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Conflict Research Programme

# Security and Justice Reform: Findings from the Conflict Research Programme

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## About the Conflict Research Programme

The Conflict Research Programme is a four-year research programme hosted by LSE IDEAS, the university's foreign policy think tank that was completed in March 2021. It was funded by the UK Foreign, Commonwealth and Development Office (FCDO). The goal was to understand and analyse the nature of contemporary conflict and to identify international interventions that 'work' in the sense of reducing violence or contributing more broadly to the security of individuals and communities who experience conflict. The research is continuing with the framework of the FCDO funded Peace and Conflict Resolution Evidence Platform (PCREP).

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## Acronyms

CPA	Coalition Provisional Authority
CRP	Conflict Research Programme
DDR	Disarmament, Demobilisation and Reintegration
FGS	Federal Government of Somalia
PdP	Police de Proximité
PMF	Popular Mobilisation Forces
SAF	Sudanese Armed Forces
SDF	Syrian Democratic Forces
SNA	Somali National Army
SSR	Security Sector Reform
UN	United Nations
UNMISFA	United Nations Interim Security Force for Abyei

## Executive Summary

Research undertaken by the Conflict Research Programme (CRP) suggests that standard strategies for security and justice reform are routinely undermined by the dynamics of conflict. Security Sector Reform (SSR) and Disarmament, Demobilisation, and Reintegration (DDR) policies often end up providing a mechanism through which different factions engaged in conflict can compete for funding, status, and participation in the state apparatus. Indeed, CRP has identified several instances in which armed groups were actually formed in order to participate in SSR and DDR programmes.<sup>1</sup>

This memo summarises research on security and justice from CRP's five sites – DRC, Iraq, Somalia, South Sudan, and Syria – plus additional research on Sudan. We use the term 'security arena' rather than security sector to describe the ever-shifting, splitting, and re-combining array of armed actors (mutably classified as gangs, warlords, mercenaries, representatives of multiple "regular" security institutions, etc.) and how these are shaped by the dominant conflict logics of the political marketplace (transactional politics) and identity politics (mobilisation on the basis of exclusive identity such as ethnicity or religion). In parallel to security arenas, we find systems of legal pluralism where a combination of weak and often corrupt formal legal systems operate alongside customary and religious systems. While the latter often operate more effectively than the formal systems, they tend to impose harsh age and gender hierarchies.

The main finding is that security and justice reforms are most likely to succeed if they help to strengthen a civic logic that

can counter the dominant war logics. We identify three broad contexts where this might be possible. First, we draw attention to critical junctures, or political windows of opportunity when the dominant logics are weakened or undermined, for example, a transition from a military to a civilian government as in Sudan 2019. In these situations, pro-reform coalitions including civil society groups, security actors, politicians, and civil servants, can most effectively press for reforms. However, such coalitions do not emerge or achieve agreement about key security and justice reforms overnight – external actors can help increase the odds that these opportunities will be seized by contributing to long term coalition building through financial support, capacity building, and other measures in states not yet ripe for reform. In states that seem to be reaching a critical juncture, external actors are most effective when they exert pressure around the same key reforms prioritised by domestic coalitions, so that leaders considering reform face coordinated internal and external demand.

Second, localised security initiatives can sometimes improve the situation on the ground and provide more political and geographical space for civiness. In particular, local agreements that involve citizens and armed groups negotiating joint mechanisms for security provision and local conflict resolution, supported by multilateral external actors, have proven effective at achieving and sustaining local improvements in everyday security. The research found that local programmes of community policing are unlikely to work without a change in the incentive structures and power relations, but some programmes appear to help in spreading civic ideas of what policing ought to look like.

<sup>1</sup> See for example: Judith Verweijen & Koen Vlassenroot, "Democratic Republic of Congo: The Democratization of Militarized Politics," in *Africa's Insurgents. Navigating an Evolving Landscape*, Eds. Morten Boas, Kevin Dunn. Lynne Rienner (2017): 99-118, [https://www.researchgate.net/publication/317771496\\_Democratic\\_Republic\\_of\\_Congo\\_The\\_Democratization\\_of\\_Militarized\\_Politics](https://www.researchgate.net/publication/317771496_Democratic_Republic_of_Congo_The_Democratization_of_Militarized_Politics).

Thirdly, in all our field sites, we find that civilians emphasise the importance of accessible justice as a way of weakening the power of both identity politics and the political marketplace. External actors can act to promote justice by imposing sanctions on those who target media and other activists who document war crimes, police misconduct, and corruption within the judicial system, as well as by supporting court monitoring and other transparency efforts.

## 1. Introduction

A central premise of the CRP's work is that many contemporary conflicts should not be categorised as binary struggles for power and territory between competing sides, or as state building projects, or according to any of the common typologies elsewhere developed. Rather, these conflicts must be understood as a protracted social condition in which multiple public authorities operate according to different logics. By public authority, we refer to a state, municipality, religious authority, international institution, or chiefdom. The dominant logics we observe in our field sites include:

- 1) The political marketplace, in which loyalties are largely purchased (or rented) through financial transactions and the commodification of services, notably security and justice; and
- 2) Identity politics, in which elites gain the support of ordinary people through appeals to shared ethnic/religious/other identities and the intensification of real or perceived threats from other identity groups.

We also observe a third logic in all our sites, which is constrained and subverted by the dominant logics. We use the term 'civicness' to refer to public authorities

that are accountable to citizens and act to promote the public good. In all our field sites, we identify elements of civicness, which is necessary for everyday survival. Civicness can refer to a form of behaviour by citizens who act as though a civic logic exists, for example honest judges or police who try to maintain order and provide security, doctors or teachers who try to cure their patients or educate their pupils, or neighbours helping each other. It can also refer to a political position among activists who oppose the corruption and sectarianism associated with both the political marketplace and identity politics, or who campaign for reform. Finally, it may characterise a particular political authority, a municipality, for example, that represents a haven of safety and service provision in the midst of war. Civicness is not the same as civil society, although civilians and civil actors are the groups most likely to act on the basis of civicness. But civilian groups or NGOs are often subject to the dominant logics; they may compete for finance or confine themselves to exclusive identity groups.

The central argument of this memo is that security and justice reforms that presuppose a conventional security sector are almost always ineffective when security and justice provisions are in fact shaped by the logics of the political marketplace and identity politics. It is only when these systems experience some type of major upheaval – what we call critical junctures – that sweeping reform becomes possible. In these instances, domestic demand, generally in the form of pro-reform civic coalitions, drives change, though external actors can play an important supporting role. However, we also find that, in certain circumstances, limited and partial security and justice reform can be designed so as to increase the space for civicness; these might include security provisions agreed as a consequence of a local peace agreement,

court monitoring, encouraging local efforts to harmonize competing legal systems, or the documentation of war crimes.

We start by summarising the CRP's research on the nature of security arenas and how they contribute to continuing violence, and how justice institutions can become (or in some cases remain) fragmented or co-opted into commodified systems of "legal pluralism." To illustrate how conventional security and justice interventions are subverted in these contexts, we briefly examine examples drawn from each of the various CRP cases – Somalia, Sudan, South Sudan, the DRC, Syria, and Iraq.

We then examine the ways in which citizens pushing back against the political marketplace and identity politics can produce significant security and justice improvements. In the cases examined directly through CRP, these gains are mostly localised, but by examining these instances alongside reform success stories from elsewhere it becomes clear how local successes, if protected and allowed to build up over time, may help to produce the kind of cohesive and broad civic pro-reform coalitions that, when a political window of opportunity presents itself, can move quickly to institute sweeping and sustainable security and justice reform. We explore how these findings suggest specific recommendations for how future security and justice interventions can be more effective.

## 2. The Subversion of Security and Justice in Contemporary Conflict Settings

### 2.1 The Security Arena

The basic assumption of SSR interventions is that a given security sector (composed of the army, security, and law enforcement agencies) exists but is dysfunctional, and thus in need of reform so it can contribute to a more democratic system of governance. As recent examinations of the track record of these interventions reveal, most SSR programs in post-conflict situations fall well short of achieving their intended objectives.<sup>2</sup> In political marketplace contexts, these failures are often extreme and repeated over multiple cycles of intervention attempts.

