



**AFRICA CENTER**  
**FOR STRATEGIC STUDIES**

**Strengthening the Rule of Law to  
Mitigate Harm: Security and Justice  
Provision after Conflict and Transition**

**EXPERTS ROUNDTABLE**

**August 22-24, 2023**

## ABOUT THE AFRICA CENTER

Since its inception in 1999, the Africa Center has served as a forum for research, academic programs, and the exchange of ideas with the aim of enhancing citizen security by strengthening the effectiveness and accountability of African institutions, in support of U.S.-Africa policy.

### VISION

*Security for all Africans championed by effective institutions accountable to their citizens.*

Realizing the vision of an Africa free from organized armed violence guaranteed by African institutions that are committed to protecting African citizens is the driving motivation of the Africa Center. This aim underscores the Center's commitment to contributing to tangible impacts by working with our African partners – military and civilian, governmental and civil society, as well as national and regional. All have valuable roles to play in mitigating the complex drivers of conflict on the continent today. Accountability to citizens is an important element of our vision as it reinforces the point that in order to be effective, security institutions must not just be “strong,” but also be responsive to and protective of the rights of citizens.

### MISSION

*To advance African security by expanding understanding, providing a trusted platform for dialogue, building enduring partnerships, and catalyzing strategic solutions.*

The Africa Center's mission revolves around the generation and dissemination of knowledge through our research, academic programs, strategic communications, and community chapters. Drawing on the practical experiences and lessons learned from security efforts on the continent, we aim to generate relevant insight and analysis that can inform practitioners and policymakers on the pressing security challenges that they face. Recognizing that addressing serious challenges can only come about through candid and thoughtful exchanges, the Center provides face-to-face and virtual platforms where partners can exchange views on priorities and sound practices. These exchanges foster relationships that, in turn, are maintained over time through the Center's community chapters, communities of interest, follow-on programs, and ongoing dialogue between participants and staff. This dialogue – infused with real world experiences and fresh analysis – provides an opportunity for continued learning and catalyzes concrete actions.

### MANDATE

The Africa Center is a U.S. Department of Defense institution established and funded by Congress for the study of security issues relating to Africa and serving as a forum for bilateral and multilateral research, communication, exchange of ideas, and training involving military and civilian participants. (10 U.S.C 342)

## **Background**

The stabilization of fragile states and the provision of sustainable peace and human security in a variety of contexts across the African continent hinge upon African partner nations' strategic coordination of security and justice reform, as well as their leveraging of these processes to build citizens' trust in military, law enforcement, and justice institutions. Security and justice sector reforms are frequently strategized, planned, and implemented in silo, even though addressing some of the continent's prime security challenges – including violent extremism and organized crime, as well as armed conflict – hinge upon coordination with the justice sector. This includes both formal and informal institutions in the security and justice sectors, as well as the military and civilian components of national security and justice systems.

The roundtable will convene African government officials and non-governmental practitioners working at the strategic level on transitional justice, justice sector reform, national security strategy implementation, and security sector reform. Convening this range of subject matter experts from a range of countries presents an opportunity for them to leverage their national, local, and sectoral experiences with security and justice reform – as well as African Union frameworks like Agenda 2063, the Transitional Justice Framework, and the Security Sector Reform Framework – to catalyze new strategic approaches to providing transparent, legitimate, accountable, and effective security and justice services to citizens after conflict or transition. Throughout the roundtable, experts will be asked to identify and propose ways to implement lessons learned about the “co-production” of security across military and civilian justice systems, and the ways that those systems link to security and justice strategies for mitigating civilian harm and recovering from past instances of violence and insecurity.

Day 1 of the proceedings will focus on fostering peer learning and experience sharing about both the retrospective and prospective dimensions of African state and societal efforts to coordinate strategies to provide security and justice to citizens after conflict or transitions from authoritarian rule. Experts will explore the synergies and the tensions in the linkages between transitional justice efforts to account for the harms or abuses of the past, on the one hand, and security and justice sector reform efforts to ensure a more prosperous and equitable future, on the other hand. Both kinds of strategic thinking are important for mitigating and preventing civilian harm; they are also both key for ensuring sustainable peace and citizen security in countries that have experienced an initial stabilization after conflict or transition.

