



Security Sector Reform and Transitional Justice

A CRISIS POST-CONFLICT PROGRAMMATIC APPROACH

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Introduction

The Bureau for Crisis Prevention and Recovery (BCPR) has established a Security Sector Reform and Transitional Justice (JSSR) team to provide technical support and assistance to Regional Bureaux and Country Offices. This paper outlines a crisis and post-conflict (CPC) JSSR strategy and programmatic approach specific to BCPR's mandated service line.

The paper is organized as follows. Section I establishes the linkage between human development and justice and security sector reform. Section II places JSSR within the context of UNDP's overall approach to conflict prevention and peacebuilding. Section III lays out a CPC approach to justice and security sector reform, stressing the need for a thematic methodology that is comprehensive and integrated. Section IV reviews the fundamentals of good governance as it relates to justice and security sector reform and introduces a strategic technique for ensuring programmatic coherence.

I. Human Development and Justice and Security Sector Reform

Without safety and security, human development cannot be achieved.¹ Unfortunately, war has killed more than 3.6 million since 1989. In 2000, more than 300,000 people lost their lives in violent conflict.² Aside from the considerable death toll, violent conflict impedes future development and reverses decades of socio-economic gains in terms of the loss of social and physical infrastructure and missed opportunities for individuals, families, and their communities.³ By threatening lives and livelihoods, violent conflicts restricts the ability of men and women to exercise choice in their own lives.

Of the 34 countries that are furthest away from achieving the international development goals established at United Nations global conferences in the past decade, 22 are affected by current or recent conflict. In 1998, of the countries at the bottom of the Human Development Index, more than half suffered the direct and indirect effects of warfare. Increasingly around the world, violent conflicts are more likely to occur within the borders of a state than between sovereign countries. Of the 27 major conflicts that occurred in 1999, 25 were intra-state.

At the same time, crime and an inequitable application of justice continue to plague the security of people in many parts of the developing world. Approximately half a million individuals lost their lives in 2000 due to various types of criminal violence other than armed conflict.⁴ The poor and other vulnerable groups are the most susceptible to inequitable and inaccessible justice as well as the imprecations of violence and insecurity. A recent development report states that security has become “one of poor people’s major concerns” and that during the 1990s they

¹ United Nations Development Programme, *Human Development Report 2002*. (New York: Oxford University Press, 2002), p. 85. See also Organisation for Economic Co-Operation and Development, *The DAC Guidelines: Helping Prevent Violent Conflict. Policy Statement and Executive Summary*. (OECD, 2001), p. 19.

² World Health Organization, *World Report on Violence and Health*. (Geneva, 2002).

³ A recent IMP Working Paper states, “conflict significantly reduces financial development, and that negative effect increases as conflict intensifies.” Sanjeev Gupta, Benedict Clements, et al., *Fiscal Consequences of Armed Conflict and Terrorism in Low- and Middle Income Countries*. (International Monetary Fund, WP/02/142, 2002).

⁴ *World Report on Violence and Health*, 2002.

experienced a decline in their sense of security.⁵ “To one degree or another, poor people speak of declining public safety as an element of increasing insecurity in almost every country, in both rural and urban areas.” All too often the poor perceive the state institutions that possess the legal monopoly of coercive power – the military and the police – as “sources of insecurity” rather than as public institutions providing justice, equity, and the preservation of peace.

Safety and security – or their absence - is not just a question of conflict, crime, and public disorder, but, as significantly, is an issue of good governance.⁶ Where the justice and security sector is not accountable to democratic institutions of governance, human development is not sustainable.⁷ Phrased differently, “democratic civil control over state security forces, far from opposing personal security, is essential to it.”⁸ Consequently, governance reform of the justice and security sector in CPC environments is now widely recognized as one of the essential conditions, albeit not sufficient, for sustainable human development.

⁵ Deepa Narayan, Robert Chambers, Meera Kaul Shah, and Patti Petesch, *Voices of the Poor: Crying Out for Change*. (New York: Oxford University Press, 2000), published for the World Bank.

⁶ Organisation for Economic Co-Operation and Development, *The DAC Guidelines: Helping Prevent Violent Conflict*. . (OECD, 2001), p. 38.

⁷ *Human Development Report 2002*, p. 86.

⁸ *Ibid.*, p. 87.