However, in the countries examined by CRP, the "official" security sector, where it exists at all, is just one of a plethora of security actors with divergent objectives, structures, and rules of engagement; their interests sometimes overlap, and sometimes conflict; and they do not operate neatly within national boundaries. Armed groups in conflict settings include shifting combinations of militias, criminal gangs, warlords, vigilante groups, religious armies, private security contractors, regular security forces (armies, police forces, and intelligence agencies, often privatised, fragmented, and linked to armed groups), international regular forces (including multilateral peacekeeping troops), and external geopolitical actors, who may or may not be linked to armed groups. Taken together, rather than "security sectors", these constitute what Hills, drawing on observations in Somalia, calls "security arenas."<sup>3</sup>

<sup>2</sup> S Detzner. "Modern post-conflict security sector reform in Africa: patterns of success and failure." *African Security Review* 26, no. 2 (2017): 116-142.

Stephen Watts, Kimberly Jackson, Sean Mann, Stephen Dalzell, Trevor Johnston, Matthew Lane, Michael J. McNerney, and Andrew Brooks. *Reforming Security Sector Assistance for Africa*. Santa Monica, CA: RAND Corporation (2018), [https://www.rand.org/pubs/research\\_briefs/RB10028.html](https://www.rand.org/pubs/research_briefs/RB10028.html).

S Detzner, "Nothing For Us Without Us? The Impact of Popular Participation on Security Sector Reform Progress In Transitional States," *Tufts University PhD diss.*, (2019)

<sup>3</sup> Alice Hills. "Security sector or security arena? The evidence from Somalia." *International*

These arenas exist across a spectrum. In some instances, usually those that operated as highly centralised nation-states before a comparatively recent collapse (such as Iraq and Syria), the “official” security forces are still cohesive enough to remain the most powerful security actors, though not by a significant margin and usually with considerable competition. In others where centralised state institutions never firmly established themselves or have long since been destroyed (notably Somalia and South Sudan) the mantle of “official” security force is simply passed between warring groups as power shifts – those groups who hold it at any given point are, in organisation, training, behaviour, etc., in no way meaningfully different from their “unofficial” competitors.

However, regardless of exact composition, these security arenas are often strongly shaped by what we call the political marketplace, in which “political loyalties and services are sold to the highest bidder in a competitive manner. For example, a ruler might bargain with members of the political elite over how much he needs to pay – in cash, or in access to other lucrative resources such as contracts – in return for their support. They exert pressure on him (and it is usually ‘him’) using their ability to mobilise votes, turn out crowds, or inflict damaging violence.”<sup>4</sup> As subsequently discussed, these elites sometimes rent the loyalty of their own followers, but also sometimes (especially if they are leaders of exclusionary religious or ethnic groups) control it through manipulation of identity politics. Whatever the exact structure of the market, in these states, “transactional politics dominates over the functioning of formal institutions...Political power is fragmented, and different forms of violence

(and the threat of violence) are widespread and diffused across all levels of society.”<sup>5</sup>

These dynamics fatally compromise security and justice reform, even within factions, from gaining any traction. In these contexts, a leader who embraces reforms that constrain security force predation and limit corruption and/or identity-based nepotism is placing himself at a likely-fatal competitive disadvantage. Without the financial resources gleaned from corruption/predation, rivals will outbid him for the loyalty of his troops. This trap then reproduces itself down the chain of command – presidents must bid for the loyalty of generals to stay presidents, generals must bid for the loyalty of colonels, etc. Conflict is further fuelled by the fact that, as a bidding tactic, violence can substitute for money – a major seeking a promotion to general can take a calculated risk by staging a revolt and/or threatening to ally with a rival faction, thus forcing political leaders above him to either promote him as part of a “reintegration” package (a boost that comes with expanded opportunities for profit through corruption/predation) or expend some of their own limited resources to suppress his uprising.

Once this dynamic is established, SSR and DDR interventions from abroad merely feed into the system – for example, an external train-and-equip program for some portion of the military will provide extra leverage in the form of military capability to whichever elite controls the relevant units, leverage he is likely to use (often violently) to bargain for a greater share of state power/revenue. When multiple external interventions target multiple armed actors, even greater violent competition ensues.

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*Peacekeeping* 21, no. 2 (2014): 165-180.

4 “Evidence from the Conflict Research Programme: Submission to the Integrated Review of Security, Defence, Development and Foreign Policy,” *Conflict Research Programme* (July 2020): 6  
Alex De Waal. *The Real Politics of the Horn of Africa: Money, war, and the business of power*. John Wiley & Sons, (2015).

5 “Evidence from the Conflict Research Programme,” 7.



## 2.2 Legal Pluralism

Similar dynamics and faulty assumptions obstruct justice reform. In all cases examined, a formal legal system based on a civic template exists. However, since verdicts can usually be purchased (using much the same competitive bidding system as shapes the security arena), many people take their demands for justice to parallel traditional and/or religious legal systems. In times of prolonged, widespread, violent conflict, where the state's civil justice system has been incapacitated, the existence of alternative justice providers may constitute a valuable public resource. But while the latter are often more effective at dispute resolution, they are often deeply gendered and ageist, and still vulnerable to more localised corruption and subversion. The impartiality of all systems is undermined by ethnic/religious/sectarian considerations. The existence of these multiple systems with no clear division of responsibility or hierarchy – legal pluralism – means that many disputes can never be decisively concluded, fuelling grievance, vigilantism, and a general dependence on violence to resolve conflict.

The barriers to the types of justice reforms that might address this situation are similar to those that obstruct SSR – local, regional, and national autocrats who allow themselves to be constrained by the rule of law and give up their ability to manipulate or dictate judicial outcomes are, again, putting themselves at a competitive disadvantage. A reformed judiciary limits autocratic opportunities for expropriation and other important sources of personal and political finance. For example, a justice system in which competing firms can sue if not given fair opportunities to bid on government projects is a system where autocrats cannot easily assign lucrative projects to cronies in

exchange for political support or kickbacks. A functioning criminal justice system is one in which an autocrat is less able to, for instance, use informal militias to intimidate certain blocks of voters, for fear members of these militias may be brought to trial and testify against them. Finally, autocrats must weigh the risk that real reform means they may eventually be held to account for previous misdeeds, as happened in several Latin American countries where meaningful judicial reform took place in the past several decades.<sup>6</sup>

## 2.3 Identity Politics

The dynamics described above further shape (and are shaped by) identity politics. CRP uses the term to refer to “the claim to power on the basis of an exclusive identity,” usually either ethnic or religious.<sup>7</sup> Importantly, “one of the original rationales for formulating the political marketplace framework was to challenge identity-based framings of the wars in Sudan and Somalia...”<sup>8</sup> It became clear to many observers that members of the political elite in these countries, as well as South Sudan, had not historically and were not currently behaving in accordance with any principle of ethnic solidarity, but were rather engaged in the kind of individual tactical bargaining – forming and dissolving political and armed groups on an ad hoc and opportunistic basis – far more accurately understood as a marketplace than a clash of identities.<sup>9</sup>

However, as previously noted, outside of elites, individuals are never or almost never bargaining with one another in a “perfect” marketplace. Identity politics are one of the organising principles for most armed groups in all CRP countries, but one that, critically, manifests in different forms and levels of strength depending on shifting political circumstances and market signals.

6 Cath Collins. “Prosecuting Pinochet: Late Accountability in Chile and the Role of the ‘Pinochet Case’.” *Center for Global Studies* (2009).

7 *Ibid.*, 9.

8 *Ibid.*

9 *Ibid.*

As will subsequently be explored using case examples, in some instances (such as Somalia) membership in lineage groups (clan family, clan, sub-clan, etc.) remains the basic organising principle for armed groups, though groups can and are organised and reorganised to deemphasise the salience of different levels of connection as required to form advantageous alliances.

Similarly, in Iraq, whilst the predominantly Shi'a elites governing various Popular Mobilization Forces have cut deals with different Sunni and Shi'a local and national actors, their core membership has largely stayed intact. In other cases, such as Sudan, South Sudan, and the DRC, individuals are more apt to switch between multiple possible organising principles (ethnicity, religion, region, etc.) as they define and redefine their personal identity group membership over time in bids to gain protection, funding, or political power.

### 3. Security Arenas in Practice – Case Illustrations

The following section outlines how 'security arenas' look in practice in the five case study countries.

