



# Policing and (in)security in fragile and conflict-affected settings

A review of perspectives on  
policing in sub-Saharan Africa

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## Introduction

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A September 1997 article in *Le Monde Diplomatique* depicted Africa's police forces in a state of perpetual dysfunction.<sup>1</sup> Provocatively titled "Does Africa Need the Police?," it described the patent inability of African police services to address soaring crime rates against a rising wave of public dissatisfaction. Police were described as being not only ill equipped for the task but also corrupt, abusive, and discriminatory. In response to ineffective and repressive police practices, African communities came to increasingly rely on nonstatutory policing systems to meet their security needs.<sup>2</sup> Nearly two decades later, many of the author's observations remain salient.

Crime and violence disrupt daily life and undermine the norms and institutions that foster stable societies. Police and other law enforcement entities are viewed as core actors in a larger system of national law and order. Internal security actors, such as the police, are a gateway to the justice system, preventing and investigating criminal activity, helping prosecute suspected criminals, and providing victims of crime with access to justice. Internal security services that strive to be community-oriented, fair, and responsive engender greater public trust, which contributes to their effectiveness.

Yet the disposition and conduct of internal security actors can vary greatly within and across national jurisdictions. In developing and developed countries alike, internal security actors have come under scrutiny for corruption, excessive use of force, political repression, and other violations of human rights and due process. Poor and marginalized populations are disproportionately affected by insecurity and injustice and made all the more vulnerable by unresponsive or predatory security agencies. Sometimes these problems are exceptions rather than the rule. When they persist, however, local communities may view the state as a primary driver of injustice and insecurity. Corruption, excessive use of force, and abuse of power within and by police organizations are matters of grave concern in every society. In many African countries, the legacy of colonialism, the ongoing ravages of armed conflict, the many and multidimensional forms of physical and structural violence, and endemic political corruption have had a particularly profound impact on public service delivery. Policing is no exception.

Recognizing these challenges, local reformers, donor development agencies, and a community of scholars-practitioners have endeavored to support policies and programs to enhance the

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<sup>1</sup> Marc-Antoine Pérouse de Montclos, "Does Africa Need the Police?" *Le Monde diplomatique English Edition*, September 1997,

<http://mondediplo.com/1997/09/afpol>.

<sup>2</sup> Ibid.

accessibility, accountability, management, and legitimacy of local police and other public justice and security arrangements. At the same time, it can be fairly argued that donor police and internal security assistance agendas in sub-Saharan Africa are increasingly driven by concerns over the perceived threats that terrorism, piracy, and organized crime pose from the western Sahel to the Horn of Africa.<sup>3</sup> Related policies and programs have endeavored to support the technical, operational, and enforcement capabilities of national police and internal security actors. Such capabilities may be deemed necessary for international efforts to combat transnational terrorism and organized crime, but related initiatives risk entrenching an illiberal status quo and may contribute to the further deterioration of human security of local communities.

The aim of this report is to provoke critical reflection and considered discussion on the effectiveness of existing international assistance to police and other internal security actors in fragile and conflict-affected countries. Recognizing that such assistance programs vary greatly across the broad spectrum of international interests and policy agendas, the report focuses on core developmental policing challenges as a common point of departure. At the onset, it is critical to acknowledge that regional generalizations are neither universally applicable in all contexts nor a substitute for localized analyses. Policing in Africa, as in any regional context, is marked by diversity. References to the broader region and subregions are thus carefully qualified as necessary.

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<sup>3</sup> See, for example, United Nations, “‘Arc of instability’ across Africa, if left unchecked, could turn continent into launch pad for larger-scale terrorist attacks, Security Council told,” Press release: Security Council 6965th Meeting, 13 May 2013,

<http://www.un.org/News/Press/docs/2013/sc11004.doc.htm>; UNODC, “Drugs and crime threat mobilizes international support for West Africa Coast Initiative,” 22 May 2014, <http://www.unodc.org/unodc/en/frontpage/2014/May/drugs-and-crime-threat-mobilizes-international-support-for-west-africa-coast-initiative.html>;

Aaron Akinyemim, “UK and US Target al-Qaida ‘Narco-Terrorism’ Drug Routes in West Africa,” 6 July 2014, <http://www.ibtimes.co.uk/uk-us-target-al-qaida-narco-terrorism-drug-routes-west-africa-1455514>; Kimeng Hilton Ndukong, “West Africa: France Launches New Sahel Anti-Terrorism Operation,” 14 July 2014,

<http://allafrica.com/stories/201407151005.html>; David M. Luna, US Bureau of International Narcotics and Law Enforcement Affairs,

“Remarks: Trans-African Security: Combating Illicit Trafficking Along the Crime-Terror Continuum,” 26 February 2014,

<http://www.state.gov/j/inl/rls/rm/2014/222591.htm>.

## Chapter 1

# Defining police and policing

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Policing in the name of social order and communal security has existed in one form or another throughout history. Societies continuously negotiate and renegotiate normative understandings of what policing should look like, who is entitled to it, what is expected of it, and who should be authorized to provide it. The nature of policing and the role of police actors today are thus bound in highly contested notions of security, justice, and legitimate authority shaped by the historical experience and institutional preferences of each political community. Although contemporary international standards provide a normative rubric, policing has always been and remains a diverse spectrum of preventive, deterrent, and investigative activities carried out by a variety of actors

### International policing standards

International policing norms are based on the assumption that the state is willing and able to act as a duty bearer and to effectively subject itself to legal constraint in enforcing the law. Contemporary police norms are strongly rooted in the international rule of law framework. As a function of the state grounded in the rule of law, police are bound by “a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.”<sup>4</sup> Traditional normative notions of police and policing are thus very closely associated with states and formalist notions of statehood.<sup>5</sup>

International human rights law is also an inseparable feature of international policing norms. Such treaties are crucial components of the larger international human rights regime and are derived from, strengthen, and expand on the principles of the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1976), and the International Covenant on Economic, Social, and Cultural Rights (1976)—collectively known as the International Bill of Human Rights. These documents strongly identify the state as the

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<sup>4</sup> UN Security Council, “The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General,” S/2004/616, 23 August 2004, <http://www.unrol.org/files/2004%20report.pdf>.

<sup>5</sup> Many multilateral organizations, including the United Nations, do recognize and encourage the consideration of non-statutory justice and security actors in related assistance programming. For example, see the multiagency UN task force’s *Security Sector Reform Integrated Technical Guidance Notes*, 2012, <http://unssr.unlb.org/Portals/UNSSR/UN%20Integrated%20Technical%20Guidance%20Notes%20on%20SSR.PDF>.

guarantor of individual rights and imply that states are obligated to implement practical measures for the dispensation of justice and security. More specific normative guidance for police officials has been elaborated on in numerous UN declarations, including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.<sup>6</sup> Based on the core elements of these UN declarations, Amnesty International has outlined ten basic human rights standards for law enforcement officials (see box 1 below).

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## BASIC HUMAN RIGHTS STANDARDS FOR LAW ENFORCEMENT OFFICIALS

- Everyone is entitled to equal protection of the law, without discrimination on any grounds, and especially against violence or threat. Be especially vigilant to protect potentially vulnerable groups such as children, the elderly, women, refugees, displaced persons and members of minority groups.
- Treat all victims of crime with compassion and respect, and in particular protect their safety and privacy
- Do not use force except when strictly necessary and to the minimum extent required under the circumstances
- Avoid using force when policing unlawful but nonviolent assemblies. When dispersing violent assemblies, use force only to the minimum extent necessary.
- Lethal force should not be used except when strictly unavoidable in order to protect your life or the lives of others
- Arrest no person unless there are legal grounds to do so, and the arrest is carried out in accordance with lawful arrest procedures
- Ensure all detainees have access promptly after arrest to their family and legal representative and to any necessary medical assistance
- All detainees must be treated humanely. Do not inflict, instigate or tolerate any act of torture or ill treatment, in any circumstances, and refuse to obey any order to do so
- Do not carry out, order or cover up extrajudicial executions or “disappearances”, and refuse to obey any order to do so
- Report all breaches of these Basic Standards to your senior officer and to the office of the public prosecutor. Do everything within your power to ensure steps are taken to investigate these breaches.