During Day 2, experts will examine the ways that military and civilian justice institutions complement one another to provide legitimate security governance in countries re-establishing the social contract after conflict or transition. This work will also allow for strategic-level discussion of various models for the linking and/or de-linking of military and civilian justice institutions to address civilian harm, and the implications they have for security sector professionalism and citizen trust in the security sector.

### **Roundtable Objectives**

- Enhance peer learning on how African states' strategic decisions about the sequencing, methodology, and coordination of security and justice service provision can affect their mitigation of civilian harm and delivery of sustainable citizen security.

- Analyze ways that military justice actors and their civilian counterparts can learn from and reinforce each other in mitigating civilian harm through the assurance of access to justice in post-conflict and transitional settings.
- Produce a document that synthesizes the conclusions that the subject matter experts draw on the range of questions raised at the roundtable, and that shares the practical recommendations that the group agrees upon through its exchanges.

### **Academic Approach**

Days 1 and 2 will each include two sessions with experts providing brief opening remarks to foster discussion of key issues, and one session in which the roundtable's rapporteurs who will be synthesizing the expert dialogue will provide a briefback on their synthesis of the group's discussion, as well as what they are hearing to be the practical take-aways from the dialogue.

On Day 3, the rapporteurs and faculty lead will work with experts to read through and edit a first draft of the roundtable's conclusions. The conclusions will be finalized within a week after the closure of the roundtable and all participants in the roundtable will be free to share them with whom they wish. A follow-up consultation with the group of experts to analyze ongoing developments related to the roundtable conclusions will also be offered.

All subject matter experts will be asked to reflect on their unique national, sectoral, and personal insights on this issue by focusing on several guiding questions that are listed in this document for each session of the roundtable. Providing thoughtful and concise distillations of your knowledge and expertise on each session's themes will facilitate the generation of conclusions and practical take-aways from the roundtable discussions.

The forum will be conducted in English and French. A strict policy of non-attribution applies to the entirety of the roundtable proceedings, other than what the subject matter experts agree to include in the document reflecting the roundtable's conclusions and practical take-aways. These rules are binding during and after the roundtable. This read-ahead is an educational document that seeks to provide an overview of key ideas, debates, and policy issues related to the issues at hand. It does not reflect the views or official position of the Department of Defense or U.S. Government.

## Opening Session and Keynote Addresses

*Tuesday, August 22 (0900-1000)*

The opening session will review the objectives and the focus areas of the roundtable and provide insight into them in the context of The Gambia. Experts from all countries will also have the opportunity to introduce themselves and their areas of expertise to their peers.

### Reference Documents:

1. Office of the National Security Advisor of The Gambia. "[Media Briefing on Security Sector Reform Process in The Gambia](#)." Office of the President, 2023.
2. Republic of The Gambia and United Nations Development Program. "[Rule of Law Roadmap, 2020-2025](#)."
3. Republic of The Gambia. "[Government White Paper on the Report of the Truth, Justice, Reconciliation and Reparations Commission](#)," 25 May 2022.

## Session 1: Addressing the Past: Integrating Transitional Justice into Security Sector Reform

*Tuesday, August 22 (1030-1200)*

Transitional justice (TJ) has long been understood as one of the principal tools for preventing the recurrence of conflict, violence, and insecurity. It is defined by the African Union as "the various (formal and traditional or non-formal) policy measures and institutional mechanisms that societies, through an inclusive consultative process, adopt in order to overcome past violations, divisions and inequalities and to create conditions for both security and democratic and socio-economic transformation. The United Nations describes it as "an approach to systematic or massive violations of human rights that both provides redress to victims and creates or enhances opportunities for the transformation of the political systems, conflicts, and other conditions that may have been at the root of the abuses."<sup>1</sup> Although TJ can profoundly influence the success of national security processes, TJ is not always effectively integrated into the security strategy, policymaking, and planning processes that shape short-term stabilization and long-term security. An incomplete integration of transitional justice and security sector reform (SSR) in the early stages of recovery can have enduring detrimental effects. SSR may even risk working at cross-purposes with TJ if a country's strategists do not intentionally generate ways and provide means for the great minds across these sectors to harmonize their work.