#### 3.1 Somalia

Somalia, if only because of the sheer length of its conflict and the vast number of actors involved, illustrates many of the traps of security and justice reform in a political marketplace context. First, the state of the Somali National Army (SNA) is an excellent example of how gathering a number of tenuously affiliated armed groups under a single name can give the impression of a

familiar and cohesive security institution where none actually exists. Despite extensive external investment over many years, the SNA remains "rather than an institution, more of a strategically deployed brand. When this brand is applied to clan militias (of shifting compositions and loyalties) and other ad hoc forces supporting whomever the current FGS [Federal Government of Somalia] President happens to be, the actions of those militias gain enhanced legitimacy, at least externally. As or more importantly, when wearing the SNA 'brand' these forces (some real, some existing only on paper as 'ghost soldiers') become eligible for training, equipment, and other valuable support from external actors."<sup>10</sup>

External actors, dedicated to the idea that a unified Somali state, requires a unified Somali military capable of maintaining a monopoly of force, have devoted considerable time and resources to nurturing such a military by integrating into it the largest and strongest armed groups in the country: clan militias. However, integration of clan forces into a truly unified force – one with a shared chain of command where orders are reliably followed – has failed to progress because such integration is contrary to the basic interests of major domestic actors.

This creates a major paradox: a true national army, with strong loyalties to the Somali state or to the institution itself, would inherently represent an unacceptable loss of power for the clan militia leaders, even those allied with the federal government, because much of their power springs from their ability to deny or offer their forces to those competing to lead the FGS. For their part, as long as the FGS is weak, individual

<sup>10</sup> Nisar Majid, Aditya Sarkar, Claire Elder, Khalif Abdirahman, Sarah Detzner, Jared Miller, and Alex de Waal. "Somalia's Politics: Business as Usual? A Synthesis Paper of the Conflict Research Programme (Somalia)." *Conflict Research Programme* (2021).

[Agence France-Presse, "Somalian army undergoes shake-up to eliminate 'ghost soldiers' used to line the pockets of corrupt superiors," July 26, 2019](https://www.scmp.com/news/world/africa/article/3020217/somalian-army-undergoes-shake-eliminate-ghost-soldiers-used-line)  
<https://www.scmp.com/news/world/africa/article/3020217/somalian-army-undergoes-shake-eliminate-ghost-soldiers-used-line>.

soldiers deciding where to place their loyalty are likely to choose their clans (which have a track record of protecting members) over less-proven alternatives.

Further, it has historically not been in the interest of even the FGS President and his immediate supporters for the SNA to develop past the point of needing extensive external support. Firstly, external SSR funds are an important source of revenue for whomever controls the FGS. Further, many Somali politicians are heavily invested in the country's thriving private security industry and stand to lose from a viable public competitor. This basic calculus "also helps explain the FGS' reluctance to promote an effective police force. The continued weakness of the SNA has in the past... helped justify the continued presence of AMISOM, which frees subsequent FGS administrations from both the expense of, and responsibility for, countering Al Shabab and providing security in particularly critical areas of Mogadishu and elsewhere."<sup>11</sup> AMISOM, the African Union-led peacekeeping mission in Somalia, has been in place since 2007, with debates ongoing since inception about its ideal size, mandate, and the involvement of troops from neighbouring states with their own potential agendas, as well as about the prospects for a successful exit strategy.

The persistent power of these dynamics is underlined by the failure of outgoing FGS President Farmajo's attempt to build a force of personally loyal troops in order to extend his tenure in office. His strategy, which was to have such a force trained up by allies in Eritrea away from immediate clan influence, simply could not be accomplished at scale with the time and resources available. Further, now that clan militia leaders have been made aware of the threat, subsequent attempts are even less likely to succeed.

More obviously, leaders of Somalia Federal Member States not allied with the current

FGS have interests strongly contrary to the development of any effective federal security force. Beyond the obvious potential threat of a federal takeover of their territory, the FGS' lack of access within these States means that their leaders currently reap some of the same benefits from external security assistance as the central government. This highlights a central weakness of external involvement in security arenas both in Somalia and elsewhere – the most involved external actors have compelling and competing national interests that push them to "bid" for security in Somalia's marketplace, even when such bids clearly undercut their stated long-term goal of state unity. For example, both the United States and the United Arab Emirates, which have anti-terrorism, anti-piracy, and regional influence interests the SNA cannot address, directly fund specialised elite security force units in Puntland and Somaliland, even though the existence of such forces under regional control works directly counter to their stated long-term goal of a traditional-constituted Somali state with a conventionally unified military.

As alluded to above regarding the loyalties of the clan militia components of the SNA, Somalia is also a clear example of how identity politics intertwine with political marketplace dynamics to shape both security and justice outcomes. In Somalia, while sub-clan, clan, and clan family alliances are constantly shifting, individuals nonetheless generally channel their loyalties through clan structures of some kind, rather than affiliating as *individuals* with the federal government, federal member states, etc. This is perhaps unsurprising, given that clan structures provide basic security and justice services to members far more reliably than other institutions. In Federal Member States Puntland and Somaliland, the dominance of a single clan (or durable bargain between a few dominant clans) has kept many citizens protected from the turbulence of the marketplace. However, the clanless and

members of minority clans, excluded from these clan bargains, often find themselves marginalised and exploited.

Across Somalia, Al Shabab has used this vacuum to win support and recruits by promising security and justice to those left otherwise unprotected.<sup>12</sup> The overall dynamic is further reflected in Somalia's pluralistic justice sector – the official courts are widely considered corrupt and only a viable option for government-allied elites. Clan-based systems, which resolve conflicts through negotiations between elders of different clans, are much more accessible to ordinary Somalis and produces durable agreements, but reinforce existing power dynamics – women, those from less powerful clans, or the otherwise marginalised see their lack of social power reflected in negotiated settlements.<sup>13</sup> The weaknesses of these alternatives have driven some Somalis to a third option, religious courts operated by Al Shabab, which are based on fundamentalist interpretations of Sharia but regarded by many as the least corrupt option. Further, Al Shabab courts have a reputation for coercively enforcing their judgements regardless of the relative power of the plaintiff and defendant.<sup>14</sup> However, Al Shabab's very success in this areas further demonstrates that justice provision can be a potential source of political legitimacy – this has not gone unnoticed, and so-far-successful attempts by some local authorities to gain this legitimacy for themselves by investing in coherent and impartial local justice are subsequently discussed in section 4.2.

### 3.2 Sudan & South Sudan

Sudan and South Sudan are here discussed together because, as South Sudan was once (and arguably still is) one of Sudan's peripheral marketplaces, similar tactics for engaging in political competition have shaped the security and justice arenas in both states. Unsurprisingly, external security and justice interventions have encountered common pitfalls.

The current security arenas of the two nations can in many ways be traced to the coup-proofing strategies of past Sudanese regimes, which are also practiced to varying degrees by other regional leaders.<sup>15</sup> As Detzner and Berhe recount "Sudan has never, since independence, had properly professionalized security institutions."<sup>16</sup> After a successful coup in 1989, the incoming Sudanese regime sought to prevent others in the military (the Sudanese Armed Forces, SAF) from replicating its victory by, in a series of stages over several decades, moving resources and authority into intelligence services and decentralised militias. Over the same period "the regime acted to mollify the remaining SAF and the other security institutions by allowing them to engage in economic activities on privileged terms. Security force involvement now pervades and corrupts both the forces themselves and the broader Sudanese economy..."<sup>17</sup> Perhaps unsurprisingly, the government would increasingly find itself making similar economic concessions to militias it supported as a check to the military.<sup>18</sup> These concessions solved immediate problems, but established

12 Majid et al. "Somalia's Politics: Business as Usual?" 33.

13 Ibid.

14 Ibid.

Nisar Majid and Khalif Abdirahman. "The Kismayo Bubble - Justice and Security in Jubbaland," *Conflict Research Programme* (March 26, 2021) [http://eprints.lse.ac.uk/109317/2/The\\_kismayo\\_bubble\\_updated.pdf](http://eprints.lse.ac.uk/109317/2/The_kismayo_bubble_updated.pdf).

15 Detzner. "Modern post-conflict security sector reform in Africa".

16 Mulugeta Gebrehiwot Berhe & Sarah Detzner "Sustaining Momentum: Seizing the opportunity for SSR in Sudan," *Conflict Research Programme* (June 2020): 13.

