CICS Centre for International Cooperation and Security

Armed violence, governance, security sector reform, and safety security and access to justice
Briefing paper, September 2004

Mike Bourne and Owen Greene
Department of Peace Studies
University of Bradford

UNIVERSITY OF BRADFORD

MAKING KNOWLEDGE WORK

The Armed Violence and Poverty Initiative

This report was prepared by the Centre for International Cooperation and Security based in Bradford University's Department of Peace Studies. It is part of a wider project – the Armed Violence and Poverty Initiative (AVPI) – which is being funded by the UK government's Department for International Development (DFID).

The AVPI is made up of four projects:
1) A Briefing Papers series on armed violence and poverty reduction measures in the areas of DDR (Disarmament, Demobilisation and Reintegration), SSR (Security Sector Reform), Conflict Assessment, and Rural Livelihoods.
2) An assessment of the impact of small arms projects on arms availability and poverty.
3) A research project which documents and analyses the circumstances in and processes by which armed violence exacerbates poverty and development.
4) A research project which documented the impact of arms transfers on poverty and development.

All of these reports can be downloaded from www.bradford.ac.uk/cics.

This initiative, which expanded beyond DFID to involve a number of donor agencies and NGOs, grew out of a concern to understand the problems created by arms availability and their violent use, and of the ways in which measures to reduce armed violence can be integrated into poverty reduction work at both policy and programme level. This briefing aims to highlight and clarify the importance of the availability and misuse of small arms and light weapons (SALW), and associated armed violence, for development programming in the areas of governance, security sector reform (SSR), and safety, security and access to justice (SSAJ).

1. Introduction

This briefing aims to highlight and clarify the importance of the availability and misuse of small arms and light weapons (SALW), and associated armed violence, for development programming in the areas of governance, security sector reform (SSR), and safety, security and access to justice (SSAJ). By doing so the effectiveness of governance, SSR and SSAJ programmes can be enhanced. Moreover, governance, SSR and SSAJ programmes can be developed to contribute more to the reduction of armed violence perpetrated with SALW and facilitated by their availability.

2. Why are SALW issues relevant for governance and governance programming?

The wide availability of SALW facilitates and intensifies armed violence – including large-scale conflict, inter-communal conflict, inter-personal violence, and violent crime – all of which have profound impacts upon governance. It can exacerbate other conditions sustaining violence. In particular the availability and misuse of SALW:

❑   Constrains state reach – particularly into rural areas.
❑   Challenges the re-establishment and strength of state institutions following protracted civil wars.
❑   Damages relationships between government and civil society.
❑   Contributes to human rights abuses.
❑   Interferes with and raises the costs of the delivery of basic services.
❑   Reduces the space for participation, consultation and democratic processes, such as elections.
❑   Undermines the ability of the state – as well as traditional and non-state justice systems – to manage or resolve disputes peacefully.
❑   Contributes to the growth of cultures of violence.
❑   Facilitates intimidation, which denies the poor access to justice.
❑   Negatively affects personal safety and security in communities.
❑   Affects the ability of national security institutions to manage and resolve differences between communities to avoid violent conflicts.

It is also important to recognise the role of poor governance in increasing the risks and intensity of armed violence. High levels of violent crime are, in part, caused by limited governance capacities to provide safety, security, and access to justice. Poor governance can create social and economic exclusion and weak legal and judicial systems. In this type of situation armed violence may be seen by some people to be a livelihood option.

Governance programmes can help to increase the capacity of developing countries to govern themselves in a way that manages tensions and prevents or reduces armed violence. However, conducting governance programmes in situations of pervasive armed violence is difficult. SALW issues can be important for governance programming in four main ways:

❑ Governance programmes – as with many types of transitions – can run the risk of alienating previously privileged groups, or help bring grievances to the fore. In a situation of wide availability of SALW the potential for these grievances to become violent is heightened. If violence breaks out a governance programme could be obstructed.

❑ Governance programmes aim to provide economic stability and facilitate investment and poverty reduction. Armed violence can undermine stability, deter investment, reduce and distort economic activity, and thereby challenge governance programming.

❑ Armed violence increases the costs of delivering basic services. These costs may affect the options for governance programming and their effectiveness.

❑ Mobilising public concern and action on armed violence and other SALW issues can be a valuable entry-point to develop wider partnerships and improve governance.