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The UN Office on Drugs and Crime *Handbook on Police Accountability, Oversight and Integrity* begins its overview of key concepts by identifying the security sector as one of “the mechanisms established by states to protect people’s rights and maintain order.” Police are then defined as “an important actor in the security sector ... whose functions, as a minimum,

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<sup>6</sup> Other relevant UN declarations include: UN Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials; UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions; UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; and the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

are: prevention and detection of crime, maintenance of public order; [and] provision of assistance to the public.”<sup>7</sup>

Similarly, the Geneva Center for the Democratic Control of the Armed Forces and the Organisation for Security and Co-Operation in Europe’s *International Police Standards Guidebook on Democratic Policing* identifies the police as “the most visible manifestation of government authority.” It then outlines their primary duties to “maintain public tranquility and law and order; protect and respect the individual’s fundamental rights and freedoms; prevent and combat crime; and provide assistance and services to the public.”<sup>8</sup>

### **Policing in weak and fragile states**

Respect for human rights and protection from arbitrary abuses of authority are inseparable elements of good governance and good policing. This discourse is premised on an effective social contract in which state governments are generally held accountable as guarantors of peoples’ rights. In this equation, the provision of policing services can be viewed as one of the ways states fulfill their obligations to protect peoples’ rights. However, when governments prove unwilling or unable to protect the rights of community members, there is then little reason to expect national police actors to do so.<sup>9</sup>

Normative definitions of policing as a function of the state to protect human rights are thus extremely problematic in fragile and conflict-affected countries. It is unrealistic to expect such states to provide basic public justice and security services to all. Even in well-constituted states, governments are rarely the sole provider of public goods to all citizens. Marginalized and neglected communities that are denied or otherwise lack access to justice, security and other public goods can be found in every society. These communities, as with the overwhelming majority of people living in fragile countries, frequently rely on a variety of semi- or nonstatutory justice and security services provided by a variety of actors.<sup>10</sup> State and nonstate providers may cooperate, whether formally or informally, offering different types of services and operating in separate spheres of authority. They may even compete. When it comes to understanding policing in fragile contexts, what works and does not work for local people does not necessarily conform with formalist notions of statehood and governance..<sup>11</sup>

Paradoxically, in fragile contexts, large segments of the population may see justice and security actors themselves as direct sources of injustice and insecurity.<sup>12</sup> National governments—particularly those that are highly centralized, authoritarian, and patrimonial—frequently rely on police and other security actors to maintain their grip on power. State

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<sup>7</sup> United Nations Office on Drugs and Crime, *Handbook on Police Accountability, Oversight and Integrity* (Vienna: UNODC, 2011), 5.

<sup>8</sup> Geneva Center for the Democratic Control of Armed Forces, *International Police Standards: Guidebook on Democratic Policing* (Geneva: DCAF, 2009), [http://www.dcaf-tunisie.org/adminDcaf/upload/ejournal/documenten\\_24.pdf](http://www.dcaf-tunisie.org/adminDcaf/upload/ejournal/documenten_24.pdf), 10.

<sup>9</sup> A point also strongly made in the context of the Arab world in: United Nations Development Programme, *Arab Human Development Report 2009: Challenges to Human Security in Arab Countries* (New York: UNDP, 2009).

<sup>10</sup> Organisation for Economic Co-operation and Development, “Enhancing the delivery of justice and security” (Paris: OECD, 2007).

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*



police organizations and the courts may be notoriously corrupt and severely underresourced. Deficiencies across a range of rules, norms, and institutions can reinforce the practice of arbitrary abuse with impunity. Effective mechanisms that encourage greater transparency, oversight, and accountability of internal justice and security practices are often not necessarily deemed advantageous to corrupt national elites who wish to maintain the status quo.

Ultimately, the purely state-centric definition of police is not particularly helpful for understanding policing in fragile contexts. Even in well-constituted states, governments are rarely the sole or even the main providers of all public goods within its borders, particularly in marginalized communities. Policing is best viewed as a function. Following the definition Bruce Baker used in his 2008 book, *Multi-Choice Policing in Africa*, policing refers to any organized activity that seeks to ensure communal order, security, and peace through prevention, deterrence, investigation, justice, and punishment.<sup>13</sup> In this context, fragility can thus be understood as underlying political and structural conditions that prevent policing, and other justice and security services from meeting the needs of the public.

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<sup>13</sup> Variation on the definition offered by Bruce Baker, *Multi-Choice Policing in Africa* (Stockholm: Alanders Gotab AB, 2008), 5.

## Chapter 2

# Perspectives on policing in sub-Saharan Africa

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Peoples' perceptions and expectations of police and the form and function of policing services vary from country to country and community to community. As mentioned, policing in Africa is marked by diversity. Regional generalizations are neither universally applicable nor a substitute for localized analyses. Three trends stood out in the works reviewed and are central to understanding the challenges of policing and police organizations in Africa and in fragile and conflict-affected settings generally:<sup>14</sup>

- **Hybridity, diversity, and choice.** Policing is rarely the sole remit of the state. Justice and security provision typically involves a network of actors, both state and nonstate, performing a wide range of services.
- **Police and the politics of insecurity.** Disposition of state police forces typically reflects the politics of national governments. Given the neocolonial, authoritarian, and patrimonial politics of many African countries, national police are often viewed as sources of insecurity.
- **Policing and the pitfalls of conflict and fragility.** The quality of policing services and legitimacy of police actors invariably suffers during and after conflict. Even in the absence of conflict, many policing providers lack adequate remuneration, transportation, housing, and basic tools of the trade.

Several important caveats, limitations, and gaps must be acknowledged. First, the geographic distribution of the works reviewed was predominantly skewed toward Anglophone countries in eastern and western Africa, and toward English-language materials focusing on non-Anglophone countries in these subregions. The differences between policing systems in Francophone and Anglophone contexts, though an important area of distinction in legal and technical studies on statutory criminal justice systems in Africa, are not directly covered in

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<sup>14</sup> The thematic discussions are based on a selection of themes derived from a review of a wide range of English-language literature on police, policing, criminal justice, justice and security sector governance, and reform, as well as rule of law, fragility, human rights, and development regionally and in specific African countries. Sources included edited volumes and articles from peer-reviewed academic journals; working papers; monographs; case studies and policy briefs by international and regional policy research institutions; investigative reports by local, regional, and international civil society organizations; donor and national government commissioned studies; and local and international media.

this review. Finally, a wealth of literature draws on the experience of police and policing in South Africa and southern Africa that this review regrettably does not cover given space and time limitations.

The discussions that follow are meant to describe policing practices as characterized in the literature, not to propose particular solutions. The aim of this study is considered discussion and debate of existing approaches and to serve as a basis for exploring more effective ways to promote better justice and security services for communities in the region and beyond. Although the literature drawn on for this review includes a number of excellent reform-oriented studies, the intricacies of reform and the efforts of reformers in specific countries are not the primary focus. Readers wishing to learn more about such efforts are urged to refer to sources referenced in the notes and the suggested readings.

