

Post-conflict crime prevention and justice reform

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Dealing with transitional justice and reform of the security and justice sectors in post-conflict societies have taken on increased importance in recent years. Indeed, establishing mechanisms for crime prevention, rebuilding the justice sector and the restoration of the 'rule of law' are often seen as the backbone of long-term stability in post-conflict areas.

The experiences of virtually all major international missions of the past decade have proven that the challenges of preventing criminal activity and maintaining law and order in a post-conflict situation should be at the core of any meaningful and sustainable peace-building initiative. Functional crime prevention and justice mechanisms can positively influence reconciliation and confidence-building efforts within often highly traumatised, post-conflict societies.

To date, however, international assistance in the field of post-conflict crime prevention and justice reform has focused too narrowly on establishing institutional reform, and, in particular, a functioning police force as a means of maintaining public safety.

Although this is a critical task, this paper proposes that international actors should take a more comprehensive and holistic approach to crime prevention, justice reform and reconciliation. Concentration on institutional reform and law enforcement alone (however necessary) is not enough to prevent or address long-term crime and justice problems in states emerging from periods of conflict.

Collaborative and integrated sector reform – both institutional and social – is required

to promote crime prevention, sustainable peace and conflict resolution in post-conflict settings. Post-conflict reform initiatives need to work to protect citizens from crime and violence. They also need to ensure protection of human rights as well as equitable and fair access to social services and resources.

As the groundwork for long-term development should begin at the earliest stages following a conflict, the international community – in close cooperation with already operational post-conflict reconstruction organisations – should contribute to efforts to develop frameworks that promote effective and sustainable peace and transformation.

The post-conflict environment

Increased crime during periods of post-conflict transition is a complex phenomenon. In their report on Crime and Development in Africa, the United Nations Office on Drugs and Crime (UNODC) highlights two distinct associations between crime and conflict: the changing nature of war over recent years; and the substantial overlap between crime and organised crime.¹ Old forms of criminal activity are often displaced into the new post-conflict order, usually in new and more advanced forms.

Flourishing crime fosters corruption and causes job destruction and a weakening of already shaky social networks, as well as health and education systems. The conflict itself often fosters new, more violent and institutionalised forms of criminal activities than those that pre-existed the conflict.² These processes result in increased poverty and undermine democratisation and institution building.



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DEFINING CRIME PREVENTION

Crime prevention extends far beyond the mere prevention of crime: it aims to improve the social development of, and opportunities available to, groups identified as being vulnerable to victimisation or offending.

The United Nations, in its Guidelines for the Prevention of Crime, defined crime prevention as “(comprising) strategies and measures that seek to reduce the risk of crimes occurring, and their potentially harmful effect on individuals and society, including fear of crime, by intervening to prevent their multiple causes”.

UNODC, *Promoting the prevention of crime: Guidelines and selected projects*, <www.unodc.com>, 2004

Ironically, and contrary to common theory, increases in crime in post-conflict settings may be less to do with declining levels of law enforcement than with the breakdown of community and related principles of social organisation, including crime control mechanisms and reduced risks of punishment, as well as an increase in opportunities, targets and motivation.³

Recent research indicates that the breakdown of social and state controls appear to be the single most common factor leading to the growth of crime in post-conflict societies. As such, post-conflict transitions may be far more disruptive to the internal social organisation of societies – including that of crime control – than has often been assumed.⁴

Justice reform in post-conflict settings is a similarly complex concept. Establishing and administering a functional justice system is no easy task when there is no system left to be administered.

In many instances the personnel needed to carry out judicial tasks have left or are inadequately equipped, court houses and related facilities have been looted or destroyed, whatever police structures that remain are partisan, authority in many areas is exerted by warlords, and the laws to be applied are no longer relevant to the population and its new leadership (where one exists). In many contexts, criminal justice systems fail to function effectively even prior to the conflict.

Crime prevention and justice reform should be regarded as two of the most critical elements in any attempt to assist in post-conflict reconstruction; they should be given priority early in the reconstruction endeavour and should be upheld throughout this process.