II. UNDP and Justice and Security Sector Reform

With the Secretary-General's efforts to foster "a culture of prevention" to meet the challenges to peace and security around the world and his conviction that "prevention action should be initiated at the earliest possible stage of a conflict cycle in order to be most effective,"⁹ UNDP has a central role to play in the UN's crisis prevention and peace-building efforts. The report of the Panel on United Nations Peace Operations, in fact, succinctly stated that "UNDP, in cooperation with other United Nations agencies, funds and programmes and the World Bank, are best placed to take the lead in *implementing* peace-building activities."¹⁰

At the end of 2000, UNDP updated its development strategy for crisis and post-conflict (CPC) countries to emphasize four key risk factors "that fuel violent conflict:" inequity, inequality, justice, and insecurity.¹¹ UNDP is already addressing many of the identified root causes of conflicts through development projects promoting socio-economic development, good governance, access to justice and rule of law. What is required, however, is a programmatic approach that focuses directly on the justice and security sector as a comprehensive and integrated whole, which as the public service provider of physical security and due process is fundamental to the establishment of a sense of personal security, the maintenance of public order, and the enforcement of the rule of law. In particular, BCPR, with its focus in CPC countries, requires a unique concentration on security sector reform and transitional justice (JSSR), the objective of which is to strengthen the ability of the sector as a whole and each of its individual parts to provide an accountable, equitable, effective, and rights respecting public service.

The need to develop a consistent and focused CPC approach is crucial, for the failure to reform the justice and security sector in crisis and post-conflict countries will perpetuate their cycle of violence, conflict, and criminality. An unreformed sector will

⁹ United Nations, *Prevention of Armed Conflict*, Report of the Secretary-General, A/55/985-S/2001/574, June 7, 2001, p. 2.

¹⁰ United Nations, *Report of the Panel on United Nations Peace Operations*, *op. cit.*, p. 8, para. 46 (www.un.org/peace/reports/peace_operations). Emphasis added.

¹¹ United Nations, Executive Board of the United Nations Development Programme and of the United Nations Population Fund, "Role of UNDP in Crisis and Post-Conflict Situations," DP/2001/4, November 27, 2000, www.undp.org/erd/ref/undp_in_cpc_sit.pdf, para. 45.

not only be unable to prevent conflicts from arising, but may often cause or worsen the conflict. In fact, the justice and security sector rather than providing a public service to the citizens and residents of the state often protects the narrow, private interests of élite groups and the government-of-the-day. The use of torture, intimidation, and harassment against the civilian population by the sector on behalf of ruling regimes is, unfortunately, widespread. An inequitable application of due process coupled with the inability of large segments of the population to access the courts of justice only exacerbates the problem. Lastly, ineffective, underfunded, and underpaid public security and judicial apparatuses are vulnerable and susceptible to corruptive influences, which may only hasten a downward spiral into violence and conflict.

Wherever the fundamental base of power of the government rests with the justice and security sector, an occurrence all too common in crisis and post-conflict situations, the justice and security sector may be one of the chief causes of insecurity for citizens and neighboring states. In the 1990s alone, the governments of 17 countries were overthrown through armed conflict. Since 1989, national armies have intervened in a significant manner in the political life of 13 Sub-Saharan states alone, which is equivalent to 1 in 4 countries of the region, a fact that only further highlights the centrality of JSSR as a precondition for sustainable human development.

Nevertheless, people desperately need the institutions of the justice and security sector to provide basic levels of physical security and due process for their families and in their communities. Ironically, those most in need of professional and well-functioning justice and security sector services, the poor and socially vulnerable, are generally those not only most suspicious of them, but also most likely to be unable to obtain the public service that the sector is supposed to provide.

Despite this close link between conflict prevention, peace-building and a well-governed justice and security sector, JSSR has not been on the agenda of most development actors until very recently. There is growing agreement that in crisis and post-conflict situations this field needs to be addressed with a comprehensive and integrated programmatic perspective of protecting individuals and communities from violence, ensuring the protection of rights, and guaranteeing equitable and fair access

to due process. Underpinning this approach is the dual role of states in today's world: states can be the source of violence and oppression, yet they are central to the ability to control violence, conflict, and criminality.

III. CPC Justice and Security Sector Reform

According to the Development Assistance Committee, OECD (DAC), JSSR involves transforming the way the sector is managed and monitored to ensure that the sector's principal institutions (first and foremost, the judiciary/courts, corrections, police, and military) are accountable to democratic civil authorities and that sound principles of public management and governance are instituted. The key actors of the JSSR sector are:

...the security forces and the relevant civilian bodies and processes needed to manage them and encompasses: state institutions which have a formal mandate to ensure the safety of the state and its citizens against acts of violence and coercion (e.g. the armed forces, the police and paramilitary forces, the intelligence services and similar bodies; judicial and penal institutions) and the elected and duly appointed civil authorities responsible for control and oversight (e.g. Parliament, the Executive, the Defence Ministry, etc.).”¹²

To this, non-statutory security actors such as armed opposition groups, traditional militias and private security firms need to be added. As far as civilian oversight is concerned, civil society and the media have important roles and functions to play and may usefully be added to the list. Taken together these groups comprise what may be called the justice and security community in a given country.