### **Hybridity, diversity, and choice**

Although the credentials of statehood are the *raison d'être* of political power and government legitimacy in the international arena, the literature on policing, justice, and security in Africa strongly reminds us that these credentials do not necessarily reflect the state's power and legitimacy to local populations.<sup>15</sup> In many contexts, the state is merely one of many actors operating in the same space alongside other potentially legitimate authorities.

The concepts of *hybridity*, *plurality*, *networked*, and *interlinked* justice and security recurred frequently throughout much of the empirical literature to describe systems in which multiple sources of security and justice authority overlap and operate simultaneously.<sup>16</sup> Far from being a disconnected collection of actors operating in the same jurisdiction, hybrid justice and security systems are often linked and complementary.

Most African states do not have the means to provide justice and security as public goods to the majority of their population. Up to 80 percent or more of the public in fragile and conflict-affected countries turn instead to various semi- or nonstatutory actors.<sup>17</sup> These services operate with varying degrees of cooperation or contestation, and vary in their accountability, legitimacy, and effectiveness.<sup>18</sup> Baker's work on multichoice policing also suggests that people's reliance on one justice or security provider over another has less to do with formalist notions of state legitimacy and more to do with what's available, trusted, and

<sup>15</sup> Robin Luckham and Tom Kirk, "Security in Hybrid Political Contexts: An end-user approach," *Justice and Security Research Programme* paper no. 2 (London: School for Economics and Political Science, International Development, 2012).

<sup>16</sup> Bruce Baker, "Linking State and non-state security and justice," *Development Policy Review* 28, no. 5 (2010): 597–616.

<sup>17</sup> Peter Albrecht, Helene Maria Kyed, Deborah Isser, and Erica Harper, eds., *Perspectives on Involving Non-State and Customary Actors in Justice and Security Reform* (Rome: International Development Law Organization, 2010), p. 3. See also Organisation for Economic Co-operation and Development, "Enhancing the Delivery of Justice and Security" (Paris: OECD, 2007), <http://www.oecd.org/dac/governance-peace/conflictandfragility/docs/38434642.pdf>.

<sup>18</sup> For further discussion, see Bruce Baker, "Protection from Crime: What Is on Offer for Africans?" *Journal of Contemporary African Studies* 22, no. 2 (2004): 165–88; Etannibi E.O. Alemika and Innocent C. Chukwuma, "The Poor and Informal Policing in Nigeria" (Lagos: Center for Law Enforcement Education, 2004); and Lisa Denney, "Non-state security and justice in fragile states," *Overseas Development Institute* briefing paper no. 73 (London: ODI, April 2012).

affordable.<sup>19</sup> His typology of policing in Africa identifies more a dozen categories, different guises of legitimacy, different types of groups, multiple jurisdictions, and varying levels of cooperation with state authorities.<sup>20</sup> A variation of Baker’s typology is presented in table 1.

Table 1. Typology of Policing Groups				
Category	Authorizer	Provider	Range	Cooperation with State
Extended family	family	family	very local	no
Mob violence	community	community	very local	no
Informal organized security group	community	community	local	minimal
Religious police	religious organizations or sub-national units	usually unarmed groups	local	no
Ethnic/clan militia	tribe/clan or local strongmen	armed groups	tribal/clan area	rarely
Political party militia	political party	armed groups	regional/national	no unless ruling party
Civil defense forces	community	armed groups	regional	no
Informal commercial security group	business and political leaders	armed groups	local/regional	rarely
Formal commercial security group	business	trained guards	local to global	yes
State approved civil guarding	citizen groups or subnational units	trained guards	regional/local	yes
Customary courts and police	tribe	tribal elders	local/district	yes
Restorative justice committees	community	community	local	often
State police, national, local	state	trained personnel	national/local urban centers	n/a
State internal security organizations	state	trained personnel	national	yes
Foreign civilian and military peacekeepers	Intergovernmental authorities	trained personnel	very local/regional	where applicable

*Source: Abridged and modified from Baker, Multi-Choice Policing.*

<sup>19</sup> Baker, *Multi-Choice Policing*; “Protection from Crime.”

<sup>20</sup> Baker, *Multi-Choice Policing*, 79.

In many fragile contexts, distinctions between state and nonstate, formal and informal, and statutory and customary can be rendered meaningless. The work of the Danish Institute for International Studies on justice and security in sub-Saharan Africa emphasizes that what works in providing just outcomes for people on the ground is normally built on locally legitimate structures rather than formalist notions of what the state does and does not do.<sup>21</sup> A community survey in Western Equatoria, South Sudan, conducted by the London School of Economics Justice and Security Research Programme offers a useful example of this dynamic and highlights the role of end-user preferences. Providers included local elders, village administrators, unarmed local police, international non-governmental organizations, and elements of the Sudan People's Liberation Army and Uganda People's Defense Forces. By far the most widely trusted provider was the local militia, members of which resided in more than half of all households surveyed.<sup>22</sup>

Although a wide range of factors may inform preferences, the preferred option is not necessarily the ideal one and local understandings of equitable dispute resolution may not always fully conform to international human rights standards.<sup>23</sup> For example, women and girls have been cited as particularly vulnerable to commonly male-dominated customary and statutory justice and security providers (see box 2).

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## POLICING AND ACCESS TO JUSTICE: CHALLENGES FOR WOMEN AND GIRLS

In September 2013, an eighteen-year-old woman stood trial for murder in a courtroom in Masaka, Uganda. The man she killed, a family member, had repeatedly raped and brutalized her and her sisters since they were children but their pleas to the local police had fallen on deaf ears. She had acted in desperate self-defense and the court sympathized, sentencing her to a symbolic six-hours in prison before releasing her.

This situation is not unique. Women and girls—especially those victimized by sexual and gender-based violence—frequently face additional obstacles to accessing equitable security and justice. Women are frequently underrepresented in statutory and customary security and justice services. These services are frequently dominated by males who may decline to punish the perpetrators of sexual violence. One study, for example, cites a common practice of local elders in rural Ethiopia encouraging female victims to marry the perpetrators rather than pursue criminal charges, sometimes in collusion with community police officers.

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<sup>21</sup> Albrecht et al., *Perspectives on Involving Non-State and Customary Actors*.

<sup>22</sup> Anouk S. Rigterink, John J. Kenyi, and Mareike Schomerus, "JSRP Survey Report: Western Equatoria, South Sudan, First Round, May 2013" (London: School of Economics and Political Science, International Development, 2014).

<sup>23</sup> See OECD, "Enhancing the Delivery of Justice and Security"; Albrecht et al., *Perspectives on Involving Non-State and Customary Actors*.

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Rape and other forms of sexual and gender-based violence have been used as a weapon of war in conflicts all over the world, and are widely discussed in the context of those in Liberia and Democratic Republic of Congo. The victims are burdened with long-term physical, psychological, and social repercussions, and the perpetrators are largely left unpunished. For example, during the Liberian civil war, as many as 70 percent of women on both sides may have been victims of sexual violence. Efforts to provide greater security and justice for women and girls in postconflict Liberia are ongoing, but the climate of impunity and disregard for sexual and gender-based violence remains pervasive.

Local authorities, in cooperation with community and civil society groups, have worked to raise awareness of these cracks in the justice system. Such moves include creating all-female police units as well as sexual and gender-based violence desks in local police posts, encouragement of the participation and leadership of women in community policing schemes, and educating community police officers on appropriate legal procedures.

<sup>1</sup> AFP, "Uganda teen gets 6 hours' jail for killing rapist father," AFP (13 September 2013),

<http://www.foxnews.com/world/2013/09/13/uganda-teen-gets-6-hours-jail-for-killing-rapist-father/>.