Failure to coordinate the delicate and complex relationship between crime prevention, justice reform and reconciliation poses considerable risk as this may adversely affect both short- and long-term objectives of peace-building efforts, and may serve to undermine security and stability that is crucial to sustainable peace-building and reconstruction.

Without a viable crime prevention and justice reform framework, new political and economic institutions will be unable to establish themselves, investors will not be attracted, new governments will not be able to consolidate support or peace, elections will not be free, and crime will be difficult to curb.⁵

An institutional perspective

It has already been emphasised that within post-conflict environments, the legitimacy of existing criminal justice institutions (where they still exist) may be undermined. Often partisan involvement in conflict alienates such institutions from significant segments of the population, and indeed leads to militarisation of the agencies. The rebuilding of a non-partisan, functional and trusted system within this context is a difficult and lengthy process.

The recruitment and training of law enforcement agencies presents a host of problems, as currently evidenced in countries such as Iraq and the Sudan. Even as public confidence in such agencies increases, focus remains on law enforcement rather than crime prevention; a symptomatic rather than causal approach. The need therefore exists to develop within such environments innovative ways of addressing the causes and correlates of crime at the same time as rebuilding the policing and justice structures.

A more consolidated, integrated approach to crime prevention and reconciliation is also required; one that expands on and moves beyond mere security sector reform initiatives, and which places greater emphasis on public sector reform and social service delivery in post-conflict settings. Only in this way can functional and sustainable crime prevention and reconciliation measures be implemented.

However, the capacity to deliver social services efficiently and effectively in such environments seldom exists. Basic services are often sparse, if they exist at all, infrastructure such as housing, clinics and schools are destroyed or non-functional, education systems are usually left in tatters, and health services are non-existent. As the



rebuilding of these services is initiated, primary concern is on the delivery of the most basic services with little regard for how these are dependent on or relate to other sector services undergoing the same focused rebuilding processes. The rebuilding process, however, provides an opportunity to inculcate principles of crime prevention that not only apply to but are best ingrained in social services, which services are often considered divorced from any form of justice issues.

For example, a city or community that has been ravaged and literally razed to the ground by fighting is likely to have the delivery of housing prioritised as the public sector department or ministry of housing is reconstituted. The introduction and application of the most fundamental crime prevention through environmental design principles are likely to contribute positively to addressing crime within any particular community. As schools are rebuilt, teachers trained and new curricula developed, the institution of safer school environments and relevant learning components, and the introduction of monitoring instruments for violence against children within these schools will facilitate the prevention of violence at schools, as well as go some way towards addressing a number of issues associated with the demobilisation and reintegration of child soldiers.

Similar principles can be applied across the range of basic services. Clinics can be equipped to deal with the high levels of rape and sexual violence that often accompany and follow internal conflicts, and can offer counselling support and prevention information. All these initiatives should of course be planned and implemented with a range of inter-agency consultations, not least with the traditional criminal justice sector stakeholders such as the police and justice arms.

The reconstruction and rehabilitation of damaged infrastructure are critical to the success of post-conflict stabilisation efforts. If social services (education, health, etc.) are instituted at an early stage, this can make a significant and crucial contribution to people's lives and can also work to foster greater support for the process of national

reconciliation. The benefit is two-fold: first, enhanced service delivery is likely to impact positively on making communities safer and reducing crime within countries; and second, this contribution can be further enhanced through the integration of crime prevention principles into the design and delivery of these services.

A number of principles are integral to the success of such an approach:

- The development of key crime prevention and public sector infrastructures.
- A more balanced approach regarding the most appropriate and effective mix between crime prevention and law enforcement, as well as locally and internationally driven interventions.
- An appropriate combination of crime prevention, service delivery and orientation applications.
- The development and training of local crime prevention and law enforcement personnel.
- The involvement of local communities in crime prevention and reconciliation initiatives.
- The establishment of effective local systems of social control.
- Relating to the above point, the creation of adequate and effective 'law and order' programmes and instruments that are respectful of human rights.
- The development of longer-term efforts to establish crime prevention initiatives and to (re)build local justice systems.