The first session of the roundtable seeks to solicit the experts' views on the extent to which their countries' processes of TJ and SSR have been integrated in ways that have effectively enhanced citizen security. There are different combinations of tools that policymakers can employ to deliver TJ (including criminal prosecutions through national, hybrid, or international courts; truth commissions; reparations; memorialization; etc), just as there are various aspects of institution-building that leaders might pursue during SSR (including right-sizing and vetting existing security institutions; creating new security sector oversight institutions like judicial services

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<sup>1</sup> United Nations, "[What is Transitional Justice? A Background](#)," 20 February 2008, p.1.

commissions to independent anti-corruption and human rights commissions; reforming constitutions; revitalizing political relationships between the security sector and parliament; etc). Each expert will have different types of knowledge about the types of institutional reforms, their sequencing, and the security SSR and TJ coordination that African countries have pursued.

#### Guiding Questions:

- In your country, what have been the principal strengths and weaknesses in transitional justice and rule of law approaches to addressing violations of human rights and deficiencies in security provision during past conflicts and/or eras of authoritarian rule?
- How were transitional justice and rule of law concerns incorporated into security sector work to stabilize the country in the immediate aftermath of conflict or transition? How did these arrangements affect citizens' expectations about how the wrongs of the past would be addressed?
- How have post-conflict or post-transition reforms sought to address any negative perceptions that citizens may have had of state security and justice institutions? What has been the success of any attempts to address negative perceptions, especially in places where the state had limited influence during the conflict or before the transition?

#### Recommended Readings:

1. [African Union Transitional Justice Policy](#), African Union, 2019.  
[Politique de Justice Transitionnelle de l'Union Africaine](#), Union Africaine, 2019.
2. Ndulo, Muna and Duthie, Roger. "[The Role of Judicial Reform in Development and Transitional Justice](#)." International Center for Transitional Justice, 2009.  
Organisation Internationale de la Francophonie, « [Repères](#), » dans *Guide pratique : Les processus de transition, justice, vérité et réconciliation dans l'espace francophone*, pages 20-38.
3. Alexander Mayer-Rieckh & Howard Varney, "[Institutional Reform Recommendations of Truth Commissions: Security Sector](#)," in *Recommending Change. An Overview of Truth Commission Recommendations on Institutional Reforms*, DCAF, 2013, pp. 15-24.  
"[Recommandations des Commissions vérité relatives aux réformes institutionnelles : Le secteur de la sécurité](#), » dans *Un aperçu des recommandations de réformes institutionnelles des commissions vérité*, DCAF, 2013, pages 19-29.
4. Luka Biong Deng Kuol. « [Lessons Learned from a Decade of South Sudanese Statehood](#)," Africa Center for Strategic Studies, 29 June 2021.  
"[Leçons tirées d'une décennie d'existence d'état sud-soudanais](#), » Centre d'Etudes Stratégiques de l'Afrique, 29 juin 2021.

**Session 2: Looking Forward: Security Sector Reform and Role of the Justice Sector**  
*Tuesday, August 22 (1300-1430)*

Although transitional justice is focused principally on dealing with the past, security sector reform will ideally be both retrospective and prospective. Being retrospective is necessary, because the stakeholders spearheading SSR must acquire a nuanced understanding of what aspects of security sector governance went wrong in the past in order to identify the areas where changes are needed. But developing a national security vision that is based on what a country wants to achieve in the future is also critical for strategy development, policy implementation, and resource mobilization. Building long-term institutional capacity to mitigate and prevent civilian harm requires a forward-looking approach.