The precise composition of the JSSR community varies from country to country, based on each country's historical experience and legal environment. Based upon the DAC definition, the box below spells out the range of institutions the may comprise the JSSR community in any given country:

¹² OECD/DAC, *Helping Prevent Violent Conflict. Orientations for External Partners*, Paris, 2001, pp. 22-24, citation from Box 5, p. 23 (www.oecd.org/dac, click on “Good Governance, Conflict and Peace,” click on “Conflict and Peace”). Public sector management principles require small adjustments to ensure appropriate national security-related confidentiality, but the need for confidentiality should never be allowed to override key principles such as accountability, comprehensiveness, and transparency.

The Justice and Security Sector Community

- **Criminal justice organizations:** police, judiciary (including courts, prosecutors, and defense counsel), traditional conflict resolution mechanisms, and correctional services;
- **Management and oversight bodies:** executive branch of government (presidential and/or prime ministerial); legislative branch of government, including national, provincial, and municipal legislatures/assemblies, their committees and commissions; ministries of internal affairs, justice, defense; financial management bodies (ministries of finance, budget offices, auditor's general's offices); other oversight bodies such as human rights ombudsman, police commissions; civilian review bodies;
- **Military and intelligence services:** armed forces, paramilitary forces, coast guards, militias, and intelligence services;
- **Non-core institutions:** customs and other uniformed bodies.

The above four categories of actors comprise the justice and security sector. However, it is important to also take into account:

- **Non-statutory security forces:** liberation armies, guerrilla armies, traditional militias, political party militias, private security companies
- **Civil society:** professional organizations, research institutes and think tanks, advocacy groups, religious organizations, non-governmental organizations, and the media.

Together these six categories of actors comprise what is the justice and security sector community.

Source: Nicole Ball, J. 'Kayode Fayemi, 'Funmi Olonisakin, and Rocklyn Williams with Martin Rupiya, *Security Sector Governance in Africa*, CDD Occasional Paper, forthcoming.

Two important points need to be stressed. First, the justice and security sector, and the larger community within which it is situated, consists of a large number of institutions that as one integrated whole are responsible for the provision of an accountable, equitable, effective and rights respecting public service for the state and the people living within it. Second, the sector's institutions are closely linked and mutually dependent upon one another. It is for these reasons that the JSSR methodology in CPC situations must be comprehensive and integrated.

JSSR must also target institutional and structural change as well as the manner and processes with which the sector's components are defined and work together. Rewriting laws and administrative regulations may be a necessary first step, but the issue at hand in JSSR is a change in the behavior, actions, operations, and strategies

of the sector's personnel and the institutions in which they serve the public weal. Consequently, JSSR, even in CPC environments, is a long-term developmental programme, one which often requires the transformation of state structures, operating procedures, legal provisions, and cultural traditions. Reform cannot be measured in weeks and months, but takes years, requiring slow and patient attention over time as there is often a need to rebuild the populace's trust in the institutions of the sector, their operations and activities.

In crisis and post-conflict environments, the linkages between the institutions of the sector often need to be restructured, a requirement that only reinforces the need to adopt a thematic approach to JSSR. Part of the restructuring may involve a careful delineation of the roles and responsibilities of each of the institutions of the sector, particularly, the relationship between law enforcement and military mandates to ensure that the armed forces or other "security" services do not insert or re-insert themselves into issues of domestic law enforcement. A comparable situation applies to, on the one hand, the separation of police and corrections functions and, on the other, the methods of cooperation between the judiciary and the sector's other institutions. The roles and functions of the sector's institutions also need to be clarified so that each institution provides checks and balances to the operations and actions of the others.

It is in this sense that the justice and security sector is not an autonomous, independent collection of public institutions, particularly in CPC situations. Rather it is an integrated component of a country's public administration and, thus, part of the state's overall governance system and structure. The role of civilian oversight in JSSR, therefore, cannot be minimized. In fact, civil oversight may be one of the most effective methods of ensuring that the state does not become the source of insecurity, but is part of the solution. Civilian oversight pertains not only to the good governance question of the responsibility of state institutions to manage public services but to civil society and its myriad of organizations and associations, whose active participation is crucial to ensure that the public services provided by the sector meet the needs of the populace.