Developmental and social principles are in this way applied to crime prevention. The integration of such a developmental approach into the most fundamental service delivery programme facilitates the inculcation of human rights – and importantly the right to social justice – that are crucial to the rebuilding of societies, and societal and legislative structures that are integral to post-conflict reconstruction.

The UNODC points to four ways in which conflict can feed crime:

- **Psychological trauma results in 'cycles of violence'.**
- **Disasters feed violence and facilitate organised crime, and displacement leads to further conflict and marginalisation of peoples.**
- **Crime can emerge as a post-conflict livelihood, with young people 'educated' in violence progressing into careers as predators.**
- **Loss of authority to intercede, and the weakening of the state, can derail attempts at re-establishing order.**

UNODC, *Crime and Development in Africa*, <www.unodc.com>, June 2005



Efforts in post-conflict peace building thus far have tended to focus on:

- **institutional reform (security sector, government, justice sector, etc.); and**
- **restoration of law and order, security and pacification of hostile territories/ groups.**

These initiatives have been largely programme oriented in their approach, focusing on programmatic security sector reform and transitional justice to the exclusion of integrated crime prevention.

Gaps in existing policy and practice

Perhaps the most fundamental gap in international capacity to assist in crime prevention and reconciliation is the absence of clear policy guidance regarding conceptualisation, planning and administration in this area. Currently, there is a limited policy basis for determining fundamental issues such as:

- the sort of crime prevention and reconciliation assistance international actors should provide;
- the manner in which international actors should coordinate such initiatives as well as inter-agency programmes; and
- where decision-makers should make additional investments to support such endeavours.

Policies remain geared towards justice sector reform and rebuilding institutional support to policing and judicial services. This is problematic. In order to fill this gap, international actors need to formulate and implement strategies that recognise the importance of social and developmental crime prevention, and which clearly define the coordination capabilities and responsibilities of those involved in providing a comprehensive approach to assistance. Further critical gaps exist in international capacity to assist in the long-term tasks of rebuilding or developing social crime prevention mechanisms. What is required is the development of a more consolidated, integrated approach to crime prevention and reconciliation; one that expands on and moves beyond mere security service reform initiatives, and which places greater emphasis on public sector reform and social service delivery in post-conflict settings.

Capacity issues exist not only within the international approach to post-conflict crime prevention, but most glaringly within the post-conflict countries themselves. While international actors often prioritise the provision of technical assistance, the assistance remains focused on institutional reform and is largely sector specific. This necessitates an integrated and comprehensive approach to developing capacity

through training, support and best practice development. Such capacity building needs to go beyond the core skills and knowledge usually required for the building of efficient service delivery, to include the critical aspects of social crime prevention rationale and practice such as those sited above.

Conventional security and justice sector reform applied in most post-conflict societies takes no cognisance of traditional social means of control, assuming all forms of social control to be either destroyed or unimportant. Imposed means of control, policing and justice often violate or contradict traditional forms of justice within these societies that have existed for centuries. Such locally based social systems can often be harnessed and re-established to play an important role in reconstituting safer communities. These systems need to be considered when designing interventions or service delivery aimed at enhancing the prevention of crime.

Notwithstanding the above discussion, there is no single 'one-size-fits-all' best method for all post-conflict societies to deal with crime prevention. Successfully establishing functional crime prevention mechanisms in post-conflict societies depends on a number of issues including: the way in which the conflict was settled; the actions undertaken by the international community to stabilise the post-conflict environment; and the extent to which statehood has been weakened or destroyed during the conflict.⁶

It is important to recognise that effective and sustainable approaches should begin with a thorough analysis of local needs and capacities, mobilising to the greatest extent possible expertise from the country/society concerned. Crime prevention initiatives should be based on local needs, assessments and aspirations. Any efforts should identify, support and empower public interest in crime prevention constituencies; they should better assist local stakeholders to develop their own crime prevention vision, their own agenda, their own approaches to crime prevention and their own national plans and projects. This means that the selection and design of post-conflict crime prevention programmes



should be unique to each specific post-conflict context.