<sup>2</sup> For example, see Miranda Gaanderse and Kristin Valasek, *The Security Sector and Gender in West Africa: A survey of police, defense, justice, and penal services in ECOWAS states* (Geneva: DCAF, 2011) <http://www.dcaf.ch/Publications/The-Security-Sector-and-Gender-in-West-Africa-A-survey-of-police-defence-justice-and-penal-services-in-ECOWAS-states>.

<sup>3</sup> Bruce Baker, "Hybridity in policing: The case of Ethiopia," *Journal of Legal Pluralism and Unofficial Law* 45, no. 3 (2013): 296–313.

<sup>4</sup> See Cheryl Hendricks, "Gender and Security in Africa: An Overview," Discussion paper no. 63 (Uppsala: Nordiska Afrikainstitutet, 2011).

<sup>5</sup> See: Nicola Jones, et. al., "The fallout of rape as a weapon of war" (London: ODI, June 2014), <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8990.pdf>.

<sup>6</sup> Dorina Bekoe, "Elusive gains: Policing and security sector reform in Liberia," in *Policing in Africa*, ed. David Francis (New York: Palgrave Macmillan, 2012), 43.

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Albrecht's study of local policing partnership boards in Sierra Leone and Denney's on community policing structures in the Amhara state of Ethiopia illustrate how formalized partnerships between state and nonstate security and justice actors can capitalize on existing local structures of legitimate authority to expand and enhance service delivery in the face of otherwise insufficient state resources.<sup>24</sup> The success of such hybrid partnerships may depend on the extent to which they effectively merge and build on local power structures.<sup>25</sup> At the same time, both studies questioned the extent to which engagement between statutory and nonstatutory services would have occurred without a formalized arrangement. On the other hand, they also questioned the extent to which these partnerships enhance access to and

<sup>24</sup> Peter Albrecht, Olushegu Garber, Ade Gibson, and Sophy Thomas, "Community Policing in Sierra Leone –Local Policing Partnership Boards," *DIIS* report 2014:16 (Copenhagen: Danish Institute for International Studies, 2014); Lisa Denney with Demelash Kassaye, "Securing communities for development: community policing in Ethiopia's Amhara National Regional State" (London: Overseas Development Institute, 2013), <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8656.pdf>.

<sup>25</sup> Peter Albrecht, "10 observations from community policing in Sierra Leone," *DIIS* policy brief (29 January 2015), <http://www.diis.dk/en/node/4717>.

quality of justice services beyond what existing local mechanisms provided. Box 3 presents a short case study on a hybrid community policing model.

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## HYBRID SECURITY AND JUSTICE STRUCTURES: COMMUNITY POLICING IN ETHIOPIA

Community police arrangements in the federal state of Amhara, Ethiopia, are grounded in social relationships rooted in individual families, and extending upward to neighborhood, district, and zone-level committees. Community police officers are stationed in about 90 percent of Amhara's more than four thousand minor municipalities (*kebele*). They are fully trained and salaried by the regional police commission, but their quarters are built and furnished by the communities. They also play a role in adjudicating minor disputes and organizing armed and unarmed militia and volunteer watch patrols. Those with the initiative have been observed performing a wide range of community services, such as literacy training and awareness-raising on sensitive public health and family issues. Many officers have built strong trust-based relationships with residents and despite their youth have earned a position of legitimacy and respect in the communities they serve.

Depending on their nature and severity, crimes and disputes reported to the officer are referred through either customary or statutory legal channels for further adjudication and resolution (see diagram). These channels were in place before Amhara's official community policing strategy was implemented in 2005.<sup>3</sup>

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Source: Denney with Kassaye, “Securing communities,” 14.

The ability to divert cases through customary channels has significantly lightened the burden on Amhara’s state courts. Based on their success, the federal government has bought into and is working to roll out a nationwide community police arrangement similar to that in Amhara. The system is far from ideal, however. Lisa Denney and Bruce Baker each note the widespread concern that customary justice channels often treat women unequally and that their handling of disputes and crimes may deviate greatly from federal and international human rights law. Regulatory guidelines to clarify procedures and place limitations on the degree of discretion that can be used when dealing with certain crimes were being devised to help alleviate these discrepancies.

<sup>1</sup> Baker, “Hybridity in policing,” 307.

<sup>2</sup> Denney with Kassaye, “Securing communities for development.”

<sup>3</sup> Ibid

<sup>4</sup> Baker, “Hybridity in policing.”

<sup>5</sup> Ibid.

Community policing schemes can vary greatly and national policies do not always directly translate into practice. Lisa Denney and Sarah Jenkins demonstrate that community policing is a contested concept and subject to the competing objectives and interests of the actors involved.<sup>26</sup> In some contexts, such as in Tanzania, community policing arose at the independent initiative of communities to address acute conditions of insecurity in the aftermath of conflict. Their prevalence was such that they were ultimately institutionalized and given state support.<sup>27</sup> In others, such as Mozambique, community policing was introduced by the state as a way to democratize policing at the community level. Over time however,

<sup>26</sup> Lisa Denney and Sarah Jenkins, “Securing Communities: the what and the how of community policing,” Background paper (London: Overseas Development Institute, July 2013).

<sup>27</sup> Ibid.



these structures have been described as deviating from their original intent, being co-opted by statutory police and local elites for their own narrow interests.<sup>28</sup>

The prevalence of nonstatutory actors as potentially legitimate sources of security and justice in many African countries has slowly been recognized normatively at the regional level. For example, the 2013 African Union's Policy Framework on Security Sector Reform sets out a

number of shared policy goals, norms, and principles to help form a basis for national efforts to develop fair, effective, and impartial security and justice systems. While recognizing the centrality of the state, the framework acknowledges that "informal and customary security providers and traditional justice actors ... offer critical support to the State in delivering security to the population," and must be integrated into national processes of security system reform.<sup>29</sup> Using the AU's framework as an entry point, the African Security Sector Network initiated a thirty-six-month project in 2014 on hybrid security governance in Africa with the aim of producing practical and policy relevant guidance for local and international partners in the context of the African Union's framework.<sup>30</sup>

### **Policing and the politics of insecurity**

The inability or unwillingness of many governments to provide public-oriented, responsive, and accountable policing and other public services can reflect a range of underlying political and institutional dispensation of the state often connected with the legacy of colonialism, and frequently characterized by severe corruption and abuse of power with impunity. These are not mutually exclusive and are reflected in the form, function, and disposition of state police organizations.

The legacy of colonialism is widely cited as a source of political and institutional fragility in Africa. The division of the continent by colonial masters based on arbitrarily imposed social and territorial divisions generally precluded the possibility of state-making based on organically negotiated political communion over time. Furthermore, colonial institutions for security and justice were by necessity oriented toward preserving European dominance, often engineered with the collusion with certain indigenous groups at the expense of others.<sup>31</sup> These economic, political, and social structures provided a system of law for the colonizers and systems of rule for the colonized.<sup>32</sup> In many contexts, postcolonial institutions remained characteristically colonial in form and function following independence. Baker remarks on this:

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<sup>28</sup> Helene Maria Kyed, "The Contested Role of Community Policing 'New' non-state actors in the plural legal landscape of Mozambique," *DIIS* working paper 2010:26 (Copenhagen: DIIS, 2010).

<sup>29</sup> African Union, "Policy Framework on Security Sector Reform" (Addis Abba: African Union Commission, 2013), <http://www.peaceau.org/uploads/au-policy-framework-on-security-sector-reform-ae-ssr.pdf>.

