work with the following CSOs, which have sufficient staff, experience and expertise: The Human Rights Information and Training Center (HRITC); the Yemeni Observatory of Human Rights; the National Organization for Defending Rights and Freedoms (HOOD); and Partners' Yemen.

Programme suggestions as to how to best support Southern security and justice CSO capacity
Support could take several forms:

- Parliamentary capacity building for members of the National Defence and Security and Justice committees is urgently required;
- Activities aimed at building confidence between government institutions (apart from the Parliament) and CSOs – particularly the Ministry of Justice and Ministry of Interior;
- Several important security and justice issues could be championed by civil society and supported by the general population. Support for civil society awareness campaigns is needed in the specific areas of women

and children's rights, civilian (including parliamentary) oversight of the security sector, civil society oversight of the security sector, proliferation of SALW, and penal and judicial reform;

- Funding could be made available for the delivery of services such as legal aid and victim assistance. Funding could also be directed towards neutral studies on those issues which prevent the management of the security and justice sector by the state according to the principles of good governance, rule of law and democracy. Any treatment of the justice sector needs to be handled with care, particularly because of conflicting perceptions of justice which arise from different views of the origin of justice (e.g. Shari'a or Civil/Penal codes) and of the channels of justice (secular or religious courts). It is noteworthy that some people would be content with a mix of the two (e.g. justice derived from Shari'a applied by secular courts);
- Support for a free press and freedom of expression and reconciliation between governments and independent CSOs could be encouraged;
- Encouragement of links between CSOs and expert professional networks such as the American Bar Association.

12. CONCLUSIONS

The range of countries included in this mapping study represent diverse socio-political contexts. In addition, each country provides a unique set of circumstances in which security and justice organisations operate. Therefore, the programming recommendations made throughout this report, both at the country or sub-regional levels are context-specific.

The success of donor support for security and justice CSOs often depends to a great extent on the political will of governments to enable CSOs to work freely. CSO-government engagement on issues of security and justice is inherently difficult in many countries owing to the nature of political regimes (for example, where the state has authoritarian tendencies or where military regimes preside). In some cases, the political space for CSOs to engage in issues of security and justice is being increasingly suppressed – Ethiopia, Sudan and Yemen are prime examples. In such situations, donors need to seriously consider the risks of engaging with CSOs on issues of security and justice.

Donors who wish to support security and justice CSOs need to take account of the extent to which donor interactions with government structures in the field of security may influence the extent and quality of donor interaction with CSOs. Support for security and justice CSOs cannot be viewed or undertaken separately from the broader foreign and security policy of donor states. Therefore, if security and justice CSOs are to be supported, the full array of donor state policies need to be considered.

In many countries, an understanding of security and justice as conceptualised and defined by donors is lacking amongst civil society – and an understanding of these issues as conceptualised by civil society is often lacking among donors and governments. This is even the case in those countries where civil society as a whole is otherwise vibrant. Consequently, donors could consider supporting efforts aimed at increasing the basic level understanding on security and justice matters – especially amongst those human rights and peacebuilding CSOs who work on the periphery of what are considered as core security and justice issues. In parallel, the strategic community (i.e. those working for think tanks or engaged in policy analysis) on security and justice issues needs to be broadened – in many cases there are only a few such organisations, and they are not mature. There is also a need to encourage and support research capacity and expertise in security and justice – particularly the nurturing of new and young researchers.

Although the terms “security” and “justice” are partially overlapping concepts, joined-up approaches to security and justice work is rare in almost all contexts. Collaborative fora do not exist in most of the countries studied. Recommendations made in almost all sub-regions stated that donor approaches need to consider encouraging collaboration at the outset by devising schemes that reward collaboration between CSOs that otherwise work separately on issues of security and justice. However, donors also need to understand that in attempting to integrate security and justice activities, they may come up against local and national cleavages.

Lastly, without wanting to undermine the findings of this study, there is a need for more detailed assessments at national and sub-regional levels of needs, approaches and programming options. These assessments need to take account of existing regional and national apparatus and explore how security and justice can be mainstreamed into existing policy and provisions. In addition, because so much security and justice programming is currently limited to engagement with formal systems, assessments need to consider approaches that involve non-formal and customary systems of security and justice. These assessments could be led by CSOs identified in this report and could provide a constructive and practical basis for collaboration between security and justice organisations in all of the countries studied here.