17 Ibid, 14.

18 Ibid.

a dangerous precedent – when low on cash, the government continued to “pay” various parts of the security services with, essentially, licenses to pillage or engage in corruption, especially in Sudan’s peripheral regions.

One of the best ways for a militia leader to obtain either a direct payment or a cut of these licenses in this environment has been to organise a peripheral insurgency, then agree to a temporary peace with the government in exchange for a promotion which gives him control over a greater share of regional resources. Since independence, South Sudan (many leaders of which were “players” in the previous system) which also never truly institutionalised its security forces, has operated according to similar dynamics.<sup>19</sup>

Further, leaders in both states have learned how to benefit from external mis-readings of their various conflicts as being primarily fuelled by identity clashes. If various Sudanese insurgencies (past and present) had actually been mostly reactions to the identity-motivated marginalisation of one or several cohesive ethnic groups by the state, they might well have been resolved by either regional independence (South Sudan) or externally brokered power-sharing peace agreements and the follow-on technocratic DDR interventions frequently attempted (Darfur, South Kordofan, Blue Nile, etc.). This intervention template aims to give groups in conflict some level of security guarantee (by having their own co-ethnics incorporated

into the security forces) as well as a share of government and security sector jobs.<sup>20</sup>

However, while ambitious regional leaders rebelling in order to access resources often preferentially ally with co-ethnics, especially if grievances can be used to mobilise additional forces, they also ally across identity lines where such alliances look to be profitable.<sup>21</sup> Small armed groups join with one another into larger rebellions (which may or may not be organised under umbrella group identities such as Nuer or Dinka) but these rebellions frequently splinter into their component parts and reform along different lines based on shifting control of resources, changing “bids” for support from various elites, etc.<sup>22</sup> Further, the experience of fighting far from home has been observed to weaken the loyalty of armed group members to their original communities and causes these communities to view these forces as a threat to, rather than a source of, security – with serious implications for DDR efforts.<sup>23</sup>

Few if any actors involved regard peace agreements as more than temporary bargains to be renegotiated through renewed violence when necessary. In this context, internationally-funded DDR efforts have simply fuelled cycles of conflict by injecting external resources into the system whenever violence occurs – armed groups will often actually form or expand as peace deals near in order to be included in anticipated DDR packages.<sup>24</sup> A standout example involves the Rapid Support Forces (an offshoot of the notorious Janjaweed)

<sup>19</sup> Ibid.

S. Detzner, “Security Sector Reform in Sudan and South Sudan: Incubating Progress,” *Conflict Research Programme* (December 2019).

<sup>20</sup> Tatiana Carayannis and Aaron Pangburn “What works in security interventions: Rethinking DDR in today’s violent conflicts,” *Conflict Research Programme Blog* (Oct 2018)

Alex de Waal. “Sudan: A Political Marketplace Framework Analysis,” *LSE Conflict Research Programme and World Peace Foundation* (August 2019).

<sup>21</sup> Ibid.

<sup>22</sup> Naomi Pendle, “The ‘Nuer of Dinka money’ and the demands of the dead: contesting the moral limits of monetised politics in South Sudan,” *Conflict, Security and Development*, 20, no. 5 (2020): 587 – 605.

<sup>23</sup> Naomi Pendle. “They are now community police”: Negotiating the boundaries and nature of the Government in South Sudan through the identity of militarised cattle-keepers.” *International journal on minority and group rights* 22, no. 3 (2015): 411.

<sup>24</sup> Carayannis and Pangburn “What works in security interventions”.

whose "control over disarmament campaigns in Darfur...helped it accumulate more weapons and vehicles and take control over key checkpoints and smuggling routes."<sup>25</sup>

Failures to understand marketplace dynamics in both states have left external actors unable to predict outbreaks of violence or opportunities for peace, and thus unable to act quickly enough to counter the first or bolster the second. South Sudan is currently "a poster child for the effects of unplanned or traumatic decarbonization on fragile states."<sup>26</sup> When oil prices decreased dramatically in recent years, conflict soared, as competing armed groups became increasingly predatory in their struggle to control a shrinking "pie" of overall resources. Currently, the struggle to control various regions, and especially for the mantle of "official" government, is attractive in large part because such control creates opportunities to profit from mining contracts, other natural resource concessions, bloated arms deals, etc.<sup>27</sup>

Conversely, in Sudan, international actors (most importantly the United States) failed to use the timely removal of sanctions to make desperately needed resources available to the civilian component of Sudan's post-revolutionary government. At the same time, they failed to crack down on the leading military faction's acquisition of resources through the renting of mercenaries, illicit gold smuggling, etc. This lack of action makes it significantly more likely that the military will be able to out-compete its civilian counterparts for government control, sparking renewed conflict and predation as well as dashing hopes for the establishment of transitional justice mechanisms and judicial reform more generally.<sup>28</sup>

### 3.3 The DRC

The DRC, with a security arena development history similar to, if even more complicated than, the Sudans, has experienced many rounds of failed external security interventions. CRP findings focus on specific instances of failed police reform and failed justice reform closely tied to the dynamics of the political marketplace.

While there have been a few successes, as discussed in section 5.2, police reform in DRC demonstrates the unsustainability of reforming the police in the context of a political marketplace in which "superiors expect kickbacks and rank-and-file do not earn enough to make ends meet."<sup>29</sup> The main vehicle for police reform were short-term training programmes known as 'recyclage.' Many police did not attend these training sessions or turned up only on the first day because time spent in the classroom means less time spent in the streets directly raising revenue by soliciting bribes and other tactics. Attempts to compensate for this loss can also backfire – where the training involved meals, per diems, and other benefits it became a patronage resource for political actors. Candidate selection was based on personal connections, and many officers who did not meet the minimum requirements were admitted. Some of them returned home soon after training, others connived with commanders to sell police equipment.<sup>30</sup> Meanwhile, police leadership had no incentives to impede this corruption or otherwise promote the program's success. Well-trained officers, particularly those inclined to advocate for reform, are less likely to participate in (and might actually undermine) the hierarchical system of

25 Berhe & Detzner "Sustaining Momentum," 15.

26 "Evidence from the Conflict Research Programme," 7.

27 Robbie Gramer. "Foreign Investors Fueled Violence and Corruption in South Sudan, Report Finds." *Foreign Policy* (September 19, 2019).

Detzner, "Security Sector Reform in Sudan and South Sudan," 7.

28 Berhe & Detzner "Sustaining Momentum," 30.

29 Michel Thill. "Recycling as bricolage in the Congolese National Police: Lessons from police training in the Democratic Republic of Congo," *Congo Research Briefs*, Issue 2 (September 2019).

30 Thill "Recycling as bricolage" 6.

kickbacks that guaranteed revenue for these leaders. Consequently, trained officers were frequently side-lined, denied promotion, and rotated out of communities where they had built relationships.<sup>31</sup> Interviews show that a good number of officers value training in theory, but struggle to put such training into practice or disseminate it to colleagues because they have little ability to individually reject the corrupt practices that permeate the system without paying a steep price.<sup>32</sup>

Attempted justice reform in the DRC demonstrates the dangers of multiple uncoordinated interventions into a complex space. Disputes over land rights in the DRC fuel conflict and illustrate the corrosive effect of legal pluralism – different types of government and traditional courts make different rulings about who owns what, encouraging rival claimants to forum shop or try to enforce their preferred ruling with violence. CRP research found that, given the absence of a court whose ruling would be considered final by claimants and whose rulings would be effectively and impartially enforced by security forces, efforts by different international and local NGOs to help ordinary people formalise their land rights sometimes ended up actually fuelling uncertainty, fragmentation, and existing power struggles.<sup>33</sup>

### 3.4 Syria

Syria is a recent and compelling example of how a state with an institutionalised security sector can devolve into a security arena, and how the interventions of numerous, uncoordinated, and differently motivated external actors can speed this descent.

Before the war, the Syrian security apparatus was highly centralised. But once the uprising began in 2011 it became clear that existing security forces did not have the capacity to conduct massive repression on the scale necessary to maintain control. For additional support, the embattled regime established a new structure of 'security committees' at governorate level with responsibility for planning and running military and security operations. This development in turn led to the creation of paramilitary forces with their own command and control centres, and the proliferation of militia groups including the Soqur al-Sahara, the Al-Bustan forces, the Lion of Homs, the Coastal Shield Brigade, Ba'ath party brigades, the Nosur al-Zawba's, and the Arab National Guard.