<sup>30</sup> African Security Sector Network, "Hybrid Security Governance in Africa: Revised Proposal to the IDRC" (Accra, Ghana: ASSN, 30 April 2014).

<sup>31</sup> See A. Adu Boahen, ed., *General History of Africa*, vol. 7, *Africa Under Colonial Domination 1880-1935* (Paris: UN Educational, Scientific and Cultural Organization, 1990).

<sup>32</sup> See Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, NJ: Princeton University Press, 1996).

Despite the expectations that the police at independence would be reorganized and re-orientated from regime policing to a force committed to serving the people, little changed. True, decolonization had seen an expansion and the belated Africanization and training of police forces. Nevertheless there was no change in their role: they were there, as before, primarily to secure the new regime, which meant they were used for repression rather than protection of citizens.<sup>33</sup>

The influence of this continuity on statutory police and justice functions has been observed widely across the literature. The Commonwealth Human Rights Initiative's studies on police accountability and reform in Ghana, Kenya, Tanzania, and Uganda all begin by tracing the genealogy of contemporary state policing back to their colonial antecedents.<sup>34</sup> In his introduction to *Policing in Africa*, David Francis notes the frequency and ease with which postcolonial governments "simply adapted the colonial era policing to the context of neo-patrimonial governance."<sup>35</sup>

Militarization and patronage-based politics are defining characteristics of many national police forces in Africa. These characteristics are intimately related to but not exclusive legacies of colonial rule. The literature frequently refers to these trends in highlighting the role of the statutory police in preserving the ruling regime's power and their enjoyment of the benefits of patronage. Hill's comparative analysis on the role of police commissioners in Kenya, Uganda, Zimbabwe, and Ghana notes that despite the diverse character of their respective regimes, the executive has wielded unprecedented authority over the national police, using them as a tool for "enforcing political decisions, maintaining order, regulating activities, and regime representations."<sup>36</sup> This subservience of national police organizations to the whims of the political elite features strongly across countries: from the entrenched authoritarianism of Zimbabwe to the illiberal post-authoritarian democracies of Kenya and Nigeria.<sup>37</sup>

Lauren Hutton observes in her review of security sector reform on the continent that "the provision of security services to the people has not generally been the preoccupation of ruling authorities on the continent."<sup>38</sup> Rather, the proliferation and maintenance of multiple and redundant police and internal security institutions in otherwise weak and fragile states serve a range of political and operational purposes for national elites. Positions in the security

<sup>33</sup> Baker, *Multi-Choice Policing*, 68.

<sup>34</sup> See Commonwealth Human Rights Initiative, *The Police, the People, the Politics: Police Accountability in Ghana* (New Delhi: CHRI, 2007); CHRI and the Kenya Human Rights Commission, *The Police, the People, the Politics: Police Accountability in Kenya* (CHRI, 2006); CHRI, *The Police, the People, the Politics: Police Accountability in Tanzania* (2006); CHRI, *The Police, the People, the Politics: Police Accountability in Uganda* (2006).

<sup>35</sup> David J. Francis, "Introduction: Understanding Policing in Transition Societies in Africa," in *Policing in Africa* (New York: Palgrave Macmillan, 2012), 13.

<sup>36</sup> Alice Hills, "Police commissioners, presidents and the governance of security," *Journal of Modern African Studies* 45, no. 3 (2007) pp. 403–23.

<sup>37</sup> Alice Hills, "Learning the hard way: Implementing SSR in Africa's post-authoritarian states," in *The Future of Security Sector Reform*, ed. Mark Sedra (Ottawa: Centre for International Governance Innovation, 2010), 177–90.

<sup>38</sup> Lauren Hutton, "Following the yellow brick road? Current and future challenges for security sector reform in Africa," in *The Future of Security Sector Reform*, 193.

sector are frequently used as patronage that advantages the kinship groups of national leaders or as gifts in courting political favor across rival factions. A bloated security sector helps grease the wheels of patrimonial politics that sustains the ruling regime in power. At the same time, ensuring that no single security agency becomes powerful enough to launch a successful coup can be a strong factor in political calculations of the ruling elite.<sup>39</sup>

As alluded to, some African states maintain numerous regular and ad hoc military and civilian security agencies, often in addition to a range of semi-statutory police services.<sup>40</sup> In an operational setting, the inability to distinguish between armed civilian and uniformed security personnel helps deflect accusations of potential human rights abuses. In its review of oversight and accountability of Ugandan security forces, the Commonwealth Human Rights Initiative expressed concern over the ongoing militarization of the Uganda Police Force. Its 2014 report illustrates how the use of overlapping and indistinguishable security agencies can promote an environment of impunity:

The public order management “sector” also involves many security officers outside the UPF [Uganda Police Force], both uniformed and plain-clothed, wielding high-calibre weapons with no known lines of command and control. These unknown security men, who often work alongside the police, are allegedly not part of the police or the government, shielding them from any responsibility or accountability. It is alleged that some of these may be operatives who were part of the former UPF Rapid Response Unit (RRU), a notorious police unit that primarily dealt with violent crime. The RRU was disbanded due to overwhelming allegations of human rights violations. The ongoing presence of the stick-wielding armed groups (commonly known as Kiboko Squad) demonstrates a continued negligent delegation of security and constitutional powers.<sup>41</sup>

The Open Society Justice Initiative and Muslims for Human Rights have documented Kenya’s use of security agents outfitted by several police and military agencies alongside armed plainclothes officers in its counterterrorism operations in and around Mombasa, where multiple human rights violations allegedly took place.<sup>42</sup> A similar dynamic has also been observed in northeastern Nigeria in the operations of the Civilian Joint Task Force (CJTF), which comprises the Nigerian military, police, state security services, and loosely organized cadres of armed vigilantes. Elements of the CJTF have been similarly implicated for alleged collusion in human rights abuses in their campaign against Boko Haram.<sup>43</sup>

<sup>39</sup> See Patrick Chabal and Jean-Pascal Daloz, *Africa Works: Disorder as a Political Instrument* (Indiana: Indiana University Press, 1999);

Leonardo R. Arriola, “Patronage and Political Stability in Africa,” *Comparative Political Studies* 42, no. 10 (2009): 1339–462. See also Habiba Ben Barka and Mthuli Ncube, “Political Fragility in Africa: Are Military Coups d’Etat a Never-Ending Phenomenon?” African Development Bank (September 2012).

<sup>40</sup> OECD, “Enhancing the Delivery of Justice and Security.” For example, see CHRI, *Police Accountability in Uganda*, 15–16; Alemika and Chukwuma, “Analysis of Police and Policing in Nigeria.”

<sup>41</sup> CHRI, *A force for good? Improving the police in Kenya, Tanzania, Uganda*, 80.

<sup>42</sup> Open Society Justice Initiative and Muslims for Human Rights, “We’re Tired of Taking You to the Court” *Human Rights Abuses by Kenya’s Anti-Terrorism Police Unit* (New York: Open Society Foundations, November 2013).

<sup>43</sup> Amnesty International, *Nigeria: More than 1,500 Killed in Armed Conflict in North-Eastern Nigeria in Early 2014* (London: Amnesty International, 2014).

