



EFFECTIVE JUSTICE & SECURITY SECTOR ASSISTANCE IN CONFLICT-AFFECTED AREAS

GUIDELINES FOR U.S. GOVERNMENT ASSISTANCE
PLANNING, DESIGN, AND IMPLEMENTATION

2019-2020

Background

The Stabilization Assistance Review (SAR), completed by the Departments of State (State) and Defense (DoD) and the U.S. Agency for International Development (USAID) in 2018, outlines a framework to maximize the effectiveness of U.S. stabilization efforts in conflict-affected areas. The SAR highlights the imperative for a revitalized approach to stabilization that is more selective and targeted in how the United States uses its resources to empower local authorities, advance core U.S. interests, mitigate risks, and enable strategic transitions. The SAR particularly emphasizes the importance of tailoring justice and security sector assistance in this regard.

The SAR report notes: “The U.S. Government and other donors need to carefully tailor all assistance and training programs in conflict-affected environments to ensure they mutually advance stability and do not inadvertently exacerbate conflict dynamics.” This also applies to justice and security sector assistance. The manner and the amount in which governments administer justice and security sector assistance are inseparable from the persistent conflict dynamics in many countries. Achieving consensus on who should provide security and enforce the law is inherently political and determined by power dynamics; this is precisely why issues of justice and security are often central to peace agreements and longer-term peacebuilding.

This document outlines principles and guidelines to shape future U.S. justice and security sector assistance in conflict-affected areas to support stabilization objectives. These principles and guidelines were developed through extensive consultation among U.S. Government and outside experts, including through a two-day symposium in May 2019 organized through the Justice Sector Training, Research, and Coordination (JUSTRAC) program. State, USAID, and DoD will work to apply these guidelines in future justice and security sector assistance programming wherever appropriate.

Principles for Effective Justice and Security Sector Assistance in Conflict-Affected Areas

Stabilization is a political endeavor involving an integrated civilian-military process to create conditions where locally legitimate authorities and systems can peaceably manage conflict and prevent a resurgence of violence. Establishing a secure environment and strengthening local justice and the rule of law are critical components of a stabilization process. Although every conflict situation is unique and requires its own specific analysis, the following common principles should always inform analysis, planning, design, and implementation of justice and security sector assistance in conflict-affected areas.

- 1. Think and act politically.* At its core, stabilization is about helping local and regional actors to achieve political solutions that can ensure lasting and viable peace. Therefore, effective justice and security sector stabilization puts politics at the center of its analysis, strategy, and implementation. Donors must resist the temptation to approach stabilization as a wholly technical endeavor of supporting and rebuilding institutions and should approach assistance through the lens of establishing legitimacy and reducing polarization. Assistance should be closely coordinated with diplomatic efforts and targeted toward building locally legitimate authorities to manage conflict and resolve disputes equitably, fairly, and peaceably.
- 2. Pay attention to the conflict roles of justice and security actors and engage selectively.* Establishing basic justice and security are essential for stabilization, but one should not assume that violent conflict exists solely because the “partner” state is unable to suppress the conflict. State justice and security actors are often deeply intertwined with conflict dynamics and competition for political power at local, regional, or national levels. We must not assume that more capable state security forces and justice actors alone equals greater political stability or security. Accordingly, donors should be selective about whether and to whom to provide appropriate assistance.
- 3. Assess and mitigate risks of external interventions.* In these highly volatile environments, the risk of doing harm through poorly designed assistance is high. International assistance to military and law enforcement forces runs a particular risk of promoting responses to conflict that provide too much

focus on security enforcement while downplaying worthwhile political solutions. There are also risks posed to external interventions based on competing interests and agendas of other regional and international actors. Accordingly, external actors should conduct actor mapping and risk assessments, routinely monitor and evaluate the assistance, and adapt the programming as necessary to ensure that interventions do not inadvertently fuel or exacerbate the political economy of conflict. Some types of assistance may be inappropriate in light of a comprehensive assessment.