3. How are SALW issues relevant for safety, security and access to justice?

Safety, Security and Access to Justice (SSAJ) is a core element of good governance and is promoted through three main elements: effective and accountable policing, an effective and independent judicial and penal system, and a military and internal security apparatus that is professional, under effective political and administrative control, respecting the legal system and human rights. Building public trust in policing, justice and the rule of law is essential. The issue of SALW availability and armed violence can affect these areas in a number of ways:

3.1 Policing
The availability of SALW facilitates armed crime, which places a high burden on policing. In urban areas this can become overwhelming, with localities where armed gangs hold sway, and through the creation of virtual police "no-go" areas, as has happened, for example, in parts of Johannesburg, Kingston, Rio de Janeiro, Karachi and many other cities. In rural areas where the reach of the state is limited and police forces are already overstretched, the availability of SALW makes effective policing more difficult. Local police are often routinely 'outgunned', or inclined to operate more as an occupation force rather than a police service. However, in many cases the issue is not police effectiveness, but undue police violence against civilians. Obviously, this also negatively affects access to justice. If the police are not – or not seen to be – reliable and accountable, access to justice through the legal system is curtailed, thus making violent means of seeking justice– such as the use of uncontrolled and unaccountable militias – a more attractive option.

3.2 Access to justice
Effective access to justice for all requires an effective and politically independent judiciary, appropriate laws and legal procedures, and effective penal systems, including where appropriate community level traditional dispute resolution systems. The availability of SALW can undermine these mechanisms, generating a climate of fear and allowing intimidation. Efforts to improve access to efficient and independent justice

systems will be undermined if armed violence, intimidation, and militarised communal power structures are not tackled.

While wide availability and misuse of SALW obstruct and undermine efforts to promote SSAJ, these can also be an important entry point for generating debate and action in support of programmes to enhance policing and judicial systems. Experience shows that concerns about gun violence can be a rallying point for cooperative action amongst otherwise divided social groups, and a focus for developing improved police-community relations or improving and enforcing laws.

4. Why are SALW issues relevant for security sector reform?

Good governance requires that the state has the capability "to manage national security arrangements accountably, and to resolve differences between communities before they develop into violent conflicts." (DFID, 2001) In order to achieve this, many developing or conflict-prone countries and those undergoing a transition from authoritarian rule require a process of security sector reform (SSR). This is a developing area of development programming, and there is no universally agreed definition of its scope and aims – and these vary according to the context of the country concerned. However, within HMG's Global Conflict Prevention Pool SSR strategy, the definition of aims are "to help developing and transitional countries manage their security functions in a democratically accountable, efficient and effective way by initiating and supporting reform and providing appropriate education and training."

Box 1: The security sector

The Security Sector, broadly defined, comprises all those institutions responsible for protecting the state and communities within it. This includes:
- Bodies authorised to use force (the armed forces, police, and paramilitary units).
- Intelligence and security services;.
- Civil management and oversight bodies (the president/prime minister, the legislature and legislative committees, national security advisory bodies, statutory civil society organisations, the Ministries of defence, interior, finance, and foreign affairs).
- Judicial and public security bodies (the judiciary, justice ministries, defence and prosecution services, prisons and corrections services, human rights commissions, and customary and traditional justice systems);.
- Non-state security bodies (private security companies, political party militias, liberation armies, civil defence forces and other militia), though these are often neglected in SSR programmes.
- Civil society bodies (non-governmental organisations, advocacy, the media, professional and religious organisations).

The reasons armed violence and SALW availability are important for SSR include:

- State and civil society oversight of the security sector is likely to be undermined in a situation of armed violence. In particular, public awareness and discussion of security issues – as emphasised in existing DFID guidance – may be curtailed because of fear and intimidation.
- Desire to tackle and reduce armed violence can provide a focus for mobilising support for SSR, to address inadequacies in the police and other security services. Alternatively, wide insecurity can create conditions for popular support for vigilantism or authoritarian policing. Outcomes depend on specific local factors, but the relationship between SALW and SSR issues is often close and complex.
- SSR processes may generate grievances among soldiers and officers either because they are being demobilised or disempowered, or their access to resources (perhaps through corruption) are reduced. For instance, reform processes may threaten the economic interests of the military – such as the military industrial complexes in Indonesia – and of groups of soliders – including criminal activities by soldiers in conflict zones such as "Sobels" (soldiers by day, rebels by night) in Sierra Leone. The potential for these actors to engage in violent activity is enhanced by the availability of SALW – not least from inadequately controlled state weapons stocks. Such activities promote the risk of derailing the reform process.
- Persuading civilians to give up their arms in voluntary weapons collection programmes involves building community trust in the police and the security sector to provide them with security.