Recognizing the problematic nature of police-society relations in fragile states, scholar-practitioners increasingly emphasize the importance of law and order schemes that work for local people in their particular context. Mark Davidheiser and Niklas Hultin’s study on policing in the Gambia suggest that a state-centric vision of the state as the exclusive security and justice provider is not sustainable in a context where police forces are free to act without restraint.<sup>44</sup> Weaknesses in internal and external accountability as well as deficiencies across a range of reinforcing professional rules, norms, and institutions allow state authorities to engage in arbitrary and unlawful conduct with impunity. Operational independence, impartiality and autonomy are not compatible with the politics of authoritarian and patronage-based rule. As noted in *An Audit of Police Oversight in Africa*, “autonomy will undermine impunity by both the rulers and the police forces. Given the continuing legacy of authoritarian government and policing, there is no political will to ensure effective oversight and accountability of the police.”<sup>45</sup>

Corruption is one of the most widely cited abuses associated with policing around the world and Africa is no exception. According to Transparency International’s 2013 *Global Corruption Barometer*, national police forces were publically viewed as the most corrupt organization in seventeen countries in sub-Saharan Africa—mostly in the east and south of the continent.<sup>46</sup> In some cases, police have been reported to have solicited bribes at every stage of the criminal process—from responding to or reporting a crime, to registering a complaint, and even for associated logistical and transportation fees.<sup>47</sup> Widespread bribery, graft, and complicity in organized crime by police officers fuel everyday abuses against citizens and undermine the rule of law.<sup>48</sup> Police corruption disproportionately affects vulnerable and marginalized individuals and communities that have limited recourse against abuse. Minor bribery and extortion associated with traffic police is well documented in Kenya, Nigeria, and South Africa, where police routinely set up checkpoints to solicit bribes from passing motorists.<sup>49</sup> Arbitrary arrest or threat of arrest with the expectation of payment is also a widely reported police practice. In particularly fragile contexts, References to corruption are not restricted to national police actors, but extend to nonstatutory policing services as well.<sup>50</sup>

Allegations of excessive use of force, torture, and violations of the right to life are among the most serious that can be levied against police actors. By no means limited to African countries, or to fragile states, the extent of alleged violations in certain contexts can be

<sup>44</sup> Mark Davidheiser and Niklas Hultin, “Policing the Post-Colony: Legal Pluralism, Security, and Social Control in the Gambia,” in *Policing in Africa*, 123–40.

<sup>45</sup> African Policing Civilian Oversight Forum, *An Audit of Police Oversight in Africa* (Cape Town: APCOF, 2008), 3.

<sup>46</sup> Transparency International, “2013 Global Corruption Barometer,” <http://www.transparency.org/gcb2013>.

<sup>47</sup> For example, see Human Rights Watch, “No Money, No Justice” *Police Corruption and Abuse in Liberia* (New York: HRW, 2013).

<sup>48</sup> Transparency International Defence and Security Programme, *Arresting Corruption in the Police* (London: Transparency International UK, 2012).

<sup>49</sup> For example, see Maira Martini, “Kenya: Overview of corruption and anti-corruption,” U4 Expert Answer (Bergen: U4 Anti-Corruption Resource Centre, 2012); HRW, “Everyone’s in on the Game”: *Corruption and Human Rights Abuses by the Nigeria Police Force* (New York: HRW, 2010); and “South Africa’s police: something very rotten,” *The Economist* (23 June 2012).

<sup>50</sup> For example, see Stephen Golub, “Mitigating corruption in informal justice systems: NGO experiences in Bangladesh and Sierra Leone,” U4 Brief 2014:1 (Bergen: U4 Anti-Corruption Resource Centre, 2014);

particularly alarming. A 2014 study by the Centre of Governance and Human Rights at Cambridge for the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions documented widespread violations of the right to life by state and nonstate actors across Africa. It provided qualitative overviews of documented instances of excessive use of force and custodial deaths at the hands of police, most of which without further investigation or prosecution of the suspect. It highlighted the excessive use of force by police during mass demonstrations and deaths in police custody as pervasive threats to human security across the continent.<sup>51</sup>

In some countries, police violence has been an endemic, long-term problem. Reports by Amnesty International in 2009 and by Open Society Justice Initiative in 2010 demonstrated widespread practice of extrajudicial executions by the Nigerian police force and the environment of impunity with which these acts occur.<sup>52</sup> In his study of war and conflict in Africa, Williams estimated that the Nigerian police force alone was estimated to have killed thousands of civilians between 2000 and 2007.<sup>53</sup> In Kenya, a government pathologist estimated that 90 percent of people shot dead in 2001 were at the hands of the police.<sup>54</sup> At least 405 of the 1,133 killings as well as dozens of rapes that occurred during Kenya's 2007-2008 postelection violence were attributed to the police.<sup>55</sup> A 2014 report by the Kenya-based Independent Medico-Legal Unit found that police were responsible for 67 percent of gun-related deaths in Kenya from 2009 to 2014. The circumstances of police involvement and their reasons for discharging their weapons were not specified in the majority of these cases.<sup>56</sup> A handful of suspected officers have been investigated and prosecuted, but the climate is overwhelmingly characterized by impunity.

Baker notes that shoot-to-kill practices have been adopted in a number of African states, including Burkina Faso, Cameroon, Central African Republic, Kenya, Nigeria, Tanzania, and Uganda.<sup>57</sup> Special units are sometimes formed by governments to spearhead anticrime offensives, particularly when being tough on crime is politically beneficial to the national elite. In Uganda, for example, major anticrime initiatives came in the form of ad hoc units, such as Operation Wembley, formed to mete out swift and impromptu justice to suspected criminals during a crime spike in 2002. Wembley was renamed the Violent Crime Crack Unit later that year until transitioning into Rapid Response Unit in 2009.<sup>58</sup> According to Human Rights Watch, these units operated without any clear legal mandate and have been

<sup>51</sup> Centre of Governance & Human Rights, *Unlawful Killings in Africa: A study prepared for the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions* (Cambridge: Cambridge University, 2014).

<sup>52</sup> Amnesty International, *Killing at Will Extrajudicial Executions and Other Unlawful Killings by the Police in Nigeria* (London: Amnesty International, 2009); Network on Police Reform in Nigeria and Open Society Justice Initiative, *Criminal Force Torture, Abuse, and Extrajudicial Killings by the Nigeria Police Force* (New York: Open Society Institute, 2010).

<sup>53</sup> Paul D. Williams, *War and Conflict in Africa* (Malden: Polity Press, 2011). He provides no source to back up this figure.

<sup>54</sup> Baker, *Multi-Choice Policing*, 75.

<sup>55</sup> International Center for Transitional Justice, "The Kenyan Commission of Inquiry into Post-Election Violence," <https://ictj.org/sites/default/files/ICTJ-Kenya-Dialogue-Inquiry-2008-English.pdf>.

<sup>56</sup> Independent Medico-Legal Unit, "Guns: Our Security, Our Dilemma!" Fact sheet, July 2014, <http://www.imlu.org/2011-06-30-23-44-4/reports.html>.

<sup>57</sup> Baker, *Multi-Choice Policing*, 75.

<sup>58</sup> HRW, *Violence Instead of Vigilance: Torture and Illegal Detention by Uganda's Rapid Response Unit* (New York: HRW, 2011).

implicated in the widespread use of extrajudicial executions, arbitrary arrest and prolonged detention of hundreds of people without charge, and systematic use of torture and other forms of cruel, inhumane, and degrading treatment.<sup>59</sup>

### **Policing and the pitfalls of conflict and fragility**

A range of internal and external stresses have serious repercussions on the effectiveness of police services, particularly in fragile contexts. Human, technical, and financial resource constraints are a commonly cited challenges across the region and are particularly acute in postconflict situations. When conflict erupts, police and other domestic security providers are on the front lines. Sometimes they defuse potential crises; in others they instigate and perpetrate violence themselves. In the aftermath of large-scale violence, systems of policing are almost invariably devastated. In the months and years that follow, police services must cope with a range of exceptional security challenges such as the proliferation of small arms, demobilized fighters, and the daily concerns of a traumatized population.