4. *Seek to understand community-based perspectives of justice and security.* As an indicator of wider grievances and exclusion, the provision of justice and security (especially perceptions of inequity and/or abuses) are at the heart of most armed conflicts. Accordingly, it is critical that donors assess how communities perceive justice and security actors before engaging and what are their needs in order to reconcile with the conflict. Inherent in this is developing an appreciation and understanding of local justice and the rule of law. Donors should seek to pair efforts to strengthen the capacity of security forces with bottom-up efforts to increase public accountability and oversight as well as to increase communities' access to justice. Focus should be placed on helping security forces to secure population centers and restore trust with local communities. The ability of the state to re-establish order, security and the rule of law will greatly influence the extent of popular support for stabilization and longer-term reform.
5. *Think outside the box about what stability requires.* In many conflict-affected areas, a range of different actors, often including local, non-state, and informal organizations and systems, deliver justice and security. There is an inherent (and understandable) bias among international donors to focus on strengthening formal institutions that mirror their own and many times at the federal level (versus the local). Yet, this may not always be the answer for peacefully managing conflict and preventing a resurgence of violence in a particular society. Effective stabilization efforts take advantage of and builds upon community-based efforts. There is no clearly defined box for what stability requires.
6. *Cultivate local ownership and accountability.* Justice and security sector stabilization will only be successful if there is genuine local ownership and political will to advance the process. Promoting diversity and mitigating polarization are important steps for local actors to take. External actors

should structure their support in a way that gives local actors the ability to set the agenda and contribute to the process, but also holds them accountable for their commitment to peace. External actors should be sensitive to the political challenges, security concerns, and tradeoffs facing local actors in establishing a sustainable peace.

7. *Promote the inclusive delivery of justice and security.* Justice and security sector efforts are consistently more effective when they include and address the unique needs of different segments of society. The more there are groups that feel under-represented, the greater the number of spoilers and the less legitimacy justice and security institutions enjoy. In particular, efforts should prioritize addressing barriers to participation and representation in the justice and security sector by traditionally marginalized groups. Research has shown that increased participation and respect for women within security forces in particular plays a critical role in the success of peace operations, improves the operational capacity of those forces, and reinforces stability. Transitional justice mechanisms may be helpful in promoting greater inclusion in justice and security institutions.
8. *Experiment, evaluate, learn, and adapt.* Given the fluidity of conflict and post-conflict situations, stabilization efforts should remain flexible as political dynamics evolve. Initial assistance for justice and security stabilization should be scaled and targeted to understand the environment more fully. Innovation and willingness to take risks are crucial to stabilization but must have equally rigorous monitoring and adaptation. As such, in any effort at innovation and experimentation, some level of failure must be expected and encouraged, thereby forming the basis of on-going learning.
9. *Align donor efforts to reinforce one another.* In many conflict-affected areas, a lack of coordination across the U.S. Government and among the various international actors, including the UN, can result in duplication of effort, confusion for local partners, or conflicting agendas. The United States is not the most influential donor in many of these environments. It is critical to promote strong and recurring communication and coordination among U.S. Government and international donors from the outset. Promotion of purposeful divisions of labor, with meaningful mechanism for coordination, is necessary to optimize respective donor's strengths,

maximize limited resources, and reinforce the same political goals, linked, where appropriate, to local justice and security priorities and strategies.

10. Plan for strategic transitions to longer-term institutional reform. The intent for stabilization is to create conditions where locally legitimate authorities and systems can peacefully manage conflict, facilitate future transitional justice mechanisms and processes, and prevent a resurgence of violence. Stabilization is catalytic and transitional, but the work of achieving sustainable peace and stability is a long-term endeavor. Enabling state institutions to deliver justice and security is ultimately essential for stability in most places but can take decades to accomplish. Stabilization efforts should include plans for transitioning to longer-term reform and institution-building processes where appropriate. Plans should be realistic in their expectations and acknowledge the long-term nature of the work.

New Guidelines for U.S. Justice and Security Sector Assistance in Conflict-Affected Areas

Based on the above principles, State, DoD, USAID, and other relevant U.S. departments and agencies should incorporate the following general guidelines into all foreign assistance planning for justice and security sector assistance in conflict-affected areas.¹ Departments and agencies can adapt these base guidelines to fit each unique scenario most effectively. In some cases it may be a viable option to delay the provision of justice and security assistance until certain political conditions are achieved.