National and international contexts often have crucial impacts and influences on attempts to establish post-conflict crime prevention programmes, and should be regarded as complementary in respect of their application in this arena. However, the international community has not always provided post-conflict crime prevention assistance that is appropriate to the country context. Too often the emphasis has been on foreign experts, foreign models and foreign-conceived solutions to the detriment of sustainable improvements and capacity building.

Potential obstacles

Helping conflict-stricken societies establish mechanisms for crime prevention and assisting them to come to terms with large-scale abuses are significant and lengthy tasks, particularly when undertaken within a context characterised by devastated institutions, exhausted resources, diminished security and a traumatised and divided population. Attention therefore needs to be given to the many deficits that exist, among which may be a lack of:

- political will to reform;
- institutional independence within the justice sector;
- domestic technical capacity;
- material and financial resources;
- public confidence in the government and in society;
- official respect for human rights; and more generally
- peace and security.

The importance of institutionalising crime prevention practice may at first seem superfluous within societies that have experienced atrocities and levels of violence barely imagined by those in environments in which such practices are often conceived and developed.

Put bluntly, the protection of houses or property and of means of transport such as vehicles and bicycles seems almost irrelevant for those who have seen family members killed or maimed, or who might themselves have carried out such acts on others. However, these families and households are, unless bound to local warlords, likely to possess very little themselves, and the importance of the few possessions they have is therefore magnified. This is particularly so when such possessions are linked to household survival, such as farming implements, machinery tied to means of production and food or crops. The protection of such goods against property crimes thus assumes disproportionate significance. Similarly, where violence and atrocities have been commonplace and have affected every household in some way, protection of individuals and families against further violence – often perceived as the norm – is pivotal in breaking cycles of violence.

A realistic appreciation of what may exist within a particular context is therefore required when establishing crime prevention initiatives. Here one may find:

- lack of job opportunities in war-torn economies;
- where work is available, a lack of marketable skills;
- consequential incentives to engage in criminal activity;
- demobilisation of individuals into society who, without effective reintegration strategies, may bring with them the potential to engage in criminal activity;
- a proliferation of small arms/weapons; and a
- lack of basic services.

Towards safer communities

These issues equate – either individually or more so in their totality – to a lack of social justice; justice that a focus on security sector reform is unlikely in itself to provide, but which the integration of crime

In their totality, crime prevention initiatives in post-conflict settings should be informed, feasible, manageable, strategic, structured but flexible enough to allow for short-term adaptations and evaluation by both local and international actors, and should be seen as complementing rather than replacing traditional security sector or justice sector reform.



Conventional security sector reform aimed at establishing effective crime prevention and peace-building programmes in post-conflict settings should include questions about:

- the appropriate ownership of such processes, their timing and impartiality;
- the clarity with which their objectives are determined;
- relevant issues of jurisdiction;
- necessary modes of publicity and information;
- the establishment of a functioning criminal justice system;
- the appointment of qualified, trained and responsible personnel;
- suitably conducted awareness and education programmes; and
- recreating and strengthening basic functions of state administration.

prevention into service delivery can enhance.

This is not to detract in any way from the importance of traditional security sector reform, but rather suggests the need to adopt complementary strategies to deal with institutional reform and delivery, as well as the delivery of social services and basic rights of justice.

If conventional security sector reform programmes are to begin to address – in combination with more direct crime prevention initiatives – issues of crime, a number of fundamental principles need to be integrated into their approach (see *side panel*). Most programmes, to varying degrees, currently attempt to premise their activities on these principles.