As in other security arenas, the central state lost the ability to give orders to armed groups under its ostensible control and expect them to be automatically followed – predictably, "state" branded violence by these groups became highly decentralised, which in turn fuelled sectarian identity divisions and yet further fragmentation as communities began creating their own local security committees to defend themselves from violence.<sup>34</sup>

This decentralisation was mirrored within the coalition that opposed the government as well. During the earlier years of the war, a variety of Sunni opposition fighters, ambiguously positioned along a sliding scale of 'moderate' and 'extremist' groups, received extensive funding and equipment from governments and private organisations in the Arab Gulf States. Qatar and Saudi Arabia in particular engaged in

31 Behre and Detzner Ibid.

32 Thill "Recycling as bricolage" 6.

33 "Evidence from the Conflict Research Programme" 18.

Joël Baraka and Kasper Hoffmann, "Formalization of land rights in eastern Congo: Rethinking Approaches," *Conflict Research Programme* (forthcoming).

34 Maen Tallaa, "The Security Situation in Syria and Ways to Manage It." *Omran Center for Strategic Studies* 28 (2017).

a virtual bidding war to sponsor clients.<sup>35</sup> In 2015, the varying anti-regime armed groups in the Kurdish administered areas formed a military coalition under the name Syrian Democratic Forces (SDF).

A loose coalition is not an army – the armed groups under the military coordination of the SDF are quasi-independent actors with various forms of divisions despite their coming together to fight ISIS and the Assad regime. In the opposition-controlled areas, largely Idlib, the Syrian opposition security actor groups are as fragmented (if not more) as the state security agencies.

Further, many opposition groups are dangerously unaccountable to any part of the Syrian civilian population, since their funding comes from abroad. They have many potential buyers for their services – no less than 75 external actors have intervened militarily in Syria, primarily as part of the anti-ISIS coalition. Particularly important have been Turkey, now controlling a zone in the North of Syria; Russia, mainly through airstrikes but with Russian police on the ground; Iran, through its forces on the ground, the Al Quds force and the Lebanese Hezbollah; the United States, mainly through air strikes but with private security contractors working with SDF; and Israel, which undertakes frequent incursions.<sup>36</sup> The continuing stream of resources from abroad, combined with the incompatible agendas of different international interveners, makes it hard to envision how cohesive security forces capable of, or interested in, providing impartial security services to ordinary people might be reconstructed.

### 3.5 Iraq

Iraq's security apparatus has notoriously undergone a process of total reconstruction over the past 14 years. The US-led Coalition's SSR efforts between 2003 and 2012, rather than attempting to broaden the bases of security governance, were largely focused on training and equipment programs for the newly constituted Iraqi army and police. These were rushed through to (inadequately) prepare the latter to confront a growing insurgency by both militant Sunni and Shi'a Islamist factions who contributed to the emergence of an amorphous security arena. A number of those factions, including the Badr Corps and Jaysh al-Mahdi, were associated with factions who played a decisive role in the formal political process.

Reflecting the overall political settlement implemented by the Coalition Provisional Authority (CPA) post-Saddam Hussein, state security agencies were monopolised by Shi'a Islamist affiliates, and, in the Kurdish region, by the Peshmerga, whilst Sunnis were marginalised. High-ranking Ba'athist senior officers (the majority of whom were Sunni) were dismissed as part of the CPA-sponsored de-Ba'athification law, and the Coalition came to rely on a narrow set of Shi'a elites as partners. The dominant parties elevated large numbers of their affiliates and clients drawn from the Shi'a working classes to positions of power within the army, federal and local police services, and other security agencies, and SSR aid became a core part of the political budget.

Between 2003 and 2007, the Ministry of Interior was rapidly politicised by the Badr Organisation and Islamic Supreme Council, who used control of the Ministry to insert key supporters into the higher echelons

<sup>35</sup> A.M. Baylouny and C.A. Mullins. "Cash is king: financial sponsorship and changing priorities in the Syrian civil war," *Studies in Conflict & Terrorism*, 41(12), (2018): 990-1010.

<sup>36</sup> Rim Turkmani, "Security Sector actors and interventions in Syria" (unpublished).



of the police. They channelled professional training offered by Coalition Forces to the benefit of their affiliates, and were similarly able to influence the choice of security-related contracts sponsored by the international community in their favour.<sup>37</sup> While Badr's stranglehold over the Ministry has, over time, reduced, the appointment of technocrats to the Ministry only thinly masks the fact that most of the latter owe their positions, and thus on some level, their loyalties, to political parties, and will not attempt radical changes that will weaken the status quo. Meanwhile, under Nouri al-Maliki's premiership, the Da'wa party, which lacked a paramilitary wing, forged alliances with an older generation of career officers. Whilst also Shi'a, many of these officers had also served under Saddam's regime, but were content to fall into line with Maliki's agenda based on quid pro quo arrangements with influential politicians.<sup>38</sup>

Following the US troop withdrawal in 2012 and particularly after the ISIS militant campaign across the country in 2014-2017, the US and other international actors have continued to support SSR efforts, predominantly directed at the army and counter-terrorist forces. ISIL's virulently anti-Shi'a rhetoric renewed sectarian identity politics within the state security forces but also within the predominantly Shi'a volunteer Popular Mobilisation Forces (PMF) which rallied to fight ISIL. Following the defeat of the anti-ISIL campaign, the PMF were formally incorporated into the state security services, while prominent PMF military commanders used their political successes in national elections to consolidate loyalist support networks.<sup>39</sup>

#### 4. What Works For Security and Justice Interventions in the Political Marketplace

This brief sketch of the different ways in which the logic of the political marketplace combines with identity politics to subvert and defeat attempts at security and justice reform raises the obvious question "Is there a way out of the trap?" The collected findings of the CRP, combined with other bodies of work, do suggest openings. They draw attention to the need to analyse each situation to avoid reform strategies that merely feed the social condition that constitutes conflict. They also suggest additional interventions that can be employed at every stage that constructively support domestic efforts to break free from these dynamics. Moreover, any such effort should be judged in terms of the impact on ordinary people, that is to say, greater everyday safety and justice for ordinary citizens, rather than in terms how closely a security or justice sector resembles donor norms or can address the security priorities of external actors. We suggest that there is a middle ground between top-down state-building templates that are repeatedly subverted by the logics of conflict and doing nothing.

To illuminate this option, we next examine first, the role of civiness and citizen action in preparing the ground for meaningful security sector reform; second, examples of localised successes in improving security and justice; and finally, efforts to protect and expand an equitable justice system. We conclude with a brief summary of general recommendations addressing these and other topics.

<sup>37</sup> A. Rathmell. "Fixing Iraq's internal security forces: Why is reform of the ministry of interior so hard?" *Center for Strategic and International Studies* (2007).

<sup>38</sup> M. Fantappie. "Contested consolidation of power in Iraq," *Universitäts- und Landesbibliothek Sachsen-Anhalt*. (2013).

<sup>39</sup> Renad Mansour, "The Popular Mobilisation Forces and the Balancing of Formal and Informal Power" *Conflict Research Programme Blog* (March 15, 2018) <https://blogs.lse.ac.uk/mec/2018/03/15/the-popular-mobilisation-forces-and-the-balancing-of-formal-and-informal-power/>.

## 4.1 Citizen Demand, Civic Coalitions, and Windows of Opportunity

The key barrier to security and justice reform in political marketplace contexts, as previously noted, is that when the competition for power within states takes place between autocrats who purchase armed support within security arenas, reforms are not in the interest of anyone with the power to realise them. However, such reforms are very much in the interest of ordinary people, who suffer greatly from a lack of day-to-day security and access to justice. These ordinary people often express their demands for security and justice along a spectrum of "civic" actions. At the most basic, these actions take the form of protests against a corrupt status quo and attempts to catalogue abuses in hopes of future justice. Somewhat more involved are shared deliberative processes based upon norms and rules that generate localised alternatives to commodified security and justice – local peace agreements, local security patrols, local courts where verdicts can't be bought, etc.<sup>40</sup>

Over time, those who form local coalitions to protest and promote alternatives are sometimes able to make common cause with other likeminded groups and gradually form regional and even national coalitions. These coalitions, when they agree upon and collectively push for a shared agenda of security and justice reforms, are sometimes able to achieve structural changes sweeping enough to dismantle political marketplace dynamics and establish a non-commodified alternative.