A. Identify Goals, Expectations, and Benchmarks Early

- Identify clear overarching goals and objectives for U.S. engagement in justice and security assistance from the onset to shape policy and planning for U.S. agencies, while leaving space for structured local processes to influence program design and prioritization. Ensure a coordinated interagency process to scope objectives and synchronize with relevant State, USAID, and DoD resource planning processes. *[See Appendix 1 for sample objective areas.]*
- Engage partners, including other donors, in dialogue about mutual expectations and goals. Document expectations for partner nation commitment (e.g., utilizing existing tools such as signed memorandums where practicable) and, where appropriate, document expectations of the United States by partner nations. Expectations may address access and logistical requirements, cost-sharing arrangements, and/or policy reforms essential for programmatic success. Identify benchmarks and metrics for monitoring host-nation partner commitment at the outset of new justice and security sector programming.
- Ensure that partners understand and agree to requirements to adhere to international human rights standards, including related to the use of force and lawful detention, before the provision of security sector assistance. Identify contra-indicators of partner nation performance that reflect a divergence in expectations or goals or that run contrary to U.S. interests,

¹ The United States is able to fund justice and security sector assistance with a number of different foreign assistance authorities, including ESF, FMF, IMET, INCLE, NADR, and PKO. A detailed inventory of U.S. programmatic authorities and capabilities for this kind of assistance is available upon request.

including with regard to corruption and human rights violations. Adjust or suspend programming if there is not sufficient progress toward benchmarks or “red lines” are crossed and be willing to stand firm with the decision.

B. Proactively Assess and Seek to Manage Risk

- Conduct a “conflict risk assessment,” if one does not exist, before starting new justice and security sector programming, and periodically thereafter, to assess the risk that external assistance could inadvertently exacerbate conflict dynamics, promote heavy-handed responses to the conflict, downplay the incentive for political solutions, contribute to abuses, and/or fuel corruption, building upon relevant country conflict assessments. *[See Appendix 2 for additional guidance and sample questions to guide conflict risk assessments.]*
- Identify all potential legal, physical, reputational, and others risks and constraints to the United States and other donors for engagement, including working with certain state and non-state actors, and for non-engagement in certain sectors. Assess the level of the risk that the United States is willing to accept and associated limitations before beginning new programming, especially based on previous decisions to accept similar risks and the outcome of those decisions. Develop mitigation strategies to address those risks and identify financial costs for those mitigation strategies.

C. Adopt Holistic, Community-Based Approaches

- Start small (e.g., scope, money, location) and pursue a “graduated” approach to justice and security sector assistance in conflict-affected areas creating opportunities to adjust before scaling-up promising approaches, if appropriate. Use graduated approaches to increase understanding of the justice and security sector systems over time and secure local buy-in for key reforms. Focus on programs that help to reinforce the ability of legitimate local authorities to manage conflict peaceably and prevent a resurgence of violence, especially by improving trust between security forces and local communities.
- Approach justice sector engagement holistically, paying sufficient attention to local access to justice and transitional justice. Incorporate engagement with civil society, informal or traditional bodies, and other non-governmental stakeholders and sensitivity to gender, psycho-social

needs, and trauma into justice and security sector programming in conflict-affected areas whenever practicable. *[See Appendix 3 for a list of U.S. Government resources and points of contact regarding access to justice and transitional justice issues, as well as practical suggestions for promoting holistic approaches to justice sector engagement.]*

D. Build Flexibility, Sequencing, and Adaptation into Programming

- Build an “inception period” of six months or more into new justice and security sector programming in conflict-affected areas for in-depth analysis and stakeholder consultations and to foster structured processes that cultivate local buy-in. Incorporate flexibility into program design so that programming can be targeted and adapted as necessary based on analysis and consultations. Accept a realistic timeframe for planning and implementing justice and security assistance in these areas and build in time for unanticipated hurdles.
- Develop plans for sequencing justice and security sector assistance at the national level that increase the legitimacy of relevant institutions, not just their capacity. Prioritize assistance that engage actors who can promote reforms needed to make those institutions more inclusive, especially to address constituencies critical to sustaining peace. Simultaneously develop plans to initiate or strengthen the civilian control and public oversight of security and justice institutions, including through investigative journalism and independent media. Fully consider the risks associated with programs to build the operational and tactical capacity of security forces if they are assessed to lack legitimacy.

E. Collaborate with Select International Partners Throughout the Process

- Identify synergies between U.S. justice and security sector assistance and related efforts undertaken by the United Nations, World Bank, and other international donors, both to improve outcomes and foster effective cost-sharing.²
- Identify areas or elements where other international actors are expected to take the lead for justice and security assistance. Embrace that the United States should not be in the lead of every line of effort. Develop

² In developing these guidelines, State, USAID, and DoD developed a list of key justice and security sector programming capabilities and funds of other international actors and donors. This list is available upon request.

mechanisms to share data and analysis regularly with other donors about justice and security sector efforts.