Targeted crime prevention interventions aimed at inculcating the prevention of crime through the delivery of social justice need to focus on:

- providing effective services that begin to address the destruction and poverty that inevitably result from, and are inherent to, conflict environments;
- building peace, restoring the rule of law and establishing political stability;
- resolving divisions in society caused by the conflict (such as human rights violations and criminal activity);
- rebuilding basic economic and social infrastructure, including housing, social services, health care and education;
- addressing and attempting to repair the impacts of violations imposed on individuals and society;
- providing justice and closure for victims;
- reforming institutions by promoting crime prevention, justice reform, respect for human rights and democratisation;
- promoting sustainable peace, and establishing a safe and secure environment;
- consolidating domestic capacity;

- facilitating the demobilising and disarming of former combatants and attempting to reintegrate them into society (DDR programmes); and
- improving civil service effectiveness (the ability to deliver basic services) and infrastructure.

All these factors play a significant role *vis-à-vis* social and institutional reform, as well as regarding capacity building and service delivery within post-conflict settings. As such, they need to be taken into account when formulating and implementing crime prevention programmes.

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Conclusion

Although crime prevention in fragile, developing post-conflict countries is becoming an increasingly significant factor within international strategies, creating the most effective approach through which to effect change in this arena still requires considerable attention. It is important to recognise that crime prevention and reconciliation in post-conflict settings are not the exclusive responsibility of the police or justice system; they must involve other public sector agencies, particularly those delivering social services, external actors such as the civil sector (non-governmental organisations and communities), as well as the private sector.

What is required is a better understanding of the linkages between the various components of crime prevention, the conventional justice systems, and other public sector agencies. Planning in this regard should acknowledge the value of these components and should focus on strategies which integrate their activities so that no one sector is undermined or overlooked. ■



Endnotes

- 1 United Nations Office on Drugs and Crime, *Crime and Development in Africa*, June 2005.
- 2 See Cornwall R, Where to from here?, in Sturman K & Lind J, *Scarcity and Surfeit: The Ecology of Africa's Conflicts*. Pretoria: ISS, 2002.
- 3 Kritz N, Where we are and how we got here: An overview of developments in the search for justice and reconciliation, in Henkin AH (ed), *The Legacy of Abuse: Confronting the Past, Facing the Future*. Aspen Institute, New York University School of Law, 2002.
- 4 Harzell C, Hoddie M & Rothchild D, Stabilizing the peace after civil war: An investigation of some key variables, *International Organisation*, 55(1), Winter 2001, pp 183-208.
- 5 Ball N, The reconstruction and transformation of war-torn societies and state institutions: How can external actors contribute?, in Debiel T & Klein A (ed), *Fragile Peace. State Failure, Violence and Development Crisis Regions*. London, 2002.
- 6 Collier P & Dollar D, *Development Effectiveness: What have we learnt?* <[http:// www. 1.oecd.org/dac/aid_effect/ collier.pdf](http://www.1.oecd.org/dac/aid_effect/collier.pdf)>, 2001.

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CJCP mission

The Centre for Justice and Crime Prevention (CJCP) is dedicated to developing, informing and promoting innovative evidence-based crime prevention focused on the groups identified as being vulnerable to victimisation or offending. The CJCP does this by:

- conducting rigorous research into issues of relevance to policy makers, public service officials, development partners and crime prevention practitioners;
- facilitating the implementation of crime prevention projects;
- providing sector-specific and accredited training in crime prevention for policy makers, public sector officials and non-governmental organisation practitioners; and
- disseminating the results of its research and lessons learned to relevant audiences.

About this paper

The paper explores key issues concerning crime prevention and transitional justice in post-conflict societies. The need exists to develop innovative ways, within post-conflict environments, of addressing the causes and correlates of crime while rebuilding the policing and justice structures.

In order to promote crime prevention, sustainable peace and conflict resolution in post-conflict settings, collaborative and integrated sector reform – both institutional

and public/social – is required. This paper therefore highlights the importance of a more consolidated, integrated approach to crime prevention and reconciliation; one that expands on and moves beyond mere security sector reform initiatives, and which places greater emphasis on public sector reform and social service delivery in post-conflict settings – only in this way can functional and sustainable crime prevention and reconciliation measures be implemented.



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