5. How can SALW programmes be linked with governance, SSR, and SSAJ programming?

Governance, SSR and SSAJ programmes can have better prospects for success when they take into account SALW and armed violence issues. Likewise, these programmes can enhance the success of SALW projects. Key benefits of integration, or at least linkage, include:

- Some SALW-related issues, such as border control, stockpile management, or weapons' collection are often seen as less politically sensitive than SSR, thereby creating entry points for engagement with other security issues and wider reform processes.
- SALW issues relate to a wide range of security sector agencies, providing multiple entry-points for engaging with them and linking with wider SSR efforts. Thus, programmes to address illicit arms trafficking may involve engagement with customs, border guards, police, military, judicial and intelligence services. Issues to do with the development and enforcement of laws regulating arms possession, trade and production can feed into broader concerns of legal reform, parliamentary and government debate. Efforts to improve security of official arms stockpiles involve links with elements of the police and military that may otherwise be relatively isolated from reform processes.
- SALW programmes can help create networks between the community and the military, police, and judiciary. For example, weapons collection and destruction programmes can link with local government, police and community.

❑ Integrated activities can help build the capacity of civil society to engage with security issues – thereby enhancing accountability and ensuring that the security sector is responsive to community security needs.

❑ It can help lay the foundations for tackling transnational security threats through regional cooperation, as in police networks in East Africa (EAPCCO) and Southern Africa (SARPCCO).

**Box 2: Linking SALW projects and
SSR – the case of Cambodia**

The EU-Assistance on Curbing Small Arms and Light Weapons in Cambodia (ASAC) project was effectively linked with SSR by:

❑ Including the security forces in weapons collection and destruction programmes, insisting on appropriate cooperation between relevant police and military forces and local and national authorities, and building community-security sector relationships.

❑ Supporting wide social and parliamentary engagement with arms law reform.

❑ Including key elements of SSR programming within its scope. For example, a key aim of the project is to increase public trust in protection by police forces. This has been pursued through:

    o Training police in human rights;

    o Training the families of police officers in skills to enhance their livelihoods in order to try to reduce the incentives for police corruption;

    o Supporting the registration and safe storage of weapons stocks by the military (Ministry of National Defence) and the National Police.

5.1 SSR programming

In SSR programmes there are opportunities to integrate SALW and armed violence issues in the planning stage by conducting an assessment in which linkages are examined; and by addressing selected SALW issues as part of the engagement with the security sector agencies concerned.

5.1.1 Conducting a security assessment from the user's perspective – particularly the poor and vulnerable groups

SSR programmes commonly include a security and a security sector assessment. This is primarily focussed upon key institutions of the security sector. Integrating a security assessment from the perspective of the security priorities of the poor and vulnerable, which are often particularly concerned about armed violence, will help develop effective phasing of reforms and contribute to the necessary buy-in of communities. Such an assessment should consider the security context, the political context, relations between military, police and civilians, and whether and where there is social demand for SSR, taking into account SALW issues as appropriate. Community consultations in the security assessment process could help establish key concerns and local dynamics, as well as establishing community support. National Action Plans on Small Arms, which are now sometimes based on detailed mappings of problems of illicit SALW and armed violence,

may provide useful information for conducting this type of assessment. These plans are often developed with civil society involvement (as in Tanzania and Uganda). They often include projects that contribute to SSR and governance, and bring together a number of government departments in their construction.

5.1.2 Building the capacity of customs services and border controls

Cross-border arms smuggling and the movement of armed groups are key components of SALW availability and misuse. If a country is suffering significant problems of arms trafficking – contributing to armed violence in rural areas or violent crime in urban centres – one security priority of the state should be to enhance the capacity of customs and border guards. This requires adequate training in the interdiction of weapons smuggling, as well as equipment and resources for communication and transport. Early phasing of this support may contribute to a more secure foundation for broader governance and SSR programming, as well as helping to strengthen regional security and cooperation.