Implementation of Guidelines

State, DoD, USAID, and other relevant U.S. departments and agencies will work to incorporate the above guidelines into planning for justice and security sector assistance in conflict-affected areas. Before launching or expanding significant justice and security sector assistance to a conflict-affected area, State, DoD, and USAID will convene an interagency working group for that country to identify overarching goals, assess risks, and ensure a coordinated approach to implementation of that assistance. Within State, the Office of U.S. Foreign Assistance Resources (F) will work with bureaus and offices to ensure these guidelines are addressed when reviewing and approving funds, to include DoD funding requiring State concurrence.

These guidelines will be distributed to relevant U.S. embassy country teams, USAID missions, and Geographic and Functional Combatant Commands (GCC/FCC), as appropriate, to use as part of ongoing program design and implementation. State, DoD, and USAID will work to ensure there are coordination mechanisms at the country-team level for priority countries to ensure effective coordination, sequencing, and adaptation of justice and security sector programming, including routine reviews. There are existing stabilization, security sector assistance, and/or rule of law working groups that can support these efforts.

Relevant State, DoD, and USAID offices will also identify technical support and assistance that can be provided to embassies, missions, and GCC/FCC when applying these guidelines. Bureaus providing foreign assistance will seek to update program development materials to reflect these guidelines. Finally, these guidelines will also be used at relevant resource and program planning events and forums.

Appendix 1: Potential Objective Areas for Justice and Security Sector Assistance in Conflict-Affected Areas

The guidelines for U.S. justice and security sector assistance in conflict-affected areas highlight the need to set clear, quantifiable, overarching objectives from the onset to shape policy and planning for U.S. agencies. Below are five objectives that can be tailored based on the specific conflict environment and needs for stability. When launching or expanding significant justice and security sector assistance to a conflict-affected area, State, DoD, and/or USAID, in coordination with relevant departments and agencies, should identify which of these objectives (or others) are most relevant and how related efforts will be sequenced.

Objective #1: Enhance Host-Nation Capacity to Disrupt and Reduce Transnational Threats

In some conflict environments, U.S. assistance is focused on enabling partner security forces to more effectively and responsibly detect and disrupt transnational threats (e.g., terrorism, transnational organized crime). While these efforts may be distinct from stabilization planning, it is still important to consider the potential linkages. Security operations that cause significant harm to civilians and undermine local authorities have negative long-term effects for stabilization and lead to enduring grievances against the United States and its local and international partners.

Objective #2: Increase Basic Security for Citizens to Provide Space for Political Solutions

Stabilization depends upon efforts to reduce levels of violence and establish or maintain basic security to enable space for local communities to reach a political negotiation and accommodation. U.S. and international assistance can enable military and police operations – involving subnational, national, multinational, and/or multilateral forces – to more responsibly establish control over territorial areas, repel violence by malign actors, and reduce civilian casualties and harm.

Objective #3: Expand Local Access to Justice and Dispute Resolution

While it may be essential to rebuild state institutions over time, those institutions can be dysfunctional and/or corrupt, and reform is a long-term proposition. Steps can be taken in the interim to increase local access to justice

and promote existing dispute resolution mechanisms by engaging with sub-national, local, religious, tribal, or other non-state justice systems and institutions. Although actors within the political system may have limited capacity to address serious violations or crimes, they can play an important role in reconciling differences to foster peace and provide dispute resolution.

Objective #4: Build Public Confidence in the Rule of Law

In stabilization contexts, creative and deliberate intervention may be needed to help societies transition from conflict to peace, address legacies of atrocities and widespread abuses, and cultivate a future rule of law culture and strengthen its judicial system. Local dispute resolution processes may contribute to strengthening the rule of law and holding perpetrators of conflict-related crimes and atrocity crimes accountable, but broader mechanisms at the regional or national-level may be needed to “deal with the past” and address accountability for the most egregious crimes. In some post-conflict situations, tribunals or other transitional justice mechanisms have been used to promote accountability for past crimes and promote reconciliation. It is equally important to put in place systems holding high-level officials accountable for their crimes to gain public faith in their initial efforts as well as to build public coffers to address the demands for public goods.

