

## 18. Non-State Security and Justice Actors

*Key definitions: who are non-state security and justice actors and what makes them different from state security actors?*

Public safety and security are important for communities and for this reason people sometimes join together to provide for their own safety and security, for example, by forming neighborhood watch associations, community patrols, self-defense groups, or guard systems to deter theft in markets and shopping areas, trade associations, among others. In a similar way, communities sometimes have their own processes and authorities who can deal with community problems that might otherwise involve courts of law or other parts of the justice sector, for example, dealing with issues of minor crime, resolving disagreements within families or between community members, or mediating between groups or individuals with competing claims to local resources. When arrangements to provide security and justice are established outside a state mandate or public authority, they are sometimes called non-state, hybrid, informal, or community security and justice actors.

These types of non-state security and justice actors exist in every society in one form or another. Their forms and roles vary enormously from one place to another, including within a single country. Where they exist, they usually serve populations at the local level and are often important sources of authority wielding considerable power over the lives of people who live or work within the sphere of their influence. In some contexts, they may have more legitimacy in the eyes of the community than state security and justice providers. They may be the preferred providers of security and justice for local communities, perhaps because of their cultural proximity to the communities they serve (for example, through language or religion). They may also be favored at the local level because they can provide security and justice services more quickly and more affordably than formal state security or justice services. Sometimes they are (or are thought to be) more reliable and less corrupt than formal state security and justice systems.

In some contexts, non-state security and justice actors may work in close cooperation with state security and justice systems, helping to uphold rule of law, protect human rights and provide public safety and security. Where this is the case, non-state security and justice actors can help extend the reach and legitimacy of democratic security provision to places where weak institutions might not otherwise be able to reach, such as remote rural areas, or within communities of a distinct language, culture or religion. In other cases, non-state security and justice actors may work according to principles that fail to protect human rights for all or that conflict with the law. In these cases, non-state security and justice actors can come to pose a



Image: Voter Registration for Southern Sudan Referendum, Sudan © UN Photo/Tim McKulka.

threat to their community and wider society by creating a double-standard and even posing a danger to some members of society or the political order of the state. Some non-state security and justice actors may have political or criminal motives that threaten the political order and may lead to violence against the population. For all these reasons, it is essential for journalists to report on non-state security and justice actors to ensure the general public is well informed about their activities and their relationship with these entities. Reporting on non-state security and justice actors is especially important because media coverage is often the only form of transparency or accountability that may apply to their activities.

### *Key issues for reporting on non-state security and justice providers*

**Providing security and justice?** Non-state security and justice actors can sometimes become a danger to the security and safety of the local populations they were created to protect. This can happen when non-state security and justice actors come to favor their own economic or social interests over those of community or the people affected by their decisions. For example, non-state security and justice providers that may be mobilized by community initiative to solve a specific problem such as preventing theft and robbery, sometimes evolve into protection rackets or practice extortion. They may also become involved in organized crime and other illegal activities, and they may also be vulnerable to corruption or political influence. In such cases, non-state actors may become a source of insecurity and danger for some or all of the population. The negative impacts of non-state security and justice actors on local security and justice may or may not be common knowledge to the wider public, and journalists can play a critical role in drawing public attention and scrutiny to their activities.

#### → Journalists can ask:

- ✓ How do the activities of non-state security and justice actors affect local communities and to whose benefit?
- ✓ What values do non-state security and justice actors defend?
- ✓ Who is affected positively and negatively by the work of non-state security and justice actors?
- ✓ Are non-state security and justice actors engaging in corrupt, criminal or other illegal activities?
- ✓ Do non-state security and justice actors use violence against the population?
- ✓ Do non-state security and justice actors have political motivations or allegiances?
- ✓ Do local communities trust and respect the non-state security and justice actors who affect their lives? Why or why not?
- ✓ Do local communities have a viable choice to turn away from non-state security and justice actors?
- ✓ Why do local communities support or not the activities of non-state security and justice actors?