In 2014, the African Union recognized a then-gap between existing approaches to SSR and deficits in the delivery and governance of security in many of its member states, and expressed this in its SSR Framework. In this document, the AU requested its member states to produce national security strategies through a fully consultative and participatory process. Despite this call to inclusive action, there is a dearth of such strategies in most African states. Since then, there has been progress but national security strategies may still not always explicitly consider the transitional justice needs, as well as everyday justice and rule of law needs of citizens. To some extent, this is a function of factors like political will and the need for tools to help member states inclusively craft, implement, and revise their national security strategies. However, there is a wealth of evidence and a growing cadre of African experts who indicate that a well-designed and inclusive process of developing national security strategies enables decision-makers to confront security threats and improve delivery of security to citizens. Such a process offers an opportunity to forge a new social contract between nation states and citizens. As such, strategy development might be considered an especially useful tool for enhancing security and justice delivery – as well as citizen confidence and trust in state institutions – in post-conflict and transitional settings.

The second session of the roundtable seeks to solicit expert opinions on how security sector reform can integrate citizens' justice and rule of law needs, how the process can be leveraged to shape the development and implementation of holistic national security strategies, and how strategy and planning processes can most effectively lay the groundwork for the delivery of security and justice to citizens through accountable institutions.

#### Guiding Questions:

- To what extent has the “criminal justice chain” (law enforcement, prosecution, judges, prisons, and the bar) been integrated into plans for security sector reform in your country? Are justice sector and rule of law reforms included in what your countries' strategists consider to be the domain of security sector reform?
- After its conflict or transition, has your country sought develop a new national security strategy? What are some good practices and lessons learned from your country about the development and implementation of strategy in settings where people express strong demands for both security sector reform and transitional justice?
- What have been your country's main challenges to coordinating security and justice sector reforms in the aftermath of conflict or regime transition? To what extent have the challenges changed over time?

- Are there ways in which the ongoing nature of security and justice strategy/policy implementation has helped your country's strategists to learn from the past? If so, how have they adapted their approaches over time to improve the delivery of security and justice to citizens?

#### Recommended Readings:

1. [African Union Policy on Security Sector Reform](#), African Union, 2014.  
[Cadre d'orientation sur la réforme du secteur de la sécurité](#), Union Africaine, 2014.
2. Aline Leboeuf, "[What Is a Good Security Sector Reform?](#)" Notes de l'IFRI, Dec 2017.  
"[Qu'est-ce au'une bonne réforme du secteur de sécurité ?](#)" Notes de l'IFRI, déc 2017.
3. Sophie Frediani, "[The Complementarity of Transitional Justice and Security Sector Reform in Addressing and Preventing Human Rights Violations: Focus on The Gambia](#)," DCAF, 2021.
4. Niagalé Bagayoko, « [Similarités et différences entre les systèmes de sécurité d'Afrique francophone et anglophone](#), » dans *La réforme des systèmes de sécurité et de justice en Afrique francophone*, Organisation Internationale de la Francophonie, 2010, pages 279-297.

### **Session 3: Rapporteur Briefback to Colleagues**

*Tuesday, August 22 (1500-1630)*

During this session, the subject matter experts will listen to the briefback that the roundtable rapporteurs deliver to their colleagues in order to complete the analysis and exchange for the day. The rapporteurs, who are also themselves experts on security and justice, will share the insights that they have synthesized from listening and contributing to the sessions during Day 1.

Experts will assist the rapporteurs in validating the synthesis of content, nuancing the conclusions that they are drawing on behalf of the group, and correcting any errors. The content of this session will inform the conclusions and practical take-aways that the roundtable will produce.

### **Session 4: Facilitating Access to Justice and Public Understanding of Accountability**

*Wednesday, August 23 (1000-1200)*

In contexts where reform is needed to mitigate civilian harm after conflict and transition, strategists and practitioners face the challenge of re-building state institutions that inspire trust and gain popular legitimacy. Mistrust of state security and justice sector actors may result from various factors: legacies of security force abuses of citizens, perceptions of institutional corruption, or frustration with slow responses to crimes. Even if initial strides are made on disarmament, demobilization, and reintegration (DDR), security sector audits, or vetting of the officials who will remain in the security services, additional work is usually required change citizens' perceptions of the reformed institutions. Fostering confidence in the state's security and justice institutions hinges upon state officials building long-term, rights-respecting relationships with citizens whom the government is meant to serve.