Because of its transformative methodology and the interdependence of the sector's institutions, JSSR requires a thematic approach. A CPC approach concentrates on a selected group of conceptual themes, which are accountability and civilian oversight, due process, effectiveness and efficiency, access, representation, and human rights to ensure not only that all the various components and institutions of the sector are appropriately identified and targeted, but that the JSSR programme is tightly focused and consistently structured. A concentration of selected themes ensures that JSSR is not just about individual projects that may build the capacities of each of the sector's institutions or redraft the laws to guarantee equity and due process. Recruiting and training police officers, prosecutors, judges, defense counsels, wardens, for example, are necessary means of improving the capacity of the respective sector's institutions, but are not sufficient to enhance the public service provided by the sector or ensure that the service is grounded in the principles of good governance. Better trained police officers, for instance, may strengthen the service's ability to apprehend alleged perpetrators, but without comparable efforts in the judiciary or corrections systems the overall effect on the security of the citizens and residents of the country will be significantly less than envisioned. Similarly, even the best laws are ineffective if judges are poorly trained and biased and other components of the sector flout them with impunity.

Two concrete examples that occur in virtually all crisis and post-conflict situations illustrate the efficacy of a CPC thematic, integrated, and comprehensive JSSR approach: (1) security of internally displaced persons (IDPs), refugees, and demobilized combatants; and (2) pre-trial detention violations of human rights.

Crisis and post-conflict situations typically produce large number of IDPs, refugees, and demobilized combatants. The return of these categories of persons to their homes of origin is essential to resolve the conflict and/or crisis, but it is a return fraught with insecurity as they will be returning to areas they had previously perceived to be hostile and dangerous. To encourage returns, therefore, it is necessary to provide the IDPs, refugees, and demobilized combatants with a reasonable assurance of security. One of the lessons learned in Bosnia, Kosovo, and, especially, southern

Serbia is that the one sufficient condition for the successful returns of minorities is the reform of the local police and judicial services, particularly the integration of minorities into the local justice and security sector.

Reform can come in many different forms, depending upon the scope of the challenge and the receptiveness of the local communities, politicians, and justice and security sector institutions, but in each circumstance it can be conceived under the thematic rubric of “access.” For instance, at the grass roots end, reform could consist of working with local police and judicial services, returning communities, and those currently living in the areas of return in developing varying problem-solving and conflict resolution techniques, traditional or otherwise. Police, judicial, and community leaders can be brought together to learn how to communicate their respective needs and challenges to one another and what services can be provided. In one Bosnian returns area, for example, the local police had no facility that could be used as a local village office. The returning community, to ensure that the police regularly patrolled their community, organized a makeshift shelter to be used by the police officers, which then became the community site at which security problems were discussed and resolved in cooperation with the police.

These preliminary community-based initiatives can over time be scaled up, assuming that the conditions are propitious. On the local level community-based policing programmes can be introduced through schools, religious organizations, and business groups; community-based human rights initiatives developed; and various types of hot-line and neighborhood watch systems organized to solidify the relationship of the police and judiciary to the local communities. The next step can be the integration of members of the returning communities into the local police and judicial services, an advance that inevitably requires the concurrence of regional and/or national leaders, which introduces issues of recruitment and selection and, subsequently, the training of police officers and judicial personnel, both at the introductory level and over the course of a career. At this point, the larger question of a police and judicial service’s human resource management and strategic planning come

into focus and a fully fledged JSSR programme can be launched, comprising the broader issues of good governance.

The second illustration pertains to the oft-witnessed due process problem in crisis and post-conflict environments pertaining to the burgeoning numbers of individuals detained and incarcerated prior to their day in court. Conceptually, the pre-trial detention issue is a straightforward one as it is simple to determine the number of individuals detained by the police and the number released from custody prior to the date of their court hearing. To determine, however, the reason(s) why the number of detainees has become unmanageable requires a finely tuned diagnostic methodology, one which may implicate any one of three institutions, the police, the judiciary (courts and prosecutorial services), and/or penal system, and often involves more than one, as the cause of the problem. For instance, the high number of detained persons may be related to the types of alleged criminal activity for which the police detain an individual, the manner cases are transferred from the police to prosecutors or investigating judges, the work rules under which prosecutors or investigating judges handle the cases for which they are responsible, the level of bail determined by the judge, and/or the non-incarceration sentences handed down by judges upon conviction. In this case what is crucial for the development of a successful JSSR programme is not just a careful empirical analysis to root out the cause(s) of the problem, but the creation of a reform package that addresses multiple sources regardless of which justice and security sector institution(s) are involved, a package whose implementation UNDP can facilitate.