Objective #5: Build the Legitimacy of Institutions Authorized to Use Violence

The nation ultimately needs to have a monopoly over the means of violence to enable lasting stability. Processes are needed to address the pervasiveness of weapons, border security, and the status of non-state armed groups. Additionally, some longer-term institutional reform and capacity-building activities can begin in parallel with stabilization efforts. In many conflict and post-conflict situations, security and justice institutions are weak, incomplete, non-existent, and highly politicized. Efforts to increase the capacity of justice and security institutions at the national level should first prioritize building the legitimacy of those institutions, particularly in the perspective of actors critical to sustaining peace.

Appendix 2: Additional Guidance and Sample Questions for Conflict Risk Assessments

The appendix outlines a series of steps and questions that U.S. missions and bureaus can use to assess the risks of new assistance initiatives and inform program design and execution.

Step One: Conflict Analysis

- Leverage existing assessment tools/frameworks to conduct conflict analysis and create a shared understanding of conflict dynamics
- Collect and review recent conflict assessments conducted by other organizations (UN, World Bank, host nation, bilateral partners, etc.)

Step Two: Risk Assessment

- Use the conflict analysis and shared understanding to assess potential positive and negative effects of justice and security sector initiatives/engagement
- Explore the “who, what, where, when, why, and how” of our engagement
- Include risks to host countries, U.S., and partners

Step Three: Legal/Policy Assessment

- Review U.S., international, and local laws and constraints
- Careful analysis and planning is needed to navigate and weigh the limitations placed on activities that run the risk of providing material support to FTOs or violating U.S. and international sanctions
- Coordinate with appropriate legal offices and agencies

Step Four: Implement Risk Mitigation Measures

- Ensure organizations and individuals involved have capacity to avoid/mitigate the risks identified in previous steps
- Includes U.S. programing offices, embassies, program managers, and implementing partners

Step Five: Monitoring, Evaluating, and Adjusting

- Develop indicators to track key risks
- Leverage monitoring and evaluation to adjust initiatives as necessary

Sample Questions for Conflict Risk Assessment

Drawing upon existing conflict analysis (step one), U.S. government entities should assess potential positive and negative effects of justice and security sector initiatives/engagement on specific identified conflict drivers and vulnerabilities. The questions below can be focused on strategic or programmatic level.

1. **What type of engagement** is the U.S. pursuing and what are the potential implications on conflict dynamics?
 - What are our current, planned, and/or potential diplomatic and programmatic initiatives in the justice and security sectors? Who is responsible for coordination?
 - What is our theory of change regarding ongoing conflict? Is it supported by the analysis? Is it logical and realistic?
 - What are the key assumptions that if not realized will have a negative effect on the conflict environment?
 - How is the U.S. planning for sustainable outcomes? What is the most likely outcome of ending initiatives?
 - What are the risks or likely outcome of not engaging in the conflict?
 - Is there a more suitable country that can engage on our behalf?

2. **Who** is the U.S. engaging locally and nationally and what are their roles in the conflict dynamics?
 - What is the likely outcome of initiatives on key actors (groups and individuals)? How will this change affect the conflict?
 - How is our engagement likely to be perceived by the conflict actors, host country, partners, and U.S. public? Should we avoid attribution?
 - Could our engagement make the U.S. or the key actors targets for violence?
 - How does engagement with one key conflict actor (or exclusion of one actor) affect the relationship with others?
 - How engagements affect the legitimacy of key local constituents for peace?

3. **Where** are we engaging?
 - What are the possible positive/negative effects on the conflict of concentrating support in the geographic (or institutional) area?
 - Could support in one region/institution create/reinforce grievances in another? Are there acceptable trade-offs?

4. How are we engaging?

- What are the possible positive/negative effects regarding the chosen engagement tool (programs, diplomatic support/initiatives)?
- How can selected partners/implementers positively or negatively affect the conflict?

5. When are we engaging?

- What is the likely outcome of expediting or delaying engagement?
- What is the appropriate sequencing?

Sample Questions for Scoping Risk Mitigation Measures

U.S. government entities should ensure organizations and individuals involved in justice and security sector assistance initiatives have capacity to avoid/mitigate the conflict risks identified in previous steps. This includes U.S. programming offices, embassies, program managers, and implementing partners. The following questions may be useful in identifying and scoping risk mitigation measures:

- What steps are needed by the U.S. country team in engaging with potential partners to reduce and monitor the identified risk?
- Does partner organization have the capacity to design and implement programs that minimize negative effects and maximize positive outcomes?
- Does the partner organization have a keen understanding of the conflict dynamics and local context?
- How would partner reputation/connection to key actors affect the conflict dynamics?
- Is there an established feedback mechanism?
- What actions need to be taken by programming bureau/entity to mitigate and monitor the risk over time?
- Can risk be mitigated through use of multi-donor projects? Can partners be encouraged to support in effort to “spread” risk?