These coalitions require a window of political opportunity – the demands of even large numbers of well-organised citizens are fairly

easy for elites to ignore in non-democratic settings. However, no political status quo lasts forever (especially in political marketplace contexts vulnerable to resource shocks) and past comparative research on SSR successes suggests that significant progress is most likely at the point where the existing ruling coalition (political elites, business interests, and security service leaders) breaks apart.<sup>41</sup> When no aspiring leader controls sufficient resources to rent enough support in the security arena and take power, the support of ordinary citizens becomes a political prize worth winning, and if meeting popular demands for security and justice reform can attract and retain significant popular support, a new leader is strongly incentivised to deliver.<sup>42</sup>

Among CRP cases, Sudan's recent history provides an example of what such a moment of opportunity can look like, though it must be stressed that in such contexts transformative reform merely becomes possible, not by any means certain. After a dramatic resource shock (lost oil revenue due to South Sudan's independence and falling international prices) Sudan's longtime ruler no longer had the resources to rent the loyalty of different (and rivalrous) factions of the security forces, the leaders of semi-official armed groups key to subduing rebellious peripheries, and civilian elites in Khartoum. These groups turned on him and then, in the resulting power vacuum, on one another. At the same time, the pro-reform Forces for Freedom and Change Coalition was able to organise mass protests, expand its own support (especially within the business community), and forge tentative ties with counterparts in Sudan's peripheries.<sup>43</sup> This progression resembles the successful pro-reform strategy executed by coalitions

40 "Evidence from the Conflict Research Programme" 15.

41 Detzner, "Nothing For Us Without Us?".

42 Ibid.

43 Berhe & Detzner "Sustaining Momentum," 1-5.

in South Africa, Peru, and Indonesia, which all hinged on convincing a key component of the previous ruling alliance (business/civilian political elites, a disaffected military, or one large part of a divided military, respectively) that joining forces with reformers was the path to a more predictable and prosperous future.<sup>44</sup> Whether Sudan's pro-reform coalition and the government it brought to power will be able to stay united long enough to push through security and justice sector reforms opposed by powerful security force factions is an open question, but the mere possibility, after decades without progress, attests to the potential power of the civic coalition reform model.

External actors may find these findings frustrating, in that they can generally neither directly force open a window of opportunity for reform nor, should one occur, force change through direct external pressure. However, the takeaway should be that, in fact, productive interventions are, in every case and at every stage, both possible and constructive. If pro-reform civil society coalitions, when prepared, are best able to push through substantial and lasting reforms, then the deeper their capacities, the broader their networks, and the greater their degree of consensus around a common plan when a moment of opportunity arises, the greater their odds of success. Pro-reform external actors can take numerous actions to develop these capacities, grow (and protect) these networks, and create conditions that foster consensus as well as joint strategic planning. The remainder of this piece provides examples of civic action and coalition building around security and justice in CRP states (as well as common barriers to these) and explores in greater detail how external interveners can protect and make space for each type of action.

## 4.2 Security Provision & Local Agreements

In all our sites, CRP has come across examples where local civilians were able to put pressure on authorities to improve security. These examples include pressure to end abuses by security forces and generally ensure that civilians have a greater say in local decision-making in relation to security (especially policing). Our main finding is that where these are supported and sustained by external actors, they have a greater chance of success.

It should be emphasised that such initiatives are unusual. It is often assumed that 'local' or 'bottom-up' initiatives are somehow more likely to be civic-oriented than the national level. But in conflict zones, the dominant logics play out at all levels. Localised political authorities are suffused with corruption as well as exclusive or sectarian outlooks. But because contemporary conflicts are fragmented and decentralised, it is always possible to identify contexts where local authorities respond to civic pressure. It is these contexts that need support not only to improve the local situation but also because they may influence other areas.

Local agreements are a pervasive feature of contemporary conflicts. These often run far beyond the terms of conventional ceasefires to address exchange of resources e.g., property, or access to necessities, water, services or humanitarian aid, the mutual release of prisoners, and tactical deployments of armed groups. CRP research suggests that agreements arising through local consultative processes involving civilians as well as armed groups can produce models of security provision that improve security at local levels.<sup>45</sup> In a few CRP cases these have proven

<sup>44</sup> Detzner, "Nothing For Us Without Us?".

<sup>45</sup> "UN Support to Local Mediation: Challenges and Opportunities," *UN Mediation Support Unit: Policy and Mediation Division* (November 2020): 25-26.

Nisar Majid. "Local agreements: a case study of Galkaio, Somalia," *Conflict Research Programme* (Jan. 2020) <https://blogs.lse.ac.uk/crp/2020/01/08/local-agreements-a-case-study-of-galkaio-somalia>.

surprisingly durable. They are most successful when connected to national and regional processes.

In Somalia, one prominent example is the Galkaio local agreement. Galkaio is an economically important town bordering two rival Somali states (as well as two rival clan families). Violent confrontations between various factions, as well as with the federal government, led to considerable economic hardship for citizens not able to safely travel to or conduct business in parts of town controlled by others. In 2019, a local peace agreement was brokered through a consultative process involving United Nations (UN) staff, clan elders, local businesspeople, NGOs, and representatives of other groups. Under the terms of this agreement, clan/state rivals agreed to turn over security in the key business district to a federally-funded force neither could unduly influence, and to establish joint policing for other parts of the town. Residents from many different backgrounds report dramatic improvements in the effectiveness and impartiality of these forces, and this arrangement has so far prevented the intra-clan cycle of revenge killings that citizens identify as the greatest potential threat to their security. Further, it has encouraged investments in local real estate, retail, and other fixed-location enterprises by businesspeople on both sides, thereby making future violence more costly to both sides and decreasing its likelihood. So far, the Galkaio agreement has survived political upheaval at the federal level as well as Al Shabab attempts to destroy the peace through targeted assassinations. Notably, the consultations that led to the agreement were brokered by a UN employee with local roots – those involved in the process have highlighted the value of this kind of neutral-but-context-aware external support to negotiations.<sup>46</sup>

Another positive example is the contested region of Abyei on the border between Sudan and South Sudan. An agreement facilitated by the United Nations Interim Security Force for Abyei (UNMISFA) and the NGO Concordis was signed between the Ngok Dinka and the Misseriya on 25 February 2016. The agreement included “provisions for the secession of violence and hostilities, setting security conditions and protective measures, commitment to peaceful co-existence, returning abductees, opening of routes, Misseriya access to water and pasture [a major reason for the negotiations], and the establishment of a peace market.”<sup>47</sup> The security conditions included the establishment of a community police committee composed of 17 members from each community – the members are not armed but wear official badges – a joint court, and a detention centre. UNMISFA provided two containers for the detention centre and is planning to construct a more permanent facility. The agreement has succeeded in reducing conflict and increasing interaction between the two communities. It has resulted in the return of displaced people, a reduction in killings, and greater accountability in cases of murder. One of the biggest achievements is the peace market that involves both communities and has grown rapidly. The agreement is, however, dependent on the UN presence and finance provided by the international community.

In Syria, some local agreements resulted in agreed mechanisms for conflict resolution and the formation of local police/protection forces to safeguard the local area. These agreements resulted in more durable agreements and a less violent conclusion to the conflict in the area concerned. Two examples of such agreements are the Barzeh agreement and the Hameh and Qadisiya agreement. All are areas in the suburb of Damascus. The local police forces were formed in consultation with local

<sup>46</sup> Ibid.

<sup>47</sup> Martin Ochaya Lino, Local peace agreement in Abyei: achievements, challenges and opportunities, *Conflict Research Programme* (2020).

dignitaries and leaders who were also named as points of reference for conflict resolution and mediation.<sup>48</sup>

In the examples of Galkaio and Abyei, the presence of the UN was critical. This conclusion is supported by quantitative CRP findings in Sub-Saharan Africa that suggest that where the UN is involved, local peace agreements tend to be more durable.<sup>49</sup> General conclusions about the conditions for success in local agreements are included in the CRP Memo on Local Agreements and Community Mediation.<sup>50</sup> In relation to security provision, the main conclusion is that measures to support the reform of local security provision, including financial support (to pay police), training, and logistical support (to help provide facilities), are more likely to 'work' when they are the outcome of local consultation and dialogues, and where possible supported by multilateral actors.