IV. Good Governance in a CPC Justice and Security Sector Reform Approach

Development actors have tended to assume that general support for governance in other parts of the public sector would eventually lead to improved governance practices in the justice and security sector, a sort of “trickle across” phenomenon. While democratic governance is necessary for significant progress in justice and security sector reform in crisis and post-conflict countries, it is also true that it is difficult to produce sustainable improvements in overall governance if a concerted JSSR programme is not initiated.

Similar sets of issues arise when designing and implementing good governance initiatives in other sectors as do in the justice and security sector, assuming, of course, that a functioning government exists, which may not be the case in every crisis and post-conflict situation. When a government does exist, the comparability between JSSR and other good governance initiatives is particularly pertinent when considering the political implications of establishing sustainable and affordable police, judicial, military, and penal institutions capable of providing a reliable public service for the state and its citizens. Existing constitutional frameworks, for example, have often been used to justify the *status quo* rather than promote change, a problem that is compounded by a weak rule of law foundation and inadequate accountability. The political and sectoral leadership have frequently seen few, if any, benefits to change and, therefore, are often not committed to JSSR and its transformation process. The human and institutional capacity among both public and non-state actors that are necessary for a successful transformation process is also notoriously weak, not to mention the fact that non-state actors tend to be systematically excluded from participating in issues pertaining to the sector. Insufficient attention has been given to private enterprise as an important agent of change.

External actors, particularly the development aid donors, have sometimes pressed reforms on governments without due attention either to the appropriateness of the proposed intervention or to ownership on the part of national stakeholders. Even where local political will to effect change existed, JSSR has often been severely

hampered by the failure to assess the needs and requirements of the country or to promote local ownership of the programme. Particularly in crisis and post-conflict, a shared domestic strategic vision, however difficult it may be to attain, remains essential for a JSSR programme to succeed.

In order to overcome these constraints, it is important to have a sense of the ideal desired outcome – in this case, the characteristics that a democratically governed justice and security sector should possess. In crisis and post-conflict countries the best that may be possible is initiating the process of moving toward the desired outcome, but it is important nevertheless to know what the ultimate objective is. A document published in 2000 by the UK Department for International Development has attempted to define principles of good governance in the security sector:

The key principles of good governance in the justice and security sector can be summarized as follows:

- The sector's institutions, particularly those entrusted with the use of force and coercion, are accountable to and their operations are overseen by elected civil authorities and various civil society organizations and associations;
- The sector's institutions operate in accordance with the international law and domestic constitutional law;
- The judiciary exists as an independent body capable of rendering judicial decisions and judgments without outside influence or interference;
- Individuals are guaranteed due process, legal representation, and equal treatment in a predictable, fair, and transparent legal proceeding in which the legal code and procedure is publicly available;
- Information about the planning, budgeting, and operations of the sector's institutions is widely available, within the government and to the public, and a comprehensive and disciplined approach to the management of all resources is adopted;
- Civil-military and civilian-police relations are based on a well-articulated hierarchy of authority between civil authorities and the respective institutions authorized to exercise coercive power, and on a relationship with civil society that is based on the respect for human rights;
- Within the legislative and executive branches of governance civil authorities have the capacity to exercise political control over the policies, budgets, and operations of the sector's institutions and civil

society has the capacity to oversee, monitor, and constructive participate in the political debate concerning those policies, budgets, and operations;

- An environment exists in which civil society organizations and associations can actively oversee and monitor the sector's institutions and are consulted on a regular basis on its policies, resource allocations, and other relevant issues;
- The personnel working in the sector's institutions are adequately trained to discharge their duties in a professional manner consistent with due process and human rights requirements.¹³

It is clear that there are different paths to achieving these objectives given that the principles, policies, laws, and structures developed during a JSSR good governance programme must be rooted in the reforming country's history, culture, legal framework and institutions. Countries can borrow from each other's JSSR programmes and have successfully done so, but the solutions they adopt, over the short and long-term, must be developed locally and be appropriate to the context in which they are implemented. JSSR programmes must be locally designed, locally implemented, and locally evaluated, for what may appear to be productive from the perspective of the international community may have significantly different connotations and effects when judged by domestic actors.

JSSR programmes can be successful only if domestic stakeholders believe that the programme is theirs. Furthermore, success depends upon there being a consensus among domestic actors on the principles of their JSSR programme, on the strategic vision embedded in the programme, and on the specific objectives the programme seeks to realize. One method to garner the required consensus and participation of all the requisite domestic stakeholders - political, institutional, civil society – that has proved beneficial is the initiation of a series of roundtables or dialogues. These roundtables are a vehicle through which the principles of JSSR and the national strategic vision of the justice and security sector or of any one of its component institutions can be formulated and agreed upon. For example, the delineation of the roles and responsibilities of each of the institutions of the sector, particularly, the

¹³ UK Department for International Development, *Security Sector Reform and the Management of Military Expenditure*, *op. cit.*, p. 46.

relationship between law enforcement and military mandates, can be submitted to a national dialogue process.

