

Plenary Session 4: Justice and Inclusion

Format: Plenary session
Discussion group

Objectives:

- Examine the role of an independent judiciary and the principles and processes that compose a potentially effective system of justice and law enforcement sector
- Consider legal protections and reforms to protect citizen rights, particularly in marginalized communities, and to institutionally mitigate impunity and injustice
- Examine how gender impacts security in Africa for both men and women and critically assess recent efforts to improve gender mainstreaming
- Evaluate the roles of ethnicity and other socio-demographic and geographic factors in shaping challenges and solutions to effective security governance

Background:

The aspiration of just and inclusive governance informs the development of security sector institutions, priorities and frameworks. But many challenges exist in the form of divisions and preferences by gender, ethnicity, language, location, family ties, economic status, etc. Segments and sometimes even majorities of African societies do not trust the institutions designed to deliver justice, from the highest courts to the policemen on the street.

The establishment and nurturing of effective and independent judicial institutions forms a key component of functional governance. These institutions do not just uphold the rule of law but play a further role in oversight of the security sector. Some of the key judicial organizations and mechanisms include courts at multiple levels; military justice systems; alternative dispute mediation mechanisms; prisons, detention, and correctional facilities; and oversight bodies.

All components of effective justice systems are apolitical and ensure equal and impartial treatment before the law. The justice sector plays a key role in oversight of effective law enforcement institutions, themselves accountable before the law. Human security is impossible if law enforcement and other security institutions are unaccountable and regularly act with impunity.

Many African countries to include SGI partners have a diverse mix of ethnicities, tribes, and languages. Ethnic and other divisions can be exacerbated by urban-rural cleavages,

economic disparity, and geographic and topographic differences and distances. Mali and Niger are each roughly twice the size of France. Nigeria is a complex mix of dozens of languages and tribes, religious and geographic diversity, and a population that is approaching 200 million people. High population growth rates and a youth bulge further complicate the development and implementation of inclusive policies by burdening social service and justice systems. Elements of security organs that act with impunity amplify both legitimate and perceived grievances of a broad spectrum of marginalized communities.

In 2009, the African Union adopted a Gender Policy and Action Plan, which seeks to improve gender equality across the continent; as a follow-on, in 2015, the AU launched a five-year Gender, Peace, and Security Program to improve coordination between the AU, RECs, member states, and civil society. Still, while many individual countries have developed gender action plans, challenges remain to understanding gender perspectives on security and adapting relevant policies.

Gender is often equated with women, but gender-sensitivity weighs the needs and perspectives of men and boys, as well as women and girls. Such gender-sensitivity forms an important component of security sector reform (SSR) in Africa. Gender mainstreaming and promoting the equal participation of men and women are two common strategies that can be applied “both to the SSR process itself (e.g., by ensuring gender training for personnel responsible for SSR policy and planning) and to the institutions undergoing SSR (e.g., by including gender training for new recruits as part of a police reform process).”ⁱ The AU’s 2013 *Policy Framework on SSR* identifies gender equality and women’s empowerment as core principles for SSR activities on the continent.

Discussion Questions:

- What role does an independent judiciary play in governance? What are the challenges to establishing and maintaining an effective and independent judiciary?
- What are the challenges to including gender perspectives in security?
- How do Africa’s security challenges affect women and men differently?
- What are some key challenges and opportunities regarding issues of ethnicity, tribe, and language that impact the security sector?

Recommended Readings:

World Development Report 2017: Governance and the Law, World Bank. In English and in French: <http://www.worldbank.org/en/publication/wdr2017>

Zipporah Musau, "Les femmes, la paix et la sécurité," *Afrique Renouveau*, Décembre 2015
<http://www.un.org/africarenewal/fr/magazine/d%C3%A9cembre-2015/les-femmes-la-paix-et-la-s%C3%A9curit%C3%A9>

Gender Equality and Good Security Sector Governance, (DCAF), 2015. In English and French: <http://www.dcaf.ch/gender-equality-and-good-security-sector-governance-gender-equality-state-and-human-security>

Sylviane Guillaumont Jeanneney et al, *Linking Security and Development: A plea for the Sahel* or *Allier sécurité et développement Plaidoyer pour le Sahel*, Ferdi, 2016.

http://www.ferdi.fr/sites/www.ferdi.fr/files/publication/sahel_anglais_vol1-final.pdf

http://www.ferdi.fr/sites/www.ferdi.fr/files/evenements/presentations/allier_scurite_et_developpement_-_volume_1.pdf

ⁱ Kristin Valasek, "Security Sector Reform and Gender", *Gender and Security Sector Reform Toolkit*, eds. Megan Bastick and Kristin Valasek. Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW, 2008, p. 4. Online: <http://www.dcaf.ch/Publications/Security-Sector-Reform-and-Gender-Tool-1>