State and nonstate policing actors have been direct belligerents in violent conflict, and in some cases directly implicated in perpetrating serious human rights violations. John Kabia's review of police reform in postconflict Sierra Leone suggests that widespread police abuse and corruption and strong disposition toward regime protection helped fuel the grievances that ultimately erupted into conflict in 1991.<sup>60</sup> When civil war or intercommunal violence erupts, armed policing groups—state or nonstate—find themselves immediately on the front lines. By the time the conflict was over, around 30 percent of the Sierra Leone police had been killed.<sup>61</sup>

Following the cessation of the second civil war in 2003, the Liberia National Police (LNP) was in disarray and in dire need of reform.<sup>62</sup> The LNP, one of fifteen security agencies that made up the committed core of Charles Taylor's regime of terror, played a direct role in perpetuating gross violations of human rights following his rise to power and over the course of the subsequent civil war.<sup>63</sup> By the time the war ended, between 60 and 70 percent of all Liberian women were victims of sexual assault from both sides of the conflict and an estimated twenty-one thousand children had been torn from their families and mobilized into the war effort, as fighters or for logistical support or sexual servitude.<sup>64</sup> Over a decade later, the LNP continues to cope with the lingering insecurity and to forge a new public image in a society that still deeply distrusts them.<sup>65</sup>

<sup>59</sup> Ibid.

<sup>60</sup> John M. Kambia, "A force for good? Police reform in postwar Sierra Leone," in *Policing in Africa*, 53–72.

<sup>61</sup> Ibid.

<sup>62</sup> See Samwar Fallah, "Post-war challenges," *D+C Development and Cooperation* (15 March 2011),

<http://www.dandc.eu/en/article/challenges-re-starting-liberian-police-force>.

<sup>63</sup> Dorina Bekoe, "Elusive Gains: Policing and Security Sector Reform in Liberia," in *Policing in Africa*, 37–52.

<sup>64</sup> Ibid.

<sup>65</sup> Search for Common Ground/Talking Drum Studio, "Security Sector Reform in Liberia," SIPRI (March 2011),

[http://www.sipri.org/research/security/africa/uploaded/liberia\\_study\\_2011](http://www.sipri.org/research/security/africa/uploaded/liberia_study_2011). See also Richard Downie, "Building Police Institutions in Fragile States: Case Studies from Africa" (Washington, DC: Center for Strategic and International Studies, January 2013).

The effects of conflict in a particular region can have a significant impact on insecurity and policing in neighboring countries. In keeping with earlier analysis on the artificiality of postcolonial state boundaries, conflict has frequently spilled over into neighboring countries. Additionally, the widespread proliferation of inexpensive small arms can create imminent security concerns.<sup>66</sup> At the same time, the influx of refugees fleeing conflicts in neighboring countries can put enormous strain on the infrastructure of local communities, including their policing systems.<sup>67</sup>

Even outside conflict and postconflict environments, the political and structural challenges discussed can be an issue where state police forces frequently lack even the most basic policing resources, tools, and skills. Underresourced and poorly paid police cadres are often poorly paid, live in substandard housing, and are sometimes forced to procure their own uniforms and equipment. Junior police officers in Sierra Leone, for example, make approximately US\$58 per month and need to cover the costs of uniforms, office supplies, and vehicle maintenance (if they even have one) and as well as food and clothing for themselves and their families.<sup>68</sup> Even a relatively well-paid senior officer in Kenya's elite General Service Unit makes approximately only US\$130 per month.<sup>69</sup> In particularly fragile conflict-affected environments, such as Somalia, government police forces may go for months at reduced pay or without any remuneration.<sup>70</sup>

Although most states have basic education requirements for all state police officers, illiteracy is a significant problem in fragile contexts. The inability to read and write is a hindrance in witness statements, arrest and intelligence reporting, evidence logs, and referencing law and procedure. In 2009, a study by the North-South Institute found that approximately 90 percent of South Sudan's police force was illiterate in both Arabic and English.<sup>71</sup> Police forces in Somalia also have literacy and numeracy challenges.<sup>72</sup> The larger issue is that poor literacy and numeracy in a given policing context very likely reflects that of the population.

In conflict-affected countries, both statutory and nonstatutory police actors may thus be woefully underequipped for the most basic policing activities. Police may lack access to writing utensils, stationary, and radios as well as vehicles and computers. Downie's 2012

<sup>66</sup> See the work of the Danish Demining Group, Saferworld and Small Arms Survey. For example, see Claudio Gramizzi and Bernardo Mariani, *Tackling illicit small arms and light weapons and ammunition in the Great Lakes and the Horn of Africa* (Africa Peace Forum, China Arms Control and Disarmament Association, Saferworld, June 2014).

<sup>67</sup> For example, see Joy Maingi and Kenneth Omeje, "Policing Refugees in Fragile States: The Case of Kenya," in *Policing in Africa*, 72–93.

<sup>68</sup> Downie, "Building Police Institutions."

<sup>69</sup> NTV Documentary Film, *Serve and Suffer: Unearthing Shame of Police Life*, narr. Dennis Okari (Nairobi: Nations Media Group, 2013), <https://www.youtube.com/watch?v=sq5G7hWIZF0>.

<sup>70</sup> Alice Hills, "Somalia Works: Police development as state building," *African Affairs* 113, no. 450 (2014): 88–107.

<sup>71</sup> Alfred Sebit Lukuji, Abraham Sewonet Abatneh, and Chaplain Kenyi Wani, *Police Reform in Southern Sudan* (Ottawa: The North-South Institute, 2009), 24.

<sup>72</sup> Exact rate unspecified. Police literacy training was included in UNDP's police and public security reform program in Puntland State. See: <http://mptf.undp.org/document/download/8878>. Hills study on institutional memory in Somalia's police force cites Somalia's low literacy rates as a potential factor in police record keeping. See Alice Hills, "Remembrance of Things Past: Somali Roads to Police Development," *Stability: International Journal of Security and Development* 3, no. 1 (2014): 11, <http://dx.doi.org/10.5334/sta.di>.

study indicated that the headquarters of the Central Equatoria Police in South Sudan (whose jurisdiction includes Juba) had only two vehicles at its disposal, both paid for out of pocket by the director of the Criminal Intelligence Department.<sup>73</sup> To address their security needs, communities often form their own neighborhood watches, militias, and self-defense and vigilante groups, which sometimes become sources of insecurity themselves (see box 4).<sup>74</sup>

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## VILLAGE SECURITY IN NORTHERN UGANDA AND LOCAL CONCEPTIONS OF JUSTICE

The village policing schemes that Holly Porter and Rebecca Tapscott observed in Gulu, Uganda, evoke a broad spectrum of categorizations: vigilantism, community policing, neighborhood watch. “The initiative to form security groups appears to have been catalyzed by a few powerful men in one village who wanted to crack down on crime,” as well as limit the frequency of excessively violent “impromptu” forms of community justice, they write. Young men of various qualities were then nominated and approved by residents attending the community security meeting. Upon approval, the young men were then charged with upholding agreed upon local bylaws, some of which Porter and Tapscott cited:

Protecting or hiding a suspected criminal is punishable by complete destruction of home and expulsion from the community. Idle or disorderly behaviour, selling alcohol, allowing minors to enter video halls, and theft and drug dealing (with an emphasis on marijuana) are punishable by caning and fines between 5 and 15GBP. Youth guilty of these acts will be punished before their parents and the community.... Indecent dress is punishable by a minimum of 10-20 strokes of a cane.