Appendix 3: Local Access to Justice, Dispute Resolution, and Transitional Justice

Increasing local access to justice in conflict and violence affected areas through measures and mechanisms that protect fundamental rights, resolve disputes, create accountability, and empower individuals in their everyday lives is critical to building legitimacy of local institutions, public trust in justice providers. Likewise, facilitating transitional justice processes that deal with the legacies of atrocity crimes, including victim trauma, is essential to combating impunity, creating cultures of lawfulness, and strengthening social cohesion and reconciliation following conflict and violence.

Accordingly, a holistic approach to stabilization should integrate programming that promotes access to justice for all and strengthens accountability for atrocities and systematic rights violations as well as corruption and abuse of authority. Justice-oriented programming in stabilization environments should be people-centered and responsive to the justice needs of individuals and communities alike. This includes solving day-to-day justice problems while also removing structural barriers to justice. Toward these ends, due attention should be given to the needs and priorities of women, youth, and others often marginalized and negatively affected by conflict and violence. Related, activities should be informed by an understanding of the local context and advanced through engagement of customary, religious, and other non-state authorities, justice providers, and civil society actors at the community level in addition to formal, state institutions and actors.

The following activities can contribute to successful justice-oriented programming in stabilization environments and should be prioritized at different phases post conflict and violence:

Conduct Baseline Studies and Data Collection and Analysis on Justice Needs: The development of a robust evidence base at the outset of justice-oriented programming can ensure that potential partners, entry points, and subsequent activities are realistic, feasible, and on target in terms of local justice needs, priorities and ultimately ownership. In this effort, studies should include justice sector mapping, needs assessments, and political economy analyses. These studies should broadly describe the key stakeholders and features of justice delivery, i.e. laws and policies, justice authorities and providers, and institutional competencies

and human resource capacities as well as interests and power dynamics. In Somalia, for instance, an access to justice initiative supported by the U.S. government conducted a series of studies, including an applied political economy analysis, during a five-month inception period in order to understand the underlying incentives and disincentives that shape how individuals seek justice and dispute resolution.

In addition, initial data collection activities should include use of justice needs and satisfaction surveys to identify and understand what people's justice needs are, what they want when they seek justice, how they seek justice, and their experiences as well as the obstacles they face when doing so. For example, a U.S. government program in Kosovo implemented a community justice needs mapping to identify and prioritize legal aid and legal information needs of citizens and identifies the groups and communities most in need of information, resources, and assistance.

Build Informed Constituencies and Demand for Justice: Because political will for justice system reform can be weak and institutions corrupt in conflict and violence affected communities, attention should be given to supporting grassroots awareness to create a demand for justice services, pressure national and community leaders to prioritize expanding access to justice, and perform public oversight. Engagement and capacity building of civil society organizations for monitoring and advocacy (e.g. issue identification, public education, and strategic communications) is essential to ensure that justice initiatives are adequately responsive to the community and its members. Support for civic dialogues between aggrieved communities and individuals as well as consultative fora between local and national authorities and the public help defuse potential flash points and provide a means to bring citizens into participatory decision-making processes and facilitate consensus on priorities for justice initiatives. In Libya, a U.S. government program facilitated civic dialogue sessions in 35 communities that brought together community members, local council members, legal professionals, and government officials to discuss the constitution and everyday governance and justice issues.

An important task in this regard, particularly in the immediate post-conflict and post-violence phase, is to be inclusive of marginalized populations such as women, youth, and non-majority groups to achieve increased protection of their rights. Similarly, justice-oriented programming should prioritize support for legal empowerment activities that educate individuals and communities about their fundamental rights, roles and responsibilities and how to use the law to access

justice the system, advocate for legal and justice reform, and perform public oversight of justice and security institutions such as courts and police.