Civil affairs branches in the military can play key roles in re-establishing a social contract between citizens and the state. Police service members who are prepared to use community policing approaches may also have a chance to shift long-standing patterns of interactions with citizens. As part of the criminal justice chain, law enforcement officials also have an interest in their justice sector counterparts – whether prosecutors, magistrates and judges, or prison service officials – doing consistent and coordinated work to gain citizen trust. Beyond reforms to enhance the independence and impartiality of the judiciary itself, the architects of reform may also wish to consider how to support community-based paralegal models of facilitating access to justice. Legal empowerment generally involves training lawyers and paralegals to do work in their own communities to ensure that people have information about how to solve their problems. They will ideally know how the different formal and informal aspects of the domestic justice system work, what the pros and cons of their different justice options are, and how to engage the various mechanisms to choose from. This is, in and of itself, a significant contributor to security.

When supported by civil society groups and community-embedded actors capable of offering alternative methods of dispute resolution, justice systems can also be structured to provide options for addressing grievances that might otherwise foster the recurrence of violence. In Central African Republic (CAR), networks of legal aid clinics supported by a variety of donors and staffed by local lawyers and paralegals have been especially key for ensuring that survivors of wartime sexual and gender-based violence have realistic options for redress. In Democratic Republic of Congo (DRC), mobile courts with military and civilian jurisdictions featured in the work of local civil society groups and international partners to facilitate the prosecution of wartime rape. Other foundational work by community paralegals in Sierra Leone and Liberia focuses on a range of post-conflict civil and administrative challenges, also including land and financial disputes. Embracing community-level solutions has also fostered approaches to dispute resolution that allow non-state actors with local legitimacy (whether traditional leaders, religious authorities, women and youth) to contribute. A “hybrid” legal approach has strengths and weaknesses, and each context requires a different balance therein.

#### Guiding Questions:

- What kinds of civil affairs actions has the military taken to strengthen rule of law and mitigate civilian harm in your country? What kinds of community policing actions have been taken? Are there ways that the security sector could improve in either domain?
- During and after conflict or transition in your country, what has been the range of state and non-state options that citizens have been able to choose from for justice and dispute resolution? How has the range of options affected citizen security in urban and rural areas?
- How have non-state or informal governance structures been used in your country to enhance the legitimacy of state efforts to provide security and justice to citizens?

#### Recommended Readings:

1. Jasmina Brankovic. [“Revitalizing African Traditional Justice Mechanisms: Report on the Fifth African Transitional Justice Forum.”](#) African Union and Center for the Study of Violence and Reconciliation. 2022.

2. Ernest Uwazie. "[Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability](#)," Africa Center for Strategic Studies, 30 November 2011.  
"[Le règlement extrajudiciaire des conflits en Afrique : Prévention des conflits et renforcement de la stabilité](#)," Centre d'Etudes Stratégiques de l'Afrique, 30 nov 2011.
3. "[How Does Expanding Access to Justice Matter for Security?](#)" Africa Center for Strategic Studies, Academic Webinar, 20 September 2022.  
« [Comment l'élargissement de l'accès à la justice est elle importante pour la sécurité ?](#) » Webinaire académique, Centre d'Etudes Stratégiques de l'Afrique, 20 septembre 2022.
4. Vivek Maru, Lyttleton Braima & Gibrill Jalloh. « [Squeezing Justice Out of a Broken System : Community Paralegals in Sierra Leone](#) », in *Community Paralegals and the Pursuit of Justice*, Cambridge University Press, 2018.
5. « [Interview : Mireille Kahatwa : « Les enjeux et défis dans le secteur judiciaire sont liées à l'accès à la justice »](#) », Agence d'Information d'Afrique Centrale, 27 juin 2020.

## **Session 5: Mitigating Harm Comprehensively: Military and Civilian Work with Oversight Institutions**

*Wednesday, August 23 (1300-1430)*

A panoply of challenges arise for leaders seeking to develop and implement strategies that mitigate past harm to citizens while also creating the conditions to prevent further harms that could impede the country's recovery. Even in places where there have been relatively successful security and justice reform processes, and where leaders have developed strategies that have carefully balanced retrospective and prospective elements, the research suggests that implementation will require long-term monitoring and adaptation. Iterative and consistent attention is needed in order to establish, resource, and capacitate the range of military and civilian oversight institutions that enable good security sector governance. When done well, security sector reform that seeks to mitigate harm comprehensively will "go beyond the limited objective of retraining and restructuring formal security institutions and should focus on strengthening the oversight capacities of Parliament, the judiciary, and civil societies."<sup>2</sup> It will facilitate institutional checks and balances that enhance the state's transparency and accountability to citizens and the quality of security and justice that it delivers.