Two weeks after the group had begun operating, an official from the government called the community together to praise their initiative and urged neighboring communities to establish similar schemes. Residents raised concerns about the occasional use of excessive violence, minor extortion, and at times arbitrary dispensation of punishments by the group, they also praised the group for generally improving community security.

Source: Holly Porter and Rebecca Tapscott, “(In)security Groups and Governance in Gulu, Uganda,” Justice and Security Research Programme, London School of Economics and Political Science, 3 April 2014, <http://blogs.lse.ac.uk/jsrp/2014/04/03/insecurity-groups-and-governance-in-gulu-uganda/>.

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<sup>73</sup> Downie, “Building Police Institutions.”

<sup>74</sup> See, for example, Savannah de Tessières, “Reforming the Ranks: Public Security in a Divided Côte D’Ivoire,” in *Small Arms Survey Yearbook* (2011), 193–227; Wafulo Okumu and Augustine Ikelegbe, eds., *Militias, Rebels and Islamist Militants: Human Security and State Crisis in Africa* (Pretoria: Institute for Security Studies, 2010); Jennifer M. Hazen, “Force Multiplier: Pro-government Armed Groups,” *Small Arms Survey Yearbook* (2010), 254–75. See also Baker, *Multi-Choice Policing*; CHRI, *Police Accountability in Tanzania*; CHRI, *Police Accountability in Uganda*.



## Chapter 3

# Take-aways for international engagement

Security and insecurity are grounded in the everyday experiences of individuals, communities, and societies. Understanding the realities of peoples' security and insecurity is the most robust basis for supporting their efforts to build more effective security arrangements. Policing and police actors are a critical component of security in all societies, but the conduct of policing, the providers and authorizers of policing, and the public's expectations can differ greatly both across and within national boundaries. Although scarcely exhaustive, the literature discussed here illustrates a number of deeply complex structural and political factors related to policing across Africa.

Police forces in a number of African countries have traditionally been viewed as partners in a global effort to counter transnational organized crime, particularly narcotics trafficking.<sup>75</sup> More recently, donor security assistance has been driven by concerns over the threat of transnational terrorism, particularly in a number of states across North Africa, the western Sahel, and the Horn of Africa.<sup>76</sup> Donors may assume that transnational security-oriented police interventions will strengthen the security of local populations and enhance the rule of law, but this view may be deeply misplaced.<sup>77</sup> In the wake of increased international engagement (and financial support) for justice and security, Mo Ibrahim's annual *Index of African Governance* recorded a marked decline in the rule of law, human rights, and personal safety across the continent since 2000.<sup>78</sup> This raises a number of important questions:

<sup>75</sup> See Neil Carrier and Gernot Klantschnig, *Africa and the War on Drugs* (London: Zed Books, 2012).

<sup>76</sup> See, for example, United Nations, "Arc of instability' across Africa, if left unchecked, could turn continent into launch pad for larger-scale terrorist attacks, Security Council told," Press release: Security Council 6965th Meeting, 13 May 2013, <http://www.un.org/News/Press/docs/2013/sc1004.doc.htm>; UNODC, "Drugs and crime threat mobilizes international support for West Africa Coast Initiative," 22 May 2014, <http://www.unodc.org/unodc/en/frontpage/2014/May/drugs-and-crime-threat-mobilizes-international-support-for-west-africa-coast-initiative.html>; Aaron Akinyemim, "UK and US Target al-Qaida 'Narco-Terrorism' Drug Routes in West Africa," 6 July 2014, <http://www.ibtimes.co.uk/uk-us-target-al-qaida-narco-terrorism-drug-routes-west-africa-1455514>; Kimeng Hilton Ndukong, "West Africa: France Launches New Sahel Anti-Terrorism Operation," 14 July 2014, <http://allafrica.com/stories/201407151005.html>; David M. Luna, US Bureau of International Narcotics and Law Enforcement Affairs, "Remarks: Trans-African Security: Combating Illicit Trafficking Along the Crime-Terror Continuum," 26 February 2014, <http://www.state.gov/j/inl/rls/rm/2014/222591.htm>.

<sup>77</sup> The pitfalls of this assumption have been examined from a number of angles. See, for example, Joylon Ford, "Counter-terrorism, human rights and the rule of law in Africa," *Institute for Security Studies* paper no. 248 (Pretoria, ISS, November 2013), <http://www.issafrica.org/uploads/Paper248.pdf>; Hussein Solomon, "The Failure of Counter-Terrorism Efforts in Africa," *The Association for Security Sector Reform Education and Training (ASSET) Blog* (April 2014), [http://asset-ssr.org/blog\\_details.php?recNo=28](http://asset-ssr.org/blog_details.php?recNo=28); and Colby Goodman, "Study: U.S. Military Aid May Be Ineffective in Autocratic and Weak Governments," *Security Assistance Monitor* (16 January 2015), <http://securityassistance.org/blog/study-us-military-aid-may-be-ineffective-autocratic-and-weak-governments>.

<sup>78</sup> Mo Ibrahim Foundation, *Ibrahim Index of African Governance*. See also World Justice Project, *WJP Rule of Law Index 2014* (2014), 44.

- How does donor-supported security assistance, which is designed to address transnational organized crime and terrorism, affect local security and good governance in fragile settings?
- In what ways does transnational criminal activity affect policing and reform strategies and the provision of policing services in local contexts?
- Can security sector development efforts in fragile contexts work to address both basic security needs of poor and marginalized communities while also addressing transnational threats and, if so, how?

Great care must be taken to support policing arrangements that protect rather than prey on local communities. Terrorism and other forms of organized crime may indeed be significant national and transnational security threats to low- and middle-income countries in sub-Saharan Africa, but these concerns may not be as pressing for local communities. Rather than improving policing for public safety, security assistance focusing on the technical and operational requirements of transnational threats risks undermining democratic development and contributes to the further deterioration of rule of law, individual rights, and personal safety.

Reducing challenges related to respect for human rights, oversight, and accountability of policing actors to problems of knowledge and technical capacity ignores the political realities that sustain status quo. In their April 2014 report on the rule of law and armed violence reduction in eastern Afghanistan, Rachel Kleinfeld and Harry Bader illustrate well the serious flaws in this mentality:

For each individual engaged in violent or corrupt behavior, it will rarely be in his or her personal self-interest to create good government in which leaders are considered equal to other citizens and subject to the law.

Spending millions of dollars on technical-assistance and capacity-building programs does little to address these core challenges. In fact, these initiatives can create stronger states that are simply more efficient and adept at harming their publics or extracting rents. What is needed, as many second-generation reformers have acknowledged, are programs that recognize that the core problems of governance lies in incentives and desire, not capacity.<sup>79</sup>

Although agreement is widespread that citizen security and access to justice are essential to overcoming vicious cycles of violence, fragility, and underdevelopment, the extent to which this consensus actually informs the priorities of national governments and international donors is somewhat unclear. At best, the concern appears secondary next to an overriding interest in the maintenance of national, regional, and international security. At worst, it is merely a discourse to satisfy the concerns of constituencies in the humanitarian, human rights, and development communities. When the truth probably lies somewhere in between, additional research and practical policy applications are sorely needed to build stronger linkages across local, national, and international justice and security priorities.

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<sup>79</sup> Rachel Kleinfeld and Harry Bader, "Extreme Violence and the Rule of Law: Lessons from Eastern Afghanistan" (Washington, DC: Carnegie Endowment for International Peace, April 2014), 6.

## Selected further reading

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The views expressed in this paper are those of the author and do not necessarily reflect those of the Global Center on Cooperative Security or the Knowledge Platform Security & Rule of Law.



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