During such roundtables, local technical capacity can be developed and nourished, not just within the sector itself, but in civil society through the strengthening of expertise residing in research institutes, universities, and various types of advocacy groups. The benefit of such roundtables, therefore, is two-fold. First, the all important strategic vision for the justice and security sector or one of its component institutions can be enunciated and consensus reached by the relevant stakeholders. Second, through the dialogue process, civil society organizations may be able to acquire the capability of engaging the sector in policy and operational debates or budgetary questions, thereby enhancing the accountability of the sector to the publics it serves.

In CPC situations, however, such overarching dialogues may not be practical or immediately viable. Nevertheless, it may be possible to initiate more narrowly focused discussions on the policies or operations of one of the sector's institutions. Such roundtables can be organized, for instance, to address inequities in the representation of and access to the justice and security sector of vulnerable demographic groups. Dialogues may also be more narrowly focused on regional, provincial, or municipal issues that relate to JSSR. Municipal or neighborhood roundtables are often used with great success to improve local security issues pertaining to policing and local access to the criminal justice system.

While recognizing that JSSR is a developmental programme that partakes of many of the principles and elements of other good governance initiatives, it is also important to acknowledge that JSSR in CPC situations has its own particular "points of entry." JSSR is a highly political endeavour as it involves transforming the institutions legitimately entitled to use coercive force and adjudicate conflict. JSSR may alter the power balances between justice and security sector personnel and civilians, between the executive and legislative branches of government, within the executive branch, and between government and civil society. It may also fundamentally affect the balance of power between competing domestic political actors.

In CPC countries when the “rules of the political game” are themselves under contestation and the institutions of state unsettled, special care must be exercised when seeking to strengthen justice and security sector governance as JSSR programmes affect the very foundations upon which political power resides. Because of the role the militaries and police often play in bolstering the power of élites or groups of élites, JSSR programmes need to assess the political environment with particular care and delicacy. What is more, altering the power relations between civilians and the institutions of the sector has strong psychological and cultural components. It is critical, therefore, to understand, take into account, and address these elements. It is for this reason that roundtables are of import and particular “entry points” must be identified and placed in their appropriate contexts.

With regard to CPC situations, these “windows of opportunity” can be broken down into the phases or stages in the CPC cycle. There is the pre-crisis period during which, for instance, due process may be abrogated, the justice and security sector may experience erosion in its ability to carry out its institutional responsibilities, and/or the civilian mechanisms managing the sector have been significantly weakened so that they are no longer capable of exercising appropriate oversight. In each circumstance, remedial reform activities can be devised to address the identified weakness. In the aftermath of violent conflict, the opportunity frequently exists to initiate long-term reform programmes to reconstruct the sector’s institutions, to rebuild the systems of due process, and to redesign the procedures of civilian oversight. Finally, there is the reconciliation and “peace-building” period during which time continued reform is crucial for sustainable development of the sector’s institutions, due process, and the mechanisms of oversight to prosper.

Just as importantly, however, is the need to select “entry points” that possess particular strategic resonance and have catalytic value. For UNDP the primary question is not one of initiating individual JSSR projects, but to use its thematic approach to identify issues that are linked one with another in order to evolve a comprehensive, systematic JSSR programme in CPC environments. Therefore, care must be paid so that the niches and partners that UNDP initially chooses to begin its activities in CPC countries are of sufficient strategic import that, over time, the initial niche is

progressively deepened and developed into an integrated JSSR programme. It is in this sense that the sequencing of JSSR activities is crucial so that initial successes are built into enduring JSSR programmes.

Whenever possible, the CPC “entry point” should be the facilitation of a domestic JSSR strategic framework for the sector or one of the institutions of the sector, preferably by using the roundtable or dialogue approach. As already indicated, however, this may not always be possible given the particular political circumstances in which a JSSR programme is to take place and the immediate needs of the justice and security sector in a crisis or post-conflict environment. Consequently, it is essential for BCPR to have a conceptual map within which to place its “entry point,” evaluate its strategic resonance, and forecast the subsequent progression of its JSSR activities.

To ensure thematic coherence and maintain tightly focused and consistently structured JSSR programmes in CPC situations, BCPR has developed an overarching conceptual map of the justice and security sector. Each of the institutions of the sector – and therefore the sector as an integrated whole – can be situated according to the CPC matrix. One axis of the map divides the justice and security sector into three elements: (1) the individual working in one of the sector’s institutions (judge, prosecutor, warden, police officer, etc.); (2) the structure and systems of the institutions themselves (judiciary, corrections, law enforcement, military); and/or (3) the linkages between and among the institutions, civilian authorities, and civil society. The other axis of the map specifies selected themes.