In many post-conflict or transitional settings, new oversight institutions are born. In particular, independent anti-corruption commissions and national human rights commissions frequently enter into countries' new institutional designs. These bodies face unique challenges in their inception phases, when public sensitization about these institutions' roles and responsibilities is underway and perceptions about their practical capabilities are put to the test. The results that these oversight institutions can achieve depends upon several factors, including whether there is a robust civil society that can link people into the reporting mechanisms that these commissions offer, the legal mandate that the commissions have to pursue investigations and prosecutions,

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<sup>2</sup> Osman Gbla, "[Security Sector Reform in Sierra Leone](#)," in Len Le Roux and Yemane Kidane, eds. *Challenges to Security Sector Reform in the Horn of Africa*, ISS-Africa Monograph 135, 2007.

and the financial and operational capacity to work on the local level to reach citizens across different parts of the country. Not all independent commissions have jurisdiction over military and civilian officials, and not all are authorized to prosecute people on their own. In addition, the political and technical purviews of other oversight institutions – including military courts, police oversight commissions, and ombuds institutions within the armed forces – must be rationalized on an interagency level and socialized on the community level to ensure that citizens understand how each is meant to function. Shared strategic vision, consistent coordination, and deconfliction of functionalities between the military and civilian elements of this institutional architecture are key.

#### Guiding Questions:

- In your country, what were the political and technical conditions that led to the *de jure* establishment and the *de facto* operation of independent anti-corruption commissions and national human rights commissions? What factors have determined their failures and successes in addressing civilian harm?
- How might military and civilian justice systems best be structured to work in complementary ways with each other to ensure that all citizens, regardless of their military or civilian status, are treated equally under the law?
- Are there other security sector oversight institutions that have been particularly helpful or problematic in facilitating the effective delivery of security and justice to citizens? Please explain.

#### Recommended Readings:

1. [“How Do National Oversight Institutions Influence Security Sector Governance?”](#) Academic Webinar, Africa Center for Strategic Studies, 26 April 2022.  
[“Comment les institutions nationales de contrôle influencent-elles la gouvernance du secteur de la sécurité ? »](#) Webinaire académique, Centre d’Etudes Stratégiques de l’Afrique, 26 avril 2022.
2. Geneva Centre for the Democratic Control of Armed Forces. [“Ombuds Institutions for the Armed Forces: Roles and Responsibilities in Good Security Sector Governance,”](#) 2022.  
« [Institutions de médiation des forces armées : Rôles et responsabilités dans la bonne gouvernance au secteur de la sécurité,](#) » 2022.
3. Thomas Jaye. [“Liberia: Parliamentary Oversight and Lessons Learned from Internationalized Security Sector Reform,”](#) 2009.

### **Session 6: Rapporteur Briefback to Colleagues**

*Wednesday, August 23 (1500-1630)*

During this session, the subject matter experts will listen to the briefback that the roundtable rapporteurs deliver to their colleagues in order to complete the analysis and exchange for the day. The rapporteurs, who are also experts on security and justice, will share the insights that they

have synthesized from listening and contributing to the sessions during Day 2.

Experts will assist the rapporteurs in validating the synthesis of content, nuancing the conclusions that they are drawing on behalf of the group, and correcting any errors. The content of this session will inform the conclusions and practical take-aways that the roundtable will produce.

### **Session 7: Finalization of Roundtable Conclusions and Practical Take-Aways**

*Thursday, August 24 (0900-1200)*

During this session, the rapporteurs and subject matter experts will read through the penultimate draft of the roundtable conclusions and practical take-aways, discuss and debate any required corrections and amendments, and provide final feedback on the document.