5.1.3 Promoting effective stockpile management and security

Within SSR, the management and security of arms and ammunition stockpiles is often seen as a technical issue or conducted later in SSR programs. However, the leakage of arms and ammunition from state arsenals – either through theft or illegal sales by official personnel – is often a major source of arms in illicit circulation. Including arms stockpile security in SSR can provide an important practical focus for cooperation within a wider SSR programme, and have a major pay-off in terms of reducing risks of armed violence. Key programming opportunities for tackling stockpile problems include:

- ❑ Early phasing of stockpile management in SSR programmes.
- ❑ Advice and resources for ensuring good practice and secure storage.
- ❑ Assistance in developing procedures for inventory management and accounting systems, e.g. in marking unmarked weapons, or establishing and maintaining weapons registries or centralised record keeping.
- ❑ Training for personnel in stockpile management, security, and record keeping.
- ❑ Advice and assistance in the secure destruction of surplus arms or their re-assignment.
- ❑ Regulation and restriction of possession and storage of arms by off-duty police, military, judiciary and others. This is often important as off-duty personnel sometimes rent-out their weapons to criminals.

5.1.4 Enhancing controls over civilian arms

Almost 60% of firearms in global circulation are estimated to be in civilian hands. It is therefore important to establish controls over civilian arms through measures such as registration, and to engage in weapons collection programmes. SSR programmes, by concentrating solely on the formal security sector, often ignore these issues.

Key programming opportunities include:

- ❑ Review and reform of relevant arms-related laws.
- ❑ Support awareness raising and debate involving citizens, parliament, government and the police.

❑ Civilian arms registration and licensing.
❑ Control over domestic arms markets – both legal and informal markets.
❑ Regulation of craft production.
❑ Guidelines for legitimate use of firearms (through community consultation).
❑ Voluntary Weapons Collection Programmes (VWCPs) and gun amnesties. Conducted in partnership with communities, these can help reduce arms availability as well as raising community awareness, which can contribute to the development of pro-poor security governance. Gun amnesties are useful opportunities for wider weapons collection and community security projects.

5.2 SSAJ programming

SSAJ is a key foundation for reducing SALW availability and armed violence. Key practical opportunities exist in SSAJ programming to deal with SALW and armed violence. These include policing, crime prevention, access to justice and community policing.

5.2.1 Policing, crime prevention and access to justice
Establishing effective controls over SALW, which are, after all, the tools of violent criminal activity, help to reduce levels of violence thereby enhancing the capacity of the police to engage in broader crime prevention and SSAJ activities. Practically this means:
❑ Involving the communities in which policing and SSAJ provision is taking place.
❑ Establishing controls over police weapons stocks and stored confiscated weapons (police arms are often widely dispersed in vulnerable locations, and sometimes vast numbers of confiscated weapons are stored insecurely pending use in evidence at trials etc).
❑ Developing a trained and equipped police force combined with good civilian oversight. This will encourage communities to work with the state to tackle crime and arms trafficking.
❑ SSR and SSAJ programmes can help to build a foundation of trust in the state to provide security. This is important to the success of VWCPs because in the absence of trust people are unlikely to hand over the weapons they perceive as their only option for protection.
❑ In countries where direct engagement with the police or security sector is politically sensitive, SALW projects allow armed violence issues to be addressed through community support and awareness, for example, through Gun-Free Zones.

5.2.2 Community policing
Some of the key principles of community policing – consultation, community ownership and so forth – offer a significant entry point to tackling armed violence in that they help to make police and security governance more accountable to local populations. This, in turn, will help enhance the capacity of the police to tackle armed violence. For instance, police reform in Mozambique had little impact on violent crime levels until a community policing model was adopted. Entry points for developing community policing relationships include:
❑ Controlling civilian armaments.

❑ Tackling problems of criminal access to weapons.
❑ Making police use of firearms accountable.

**Box 3: Weapons collection as an entry
point in Mendoza, Argentina**

An arms exchange programme in the Argentine province of Mendoza provided an entry point to the development of broader community engagement and commitment to security measures. The programme prompted debate, raised public awareness and was facilitated by a provincial law on disarmament, which is being expanded into other provinces. The success of this programme contributed to:
❑ The establishment of a bi-provincial security commission to develop provincial border controls.
❑ The development of a permanent information exchange mechanism among police and provincial government institutions.
❑ The harmonisation of police and judicial reform.

It also attracted the support of the UNDP and other international agencies for a programme to improve the management and security of provincial government stockpiles, and public weapons destruction.

---

6. Why are non-state security actors and traditional justice systems important for governance, SSR and SSAJ?

Traditional justice systems and non-state security actors, such as militias and private security companies, are often mentioned in guidance notes on SSR and SSAJ but are seldom effectively addressed. Integration of SALW and armed violence issues into the planning of SSR and SSAJ programmes is likely to highlight the significance of these systems and actors in a number of ways.