Table 1 and 2 are two maps that break down law enforcement and the judiciary into their component parts and are intended to illustrate only the range of projects that can be successfully implemented using JSSR’s strategic technique and thematic methodology while keeping in mind that the ultimate objective remains one of good governance, the strengthening of the ability of the sector as a whole and each of its individual parts to provide an accountable, equitable, effective, and rights respecting public service. The maps are not intended to be comprehensive, but used as exemplars of concrete practical programming that UNDP can undertake in each area once a CPC JSSR programme has been initiated. Comparable matrixes can be

developed to analyze UNDP's option regarding the penal system and the military. It should be noted that the military map would concentrate primarily on the accountability and civilian oversight themes, stressing the definition of the role of the military under democratic governance along with related budgetary issues.

TABLE I: LAW ENFORCEMENT MAP

Thematic Institutional	Accountability & Oversight	Access	Due Process	Effectiveness & Efficiency	Representation
<p>Individual Police Officer</p>	<ul style="list-style-type: none"> - Internal Affairs processes and procedures - Codes of Conduct/Ethics - Disciplinary procedures - Background Checks, Disclosure and Certification of Personal Histories – education, outside employment, etc . 		<ul style="list-style-type: none"> - Developing police programs to train police officers on citizen rights - Assisting the production of cards for police listing human rights and other legal procedures 	<ul style="list-style-type: none"> - Professional standards - Professional training – Police Academy and In-Service 	<ul style="list-style-type: none"> - selection & recruitment process criteria - remedial training
<p>Police Institution</p>	<ul style="list-style-type: none"> - Internal Affairs structure and organization - Ministry of Interior or equivalent; provincial and local police command structures, organization - Development of Personnel Databases - Early Warning Systems; Use of Force and Firearms - Inspector General/Auditor General - Police Public Information Departments 	<ul style="list-style-type: none"> - Community-based policing; - Response Time to Calls; - Police Equipment: Transport & Communications Systems; - Outreach Public Relation Programs to Vulnerable Groups, Schools, Religious Organizations, Business Groups - Public Complaint Mechanisms 	<ul style="list-style-type: none"> - Mid-Level Supervision/Management - Public Complaint Mechanisms - Registry of Evidence Collection; Custodial Registry; - Detention Procedures - Internal Affairs Department 	<ul style="list-style-type: none"> - Human Resource management (incl. selection & recruitment process, promotion systems and exams, job training, performance evaluations, career development opportunities, retirement plans) - Level of salary and benefits - Managerial Culture, Processes, Procedures -Strategic planning and Budgeting - Management and Administrative Support Services (procurement, facilities management, etc.) -Information Technology; Records Management 	<ul style="list-style-type: none"> - Balanced demographic representation of minorities and vulnerable groups

<p>Linkages to JSSR Community</p>	<ul style="list-style-type: none"> - Executive oversight: Ministry of Finance, Prime Minister and/or President's Office -Judiciary and legal oversight: judges and prosecutors - Legislative oversight: (policy, operations, and budgetary oversight) - Ombudsman function - Civilian Review Boards and Commissions - Strengthening Independent media and its investigative capabilities - Building local capacity in Civil Society on policy, operations, and budgetary issues (Neighborhood Associations, Research Institutes, Advocacy Groups, Human Rights Commissions, Business Associations) - Legislation making public Criminal Statistics; strengthening NGOs working with criminal statistics 	<ul style="list-style-type: none"> - Civil Society Advocacy Groups - Neighborhood Watch Programs - Surveys of Service Provided by Police - returning IDPs and refugees 	<ul style="list-style-type: none"> - Joint Training with Prosecutors or Prosecuting Judges (evidence handling, interrogation of suspects, questioning of witnesses, search and seizure procedures, etc.) - Police Unions - Licensing to Possess and Carry Weapons - Public Information Campaigns on Citizen Rights - Due Process Legislation - Assisting NGOs to create educational informational programmes and materials on citizen rights 	<ul style="list-style-type: none"> - Surveys of Police Activities and Performance -- Registration of Private Security Companies - Strengthening Roundtable Dialogues on Policies and Operations -Methods of Coordination and Cooperation with Prosecutors or Prosecuting Judges 	<ul style="list-style-type: none"> - Public Information campaigns
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TABLE 2: JUDICIAL MAP