The CRP has also undertaken research on community policing programmes at local level. In general, these programmes come up against incentive structures (lack of pay for example) and local power structures (demands from above for extractive behaviour) that make it difficult for police to change their behaviour even if they are motivated to do so. Research on community policing in Iraq, for example, suggests that the programme aimed at demilitarising the police, initiated in 2017, has had some minor successes in

achieving qualified goals, involving more women in the police, or improving respectful behaviour vis-à-vis the public.<sup>51</sup> In general, the findings suggest significant regional and demographic variations, but broadly indicate that notwithstanding widespread public recognition of the presence of political agendas and corruption within the police institution, there is considerable demand for a police cadre that is trained to deal humanely with citizens. Adopting certain police assistance practices could help to achieve this goal without exacerbating predatory practices within the local police.

In DRC, the 2009 DFID funded Security Sector Accountability and Police Reform programme is often considered to represent a relatively successful example of police reform, though it ended prematurely in 2015 because of a campaign of violent repression of youth gangs by the Kinshasa police. The aim of the programme was to address some of the "nefarious internal dynamics" of the police (systemic predation) as well as to "overcome its troubled past as the authoritarian state's tool of oppression."<sup>52</sup> It aimed to establish a Police de Proximité (PdP) that was expected to be "more accountable to the communities it serves, to listen and respond to the population's security needs and by doing so, to transition to an apolitical and democratic police service."<sup>53</sup> It followed a two-pronged approach; on one hand promoting institutional reform and capacity building, and on the other, engaging with the

48 Rim Turkmani, unpublished correspondence.

49 Noel Twagiramungu, Allard Duursma, Mulugeta Gebrehiwot Berhe and Alex de Waal. "Re-describing transnational conflict in Africa" *Journal of Modern African Studies*, 57.3 (2019).

50 Mary Kaldor, Marika Theros, Rim Turkmani *Local Agreements and Community Mediation: Findings from the CRP*.

51 Jessica Watkins. "From Green to Blue? Local Policing in Iraq Post-ISIL," *Conflict Research Programme* (July 8, 2020).

<https://blogs.lse.ac.uk/mec/2020/07/08/from-green-to-blue-local-policing-in-iraq-post-isil/>.

Jessica Watkins, Thaer Shaker, Abdulkareem al-Jarba, Mahdi al-Delaimi, Falah Mubarak Bardan, Moataz Ismail Khalaf, Dhair Faysal Bidewi, Abdulazez Abbas al-Jassem. "Local Policing in Iraq Post-ISIL: Carving out an Arena for Community Service?" (Forthcoming).

52 Michel Thill, Robert Njangala and Josaphat Musamba, "Putting Everyday Police Life at the Heart of Reform," *Briefing Paper, Rift Valley Institute* (2018).

53 Ibid p.3.

public through sensitisation campaigns or meeting platforms between the police, urban administrators, and communities. It had a number of successes including a series of key laws and decrees. Some 15,000 police were trained in PdP principles and interviews with CRP researchers suggested that those principles still have some influence on how police officers think about their work, but it not clear whether the programmes improved local experiences of security.

### 4.3 Justice at Every Level

The political marketplace and identity politics, by their very nature, preclude the rule of law and universal access to impartial justice services. Thus, support for justice at every level is critical to help societies escape from these harmful logics. There is a general tendency, both in peace agreements and other external interventions, to treat justice reform as an issue that can be delayed until more immediate security concerns are addressed. However, comparative findings suggest that, across many cases of SSR progress, judicial reform implemented before or concurrently with DDR, police, and military reform served to anchor other reforms by making them more difficult for the executive to reverse. In instances of delay, such as Burundi and (to a lesser extent) Kenya, SSR gains were transitory.<sup>54</sup> Further, in cases where successive peace agreements have failed and armed conflict on a significant scale has resumed (such as Sudan and the DRC) the absence of justice provisions (and thus unaddressed grievances and unresolved disputes) has been called out as a key factor in explaining these failures.<sup>55</sup>

<sup>54</sup> Ibid.

<sup>55</sup> J.M Jok, "Lessons in Failure: Peacebuilding in Sudan/South Sudan." In *The State of Peacebuilding in Africa*. Palgrave Macmillan (2021).

Gunnar M. Sørbo, "Local Violence and International Intervention in Sudan." *Review of African Political Economy* 37, no. 124 (2010): 173-86.

Laura Davis and Priscilla Hayner. "Difficult peace, limited justice: Ten years of peacemaking in the DRC." *International Center for Transitional Justice* 36 (2009).

<sup>56</sup> Ibreck, *South Sudan's Injustice System*, 27-28.

<sup>57</sup> Ibid,14.

<sup>58</sup> Ibid, 10, 84.

### Everyday Justice

As conflict in South Sudan has raged, the commodification of various institutions by warring factions has progressed worryingly – any essential service that marketplace competitors can gain control of is an opportunity to extract revenue from the population. Elites further habitually instrumentalise the idea of customary law while refusing to be bound by it themselves.<sup>56</sup> However, in many places, people have pushed back. Ibreck has found that, during the war, "everyday legal processes and a commitment to legality endured despite multi-layered conflict and fragmented 'hybrid' governance." Court observers insisted on recording proceedings and verdicts, often in the face of intimidation. Paralegals went to extensive and creative lengths to put South Sudan's various informal, semi-formal, and formal legal codes and institutions "to the service of humane and civic interests through legal activism from below."<sup>57</sup> This legal activism, conducted with virtually no financial support, has brought scrutiny and transparency, influenced social norms, and set legal precedents. The findings of court observers that the local courts of various ethnic groups and communities (which drew from diverse bodies of law and custom) tended to produce similar decisions in similar cases is of particular significance, since it suggests the potential for a bottom-up consensus among South Sudanese as to what day-to-day justice should look like.<sup>58</sup> In short, these legal activists are protecting and strengthening the foundation on which a non-commodified South Sudanese justice system may someday be built.

Kismayo, a city in Somalia, provides another valuable example of a community that has successfully pushed back on the commodification of the justice system and elite exploitation of legal pluralism. It further demonstrates that political openings for reform may exist at the local level even when none appear nationally. Kismayo is the major city in the Somali Federal Member State of Jubaland. Jubaland's President, Ahmed Mohamed Islam (generally known as Madobe), has proven unusually committed to keeping regional courts relatively impartial, accessible to most citizens, and efficient. Further, regular coordination between court authorities and local elders has kept forum-shopping to a minimum – elders will generally support the enforcement of the court's decisions. Whatever Madobe's exact motivation for incubating these reforms, in effect they provide him an important competitive advantage in local legitimacy, and arena in which he competes with the federal government (with whom he is generally at odds) and Al Shabab. As previously mentioned, Mogadishu's courts are neither efficient nor impartial, causing many citizens to turn to Al Shabab for justice. Kismayo's comparatively superior provision of justice both continually makes the argument to the population that keeping him in power is preferable to federal control, and also insulates Kismayo from one avenue of Al Shabab infiltration.<sup>59</sup>

In Syria, there have been extensive efforts throughout the long-running conflict by both international actors and domestic civil society groups to document human rights abuses and other crimes. When conflict and political conditions allow, these groups hope to use this documentation to demand accountability for perpetrators, accurately record the truth of the conflict and its impacts, seek restitution

for victims, and shape institutional and legal reform. As yet, access has been limited and coordination between and amongst international and domestic actors lacking, a gap that activists argue could be filled with greater access to resources, technical support, and capacity building.<sup>60</sup>

External actors can aid efforts like these in a number of ways. Firstly, they can support the training of many more paralegals (and lawyers where feasible) in South Sudan and in other CRP cases, and in particular the training of women and others from marginalised groups. The South African experience suggests that, should these states ever be able to expand their formal judiciary, preparing a diverse group with existing legal training from which judges could be drawn will dramatically ease the process and improve the quality of the outcome.<sup>61</sup>

Further, they can provide support for court observation, and in particular support the documentation of cases and their outcomes across a wide range of courts – this increases accountability and transparency in the moment and also creates important documentary evidence of what “customary” practices look like on the ground. In areas such as land disputes, such documentation may create a paper trail making future expropriation somewhat more difficult. Similarly, technical support to civil society actors (such as those in Syria) already engaged in gathering documentation to be used in transitional justice and reform efforts post-conflict seems likely to considerably strengthen such efforts and ground them in local experiences and needs.