**Undermining or upholding the rule of law?** Non-state security and justice actors can work in complementarity with state security and justice systems. For example, police that work with a community policing ethos can engage community based security and justice actors to cooperate in improving local security, especially by addressing social issues and sharing information. Police can help non-state security and justice actors to understand what actions they can take within the limits of the law: for example, mounting community watches and informing state security services of dangers and threats. In some cases, non-state security and justice actors may have an official status of cooperation or subordination to state security and justice providers, such as when legal provisions regulate the activities of commercial security companies. Through cooperation and regulation non-state security and justice actors can make a valuable contribution to public safety and even national security. However,

their activities can undermine the rule of law if they do not understand and respect the limits that the law places on them. Non-state security and justice providers must understand the limits of the legal rights, such as referring certain types of crime (especially violent or serious crimes) to state authorities. Journalists have a critical role to play in investigating and drawing public and official attention to cases where non-state security and justice actors may be overstepping their authority and undermining the rule of law.

→ **Journalists can ask:**

- ✓ What is the status of non-state security and justice actors under the law?
- ✓ What rules and regulations exist to guide or limit the activities of non-state security and justice actors?
- ✓ What government authority is responsible for overseeing their activities?
- ✓ What kind of cooperative relationship do non-state security and justice providers have with state security and justice authorities?
- ✓ Do non-state security and justice actors as well as the community or public at large understand the limits of their powers and the legal context for their activities?
- ✓ What recourse is available for people who disagree with the decisions or activities of non-state security and justice actors?
- ✓ What measures are in place among non-state security and justice providers to ensure they respect the limits of the law and work in fairness to all members of the community equally?

Security and justice for all? Communities often develop their own responses to local security and justice issues because there is a need that state security and justice actors are not meeting. Non-state security and justice actors are often the product of traditional cultures, religion, or local political history as well as an immediate demand for safety, security or justice. Sometimes the measures for providing security or justice that communities develop might not align with the protection of fundamental human rights, such as the right to life, the right not to be tortured, or the right to equality: for example, when community security initiative function as vigilante groups, or when informal justice mechanisms exact violent corporeal punishments. Sometimes the rights of women or minorities might not be respected, for example, in judgements related to intimate partner violence, family disputes, or inter-communal disagreements over property or tradition. Reporting on the attitudes and activities of non-state security and justice actors can help create an ethos of respect for the human rights of all members of society equally.

→ **Journalists can ask:**

- ✓ Who are the direct beneficiaries of the activities of non-state security and justice actors?
- ✓ Are the rights of all members of the public respected in the work of non-state security and justice actors?
- ✓ Can all people access their services regardless of their age, sex, ethnicity, religion, gender identity, etc? Who is excluded and why?
- ✓ What recourse do community members have against the decisions or activities of non-state security and justice actors?
- ✓ When their activities do not affect all members of the community directly, do they create an atmosphere conducive to the security and justice of all people equally?
- ✓ Do non-state security and justice members practice discrimination or do they believe in and protect human rights for all equally?
- ✓ Are the fundamental rights of all men, women, boys and girls respected and protected by non-state security and justice actors?

### Box 33 Practical example: “Insecurity: Interrogating the gradual slide to unmitigated self-help”

This article describes a number of security-related challenges in Nigeria over the first weeks of February 2021 and uses these events to analyze how and why non-state security actors are becoming increasingly active in many regions. It describes in detail the need communities and regions feel for self-defense, and the failures of state security services to meet this need. It also describes how a range of non-state groups have become exploitative, criminal and dangerous to the public. Drawing on a range of official and civil society sources, the article describes why many see these developments as problematic for stability, public safety and national security in Nigeria. The article describes the relationship between non-state security actors and state security forces, quoting at length from multiple sources. This example demonstrates how reporting on the activities of non-state security actors can highlight the need to hold these groups accountable for their violations of human rights and the law, as well as the deficiencies in state security and justice provision that their activities expose.

*Source: Onyedika Agbede, Tobi Awodipe, “Insecurity: Interrogating the gradual slide to unmitigated self-help”, February 2021, <https://guardian.ng/saturday-magazine/insecurity-tension-concerns-as-nigerians-resort-to-self-help/>*



Image: Koglweogo patrolling around a religious function, Ouagadougou' suburbs, Ouagadougou, 2017 @ Tanguy Quidelleur.