Thematic Institutional	Accountability & Oversight	Access	Due Process	Effectiveness & Efficiency	Representation
Individual Judge, Prosecutor, and Defense Counsel	<ul style="list-style-type: none"> - Professional Code of Conduct and ethics - Disciplinary procedures - Certification and background checks, ('vetting') - Professional requirements 	<ul style="list-style-type: none"> - Security for judges, prosecutors, defense counsels 	<ul style="list-style-type: none"> - Create judge and prosecutor training center for training of rule and procedures in civil and criminal cases; human rights 	<ul style="list-style-type: none"> - Professional standards - Professional training - Training center (current professionals and law school grads), administration on case management and support system 	<ul style="list-style-type: none"> - Selection & recruitment process - Ensuring that minority or vulnerable ethnicities are not excluded from the profession - Ensure that minority judges are conversant in current law
Judicial Institution, Prosecutorial and Defense Services	<ul style="list-style-type: none"> - Ministry of Justice; national, regional, and local court, prosecutorial and defense services (structure and organizations) -Federal and local judicial and prosecutorial/defense structures - Development of records management and archives 	<ul style="list-style-type: none"> - Individual physical access to courthouse (providing transportation and/or protection of individuals) - Minority or vulnerable ethnicity's access to file a complaint and obtain public records - Setting up local taskforce which can review and set up provisional judicial institution during crisis (including in IDP area); Judicial infrastructure (court buildings, information management systems); recruitment and education of temporary judges - Security and protection for victims and witnesses 	<ul style="list-style-type: none"> - Legal reform of criminal procedure code and criminal code - Legislative possession and use of weapons and regulation of security companies - Assistance in legal rights of squatters and homeowners - Providing education to IDPs regarding housing, citizenship rights, registration, obtaining records - Establish national commission round table for effective penal chain 	<ul style="list-style-type: none"> - Human Resource management (including selection & recruitment process, professional standards, job training, performance evaluations, career development opportunities, retirement plans) - Level of salary and benefits - Management structures - Administrative procedures - Library for judicial or client research - Analysis of pre-trial detention periods and review of system to determine resolution of problems caused in police, courts/prosecution, or detention facility. - Financial administration of 	<ul style="list-style-type: none"> - Balanced demographic institution (setting up recruitment procedures for minority or vulnerable groups)

		<ul style="list-style-type: none"> in trials - Expeditious distribution of laws (translated if country has more than one official language) - Civil registry for all residents 		<ul style="list-style-type: none"> running judicial and prosecutorial institution - Establishing case tracking mechanism for judicial and prosecutorial registrars 	
<p>Linkages to JSSR Community</p>	<ul style="list-style-type: none"> - Assisting NGOs to create a booklet or other materials to educate citizens about their rights if arrested - Assisting NGOs to create educational materials for children - Educating civil society about legislation and rights (round table and civil society groups that discuss advancement of judicial reform) - Assisting NGO Organizations to establish and maintain defense and legal aide services for the poor - Strengthening Bar Association and other professional groups - Strengthening legal libraries (applicable law, case law, legal commentary) - Strengthening research institutes and media (through incentives and other means within civil society) - Mechanisms of non-criminal sanctions for alleged past abuses 	<ul style="list-style-type: none"> - Outreach projects to minority or vulnerable groups to assure access to courts and representation through education, coordination, and capacity-building - Pro bono assistance to clients in civil and criminal cases (partnerships between legal institutions and defense clinics) - Establishment for center for citizen education of legal rights, customary, and alternative dispute resolution mechanisms within the legal system 	<ul style="list-style-type: none"> - Analyze and develop systemic remedies for cases of illegal detention; Interaction with government executive authority to create mechanisms to stop illegal detention of individuals and put them in a judicial process - Strengthening local civil society organizations to monitor the adherence to due process rights in criminal cases - Establish ombudsman function and ensuring due process - Outreach to civil society to determine measures for criminal procedure reform and round table and outreach about revisions of criminal procedure after adoption of reforms 	<ul style="list-style-type: none"> - Supporting creation of internal monitoring of performance of judges to ensure competence and knowledge of law. - Training of mechanisms by which investigating judges or prosecutors coordinate with police - Training so that prosecution and judiciary are knowledgeable of laws relating to criminal trials. - Trainings to coordinate the work between Prosecutors (or Investigating Judges) and Police to interview witnesses, develop evidence, take notes at scene of a crime, interrogate a suspect, question witnesses and conduct search and seizure 	

Finally, it should be stressed that CPC's JSSR programming does not imply an intention to promote a new area of work entirely separate from the normal activities of UNDP's development assistance. Rather, to the extent possible, the justice and security sector should be incorporated into ongoing efforts to strengthen governance in a range of areas: effective legislatures and other oversight bodies, financial management, human rights protection and the like.