Expand the Reach and Capacity of Justice Providers: Justice institutions and actors are often not accessible or are otherwise non-functioning and ineffective in many conflict and violence affected communities. Therefore, expanding the reach and the capacity of those institutions and actors mandated to provide justice services, particularly legal defense, should be prioritized by stabilization efforts. Establishing new justice service providers or jumpstarting existing ones is essential to remedying the civil as well as criminal justice needs of underserved individuals and communities and contributes to stability and state legitimacy. For example, support for “one stop” community justice centers that combine legal assistance with information counseling and dispute resolution services is one of a variety of justice-oriented programming activities that should be considered.

The introduction of mobile courts that bring judges, prosecutors, and police to underserved communities is another means of enhancing access to justice at the local level, but these should be combined with support for public defenders and independent legal aid providers to ensure due process. In the DRC, for example, the United States supported a mobile courts system in remote, conflict affected regions comprised of teams of justice sector professionals, including judges, prosecutors, defense lawyers, and bailiffs to investigate and prosecute cases of sexual and gender based violence including those that rose to the level of war crimes and crimes against humanity. Related types of activities include the establishment of centers or services for victims of crime, violence, and rights violations, including gender-based violence, in remote areas to receive medical and psycho-social treatment and other rehabilitative services.

Facilitate Multiple Pathways to Justice: Many people, especially those in communities affected by conflict and violence, do not resolve justice problems through the formal justice system. To the extent formal justice providers exist in these contexts, they often lack capacity and resources to efficiently address the needs of the community and dispense justice in a manner appropriate to local traditions and values. Therefore justice-oriented programming should invest in understanding the variety of pathways to justice that people employ and then facilitating their ability to do so successfully. Doing so will likely require engagement of customary or informal justice mechanisms. These non-state mechanisms can dispense justice at critical moments and in those areas most relevant such as land and property, residency, family, and petty crime. Thus, they can reduce the potential for ongoing conflict and renewal of violence.

Support may be technical or material, enabling the mechanism to resolve large numbers of cases consistent with international human rights standards, in a manner non-discriminatory of women, youth, and marginalized groups, and with appropriate linkages to the formal system of justice. Programming options also include support to paralegals or grassroots justice advocates who can use knowledge of the law as well as tools such as counseling, mediation, and advocacy before formal and non-state mechanisms to resolve legal disputes, solve problems related to documentation and access to services, and community needs, and organize collective action to address needs of the community. For instance, U.S. government supported efforts to expand access to justice in Mali included training and deployment of paralegals to address the needs of underserved communities along a trade corridor affected by crime and corruption. In Liberia, the U.S. government supported the establishment of a network of Community Justice Advisors to provide legal information and dispute resolution services, including engagement of tribal elders, at the community level.

Support Transitional Justice Measures and Mechanisms: Stabilization efforts should redress atrocities, serious crimes, and widespread human rights violations and abuses that occur during conflict and violence through transitional justice measures and mechanisms. In practice, transitional justice can employ a range of tools—judicial and non-judicial, formal and informal, retributive and restorative—to help a society deal with the past and prevent conflict and violence from recurring in the future. The process requires a tailored approach to carefully balance sometimes competing imperatives, including the desire for truth, accountability, reparative justice, institutional reform, and reconciliation. In addition to providing technical, diplomatic, and material support to criminal prosecutions and truth commissions, programming options include institutional reform, support to victim organizations, and vetting of security and justice actors.

Other transitional justice activities include support for human rights documentation, evidence collection and forensics, psycho-social counseling and trauma healing, support to official bodies investigating the fates and whereabouts of persons forcibly disappeared during conflict, civic education and public awareness. National dialogues and community mediation that draws on formal and informal models can also be used to resolve tensions and build social cohesion. Stabilization efforts can also support integration of ex-combatants and displaced persons into communities through economic and social assistance to individuals and the community.

U.S. Government Resources/Tools

- *Rebuilding the Rule of Law in Post-Conflict Environments* (2005), USAID³
- *Guidance for Democracy and Governance Programming in Post-Conflict Countries* (2009), USAID
- *Guide to Rule of Law Country Analysis: Rule of Law Strategic Framework* (2010), USAID
- *Community Participation in Transitional Justice: A Role for Participatory Research* (2014)
- *Non-State Justice System Programming: A Practitioners' Guide* (2019) USAID
- *Transitional Justice Briefing Papers (Overview, Amnesty Lustration, Prosecutions, Reparations, and Truth Commissions)*, U.S. Department of State (2016) (available at <https://www.state.gov/key-topics-office-of-global-criminal-justice/#papers>)

³ All the USAID resources listed here can be found on USAID's website.