6.1 Traditional justice systems

Traditional justice systems are often widely used in poor or conflict-prone societies. While these may be beneficial for channelling disputes and preventing violence, there should be legal limitations on their activities, coupled with a programme of registering and managing their weapons. As identified in existing DFID material on SSAJ: "Successful initiatives with non-state policing usually depend on state police involvement, and/or the development of internal controls to safeguard against discrimination or vigilantism." Specific challenges related in this field include:
❑ Whether the national police and the judiciary are willing and able (including appropriate training and operating procedures) to take on responsibilities in the traditional sector.
❑ The complex challenges of appropriately separating traditional political, economic and administrative roles from those of security provision and dispute resolution.

❑ The potential negative impacts of incorporation. In some cases the act of incorporation has the potential to diminish or destroy many of the advantages for ordinary citizens of using traditional structures.

6.2 Militias and private security companies

State incapacity to ensure the safety and security of people and property has led to the proliferation of non-state security actors: militias, vigilante groups, and private security companies (PSCs). For instance, in some cases, PSCs in transition and post-conflict states employ more (and often better armed) personnel than the police. While these may enhance the security of certain groups, they often disadvantage other groups, escalate conflicts, and further undermine governance. These actors also raise significant programming dilemmas:

❑ Non-state security actors are often uncontrolled and unaccountable. While in many cases it may be possible to bring them under the umbrella of security sector regulation, this is not always done. Establishing effective regulation of PSCs – by the state and the community – is essential to the safety and security of the population.

❑ In some cases where the state's capacity to provide security is limited, governments have sometimes distributed arms to local militia and civil defence forces. However, there is usually poor regulation of these actors and no control over the weapons.

7. Recommendations

Integrating SALW issues can contribute to the success of SSR and SSAJ programmes, which in turn can have an impact on levels of armed violence. Some key recommendations are:

❑ Conduct a (pro-poor) security assessment to identify priorities for integration of SALW and armed violence issues within governance, SSR, and SSAJ programmes. Ensure that the results of this assessment inform and integrate governance, SSR and SSAJ programming.
❑ Support SALW projects as an entry point to broader governance, SSR and SSAJ issues – with particular emphasis on building the awareness and capacity of civil society. Crime prevention and community policing initiatives are particularly useful here.
❑ Ensure that technical aspects of SSR – such as stockpile management – take into account all the different routes of SALW availability.
❑ Support controls over civilian arms to prevent their misuse and possible diversion to criminals.
❑ Support VWCPs, Gun Free Zones and other SALW projects, ensuring that they are rooted in an understanding of community security priorities.
❑ Engage with the problems thrown up by militias and traditional justice systems by ensuring adequate controls are developed over private security companies and militias.

It is important that DFID and other development agencies take steps to ensure that SALW programmes are appropriately linked, or integrated with, wider development programmes. If you wish to consult further about the possible relevance of SALW-related programmes to development strategies with which you are concerned, contact the SALW team at CHAD:
Richard Haviland, SALW Programme Manager
R-Haviland@dfid.gov.uk
Tel: +0044 (0)20 7023 0868

Kate Joseph, Senior Non-Proliferation Consultant
K-Joseph@dfid.gov.uk
Tel: +44 (0)20 7023 0359

Further reading

DFID, Making government work for poor people: building state capability, (London, DFID, 2001).

DFID, Understanding and Supporting Security Sector Reform, (London, DFID, 2002)

DFID, Safety, Security and Accessible Justice: Putting policy into practice, (London, DFID, July 2002)

DFID, Tackling Poverty by Reducing Armed Violence: Recommendations from a Wilton Park Workshop: 14 – 16 April 2003, (London, DFID, 2003)

GFN-SSR, Security Sector Reform Policy Brief, (London, DFID, FCO and MoD, November 2003).

Amnesty International, Policing to protect human rights: A survey of police practice in countries of the Southern African Development Community, 1997 – 2002, (Oxford, Amnesty International Publications, 2002), p 91.

Ball, Nicole, Enhancing Security Sector Governance: A Conceptual Framework for UNDP, October 9, 2002.

Chanaa, Jane, Security Sector Reform: Issues, Challenges and Prospects, *Adelphi Papers*, Number 344, (Oxford, OUP for the International Institute for Strategic Studies, 2002).

Hendrickson, Dylan, "Security-sector reform: state of play", in *The Conflict, Security & Development Group Bulletin*, Issue 13, October – November 2001.

Lilly, D., and Page MvT, (Eds) Security Sector Reform: The Challenges and Opportunities of the Privatisation of Security, (London, International Alert, 2002).

http://www.gfn-ssr.org