Finally, externals, especially those that give significant aid, can make it a diplomatic priority

<sup>59</sup> Majid and Abdirahman, “The Kismayo Bubble”.

<sup>60</sup> Sema Nassar and Iavor Rangelov. “Documentation of Human Rights Violations and Transitional Justice in Syria: Gaps and Ways to Address Them” *Conflict Research Programme* (2020).

<sup>61</sup> Detzner, “Nothing for Us Without Us?” 195.

Diana Gordon. *Transformation and Trouble: Crime, justice, and participation in democratic South Africa*. University of Michigan Press, (2009): 230.

to pressure governments and armed actors with whom they deal to stop targeting civil society activists and journalists organising around issues of justice reform at both local and national levels.

### ***Economic Justice: Natural Resources and Beyond***

External intervention into local justice is necessarily indirect. However, in other areas, pro-reform external actors can have much more direct impact. In South Sudan, Somalia, the DRC, and elsewhere, one of the most cherished advantages for a leader officially recognised as head of state is the ability to sign, and profit from, resource extraction and development deals with multinational corporations.<sup>62</sup> Much of the profits from these deals are then stashed abroad. This pattern dramatically disincentives a leader from responding to citizen demands for security and justice reform. He is not downwardly accountable – he can use embezzled funds to rent enough armed support to keep power. If he should somehow lose power, he has the funds to enjoy a comfortable retirement abroad. Conversely, justice reform threatens to cut off this source of revenue and brings the spectre of accountability for past misdeeds.

In the past, external actors have only occasionally taken steps to prevent companies over whom they have leverage from participating in these corrupt deals,

or moved effectively to prevent elites from stashing embezzled funds abroad. Both these interventions have the potential to change the political calculus of elites. Further, external actors can use their influence to amplify domestic calls for justice sector reform focused on reducing corruption in the business sector. Such reforms tend to be popular with parts of the business community who may then be persuaded to join larger pro-reform coalitions (as seen as in South Africa, Sudan, and Somalia).<sup>63</sup>

## **4.4 General Recommendations**

The categories above do not completely capture all the elements of security and justice reform to which those external actors committed to stabilising or even reversing conflict can constructively contribute. Therefore, we offer the following additional recommendations to donors aiming to support security and justice reform:

- Prioritize investments in developing civil society capacity around security and justice issues;
- Support local organisations that prioritise coalition building – this is particularly important in cases with significant logistical hurdles to groups interacting with one another;
- Encourage pro-reform groups to build relationships as much as possible

<sup>62</sup> Robbie Gramer. "Foreign Investors Fueled Violence and Corruption in South Sudan, Report Finds." *Foreign Policy* (September 19, 2019).

Peer Schouten. "How roadblocks, not just minerals, fund rebels and conflict in the Congo," *Conflict Research Programme*. (Feb. 21, 2019)

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Detzner, "Security Sector Reform in Sudan and South Sudan," 7

Majid et al. "Somalia's Politics: Business as Usual?"

<sup>63</sup> Detzner, "Nothing For Us Without Us?" 176

Cheryl Hendricks and Kristin Valasek. "Gender and security sector transformation—from theory to South African practice." SIPRI Yearbook (2010): 69

Majid et al. "Somalia's Politics: Business as Usual?"

Berhe & Detzner "Sustaining Momentum," 12



- (at the local, regional, and national levels) within the security services and moderate civilian elites (especially businesspeople). External actors can further convene and provide protection for such meetings;
- Encourage, fund, and otherwise support governments to produce and widely circulate publicly available official doctrine and national security strategies, legal codes, etc.;
  - Link efforts to undertake localised security provision and reform structural change such as reorganising the finance of policing for greater local control and increasing the oversight capacity and authority of community representatives and urban administrators;
  - Facilitate and support 'bottom-up' peace and reconciliation processes that involve substantial civilian participation and lead to locally agreed upon mechanisms for security provision;
  - Support, and if possible protect, local "legal activism" efforts, including court monitoring, documentation, and media dissemination of processes and outcomes, and in general attempts to highlight gaps between the statutory and actual functioning of the judicial system;
  - Support efforts to link traditional and informal justice systems to "official" systems in ways that clearly delineate jurisdictions and responsibilities, reducing the degree to which the existence of multiple legal forums can be exploited to deny justices to those with fewer resources;
  - Consider developing technical capacity on security issues within pro-reform groups rather than (or in addition to) within the government directly;
  - Push back (ideally with other donors) against any escalation in the use of security services against civil society groups, local media, etc.;
  - Support participatory media – call-in radio shows, television programs, news coverage of consultative meetings on security issues, etc. Further, support the development of investigative reporting capacity for local journalists;
  - Be aware of the priorities of domestic pro-reform actors and, when pro-reform coalitions are able to act, pressure governments to act on the same security and justice priorities these coalitions have identified;
  - In any formal negotiations, support direct civilian representation and provide logistical support. Refuse to support negotiations where security and/or justice issues are placed behind a "red line" and reserved for armed actors to negotiate; and
  - Despite pressure to end conflict, refuse to support rapid peace agreements that are structured to divide the "spoils" of government between armed group leaders while pushing the delaying negotiation of the specifics of the security and justice agenda.

## Conflict Research Programme Publications on Security and Justice 2018 – 2021

### **Somalia**

The security sector reform paradox in Somalia -

[http://eprints.lse.ac.uk/103683/1/Dribssa\\_Beyene\\_security\\_sector\\_reform\\_paradox\\_somalia\\_published.pdf](http://eprints.lse.ac.uk/103683/1/Dribssa_Beyene_security_sector_reform_paradox_somalia_published.pdf)

Brexidiocy and Somalia -

<https://blogs.lse.ac.uk/crp/2018/11/15/brexidiocy-and-somalia/>

The Kismayo bubble- Justice and security in Jubbaland -

[http://eprints.lse.ac.uk/109317/2/The\\_kismayo\\_bubble\\_updated.pdf](http://eprints.lse.ac.uk/109317/2/The_kismayo_bubble_updated.pdf)

Private military and security companies and the PMF in Mogadishu -

<https://www.lse.ac.uk/ideas/Assets/Documents/Conflict-Research-Programme/crp-memos/Norman-private-military-mogadishu-final.pdf>

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<https://www.tandfonline.com/doi/abs/10.1080/02589001.2020.1774522>

Nisar Majid, Aditya Sarkar, Claire Elder, Khalif Abdirahman, Sarah Detzner, Jared Miller, and Alex de Waal. "Somalia's Politics: Business as Usual? A Synthesis Paper of the Conflict Research Programme (Somalia)." *Conflict Research Programme* (2021)

Nisar Majid. "Local agreements: a case study of Galkaio, Somalia," *Conflict Research Programme* (Jan. 2020)

<https://blogs.lse.ac.uk/crp/2020/01/08/local-agreements-a-case-study-of-galkaio-somalia>

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Constructed Anarchy: Governance, conflict and precarious property rights in Bukavu, DRC

- [https://s3.amazonaws.com/ssrc-cdn1/crmuploads/new\\_publication\\_3/constructed-anarchy-governance-conflict-and-precarious-property-rights-in-bukavu-democratic-republic-of-the-congo.pdf](https://s3.amazonaws.com/ssrc-cdn1/crmuploads/new_publication_3/constructed-anarchy-governance-conflict-and-precarious-property-rights-in-bukavu-democratic-republic-of-the-congo.pdf)

Recycling as bricolage in the Congolese national police force: Lessons from police training in DRC -

[http://eprints.lse.ac.uk/102269/1/Thill\\_recycling\\_as\\_bricolage\\_in\\_the\\_congolese\\_national\\_police\\_published.pdf](http://eprints.lse.ac.uk/102269/1/Thill_recycling_as_bricolage_in_the_congolese_national_police_published.pdf)

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Peer Schouten. "How roadblocks, not just minerals, fund rebels and conflict in the Congo," *Conflict Research Programme*. (Feb. 21, 2019)  
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## **Iraq**

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Mapping Security Sector actors and interventions in Syria [unpublished – no link]

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## ***Cross cutting***

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## ***Awaiting publication:***

Security and Justice Reform - Findings from the Conflict Research Programme

Foundational Justice – A strategy for peace in HoA



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