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Striving for the impossible? Policing and Territoriality in the war on terror

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Policing in post-conflict societies has been a key theme in many of the interventions that has taken place over the last 16 years. This paper argues that analytical shortcomings have hampered our understanding of the failures in many of these operations. While there have been a discussion of a threshold of violence where policing changes meaning, the limitations imposed by the limits of state territorial control, and the discussion over types of state control have not adequately been discussed. The paper introduces the model of Hansen over violent jihadist territoriality and expands it into the thinking over how to handle policing nuancing the types of territorial control by the state that the police will face, and arguing that this should influence the configuration of the program one choose to do police reform or employing community policing.

Policing have over the last 15 years been an integral part of the activities of foreign actors in a variety of new settings. In Afghanistan, the construction of police forces was for example an active strategy to build up local security that was to enable the western contingents to leave.² In Somalia, policing was seen as a key element in building the new Somali state. UNDP Somalia's rule of law program also attempted to build up partnerships between the wider communities.³ In Mali the EU civilian mission in Mali or EUCAP MALI, was launched in January 2015 with a two-year mandate tasked with amongst other things improving the operational efficiency of the national police.⁴

The results of these operations were mixed at best.⁵ In Iraq, the development of a federal police system, as well as local provincial police forces under the control of local governors was in

¹ This lecture was produced as a part of the ICT4COP project "Community-Based Policing and Post-Conflict Police Reform" A Horizon 2020 Research and Innovation Project, and presented in a workshop at Harvard 12 January 2017. Thanks to Ingrid Nyborg for comments on the early drafts. I would also like to thank the EUs ICT4COP program for funding.

² Alice hills, 98; Alice Hills (2014):» Somalia works: Police development as state building" African Affairs , 113 (450)

³Johanna wright and Stig Jarle Hansen (2016) *An Overview of Trafficking in Persons (TiP) and Smuggling of Migrants (SoM) in Somalia and the Capacity of Criminal Justice Actors to Respond*, UNODC report

⁴ David Law (2015):»The Malian crisis, the stumbling stabilization effort», security sector reform, resource center

⁵ For problems within the police operations see Stig Jarle Hansen (2013), *Al Shabaab in Somalia*, Hurst: London; Stig Jarle Hansen(2008)" Modern Piracy as a Subject of Academic Enquiry", *e-ir* 19 December; Danny Singh (2014) "Corruption and clientelism in the lower levels of the Afghan police", *Conflict, Security & Development*, 14 (5);David Law (2016), "The Malian Crisis: Thinking More Broadly about the Security Sector Agenda", Part III, in a three-part blog contribution, Security Sector Reform Resource center, <https://www.ssrresourcecentre.org/2016/11/10/the->

the initial phases of high priority.⁶ However, while the Iraq the police originally was trained for a community-policing role, with light side arms, and light vehicles, the general lack of security led to them facing insurgents, and they suffered heavy losses in 2004-2006.⁷ Subsequently, heavier police commando units were created after the model of American Swat forces, with more emphasis on combat operations, but failed in achieving trust from the community.⁸ In Southern Somalia, a similar problem occurred when the Somali government and the UNDP planned to create rural police forces, they were found to be too lightly armed to be able to survive.⁹ In Mali, the police mission was skeptical to expand into the northern countryside, amongst other factors because the area was seen as to insecure for policing.¹⁰

The above examples serves as an excellent illustration of Alice Hills idea of threshold of violence determining police structures. She argues that when a certain level of violence is reached, normal policing is not possible. What you then get is a police force that is a part of a military counter insurgency force, a paramilitary force commanded by the state with little contact with the local communities.¹¹

However, while the security situation and levels of violence should influence the organization of the police forces, so should the extent of parallel actors doing policing. As reported by Matthew Schwartz, newly created or adapted police forces in many places also have to face other networks that de-facto did policing, as clan, family networks, and tribes.¹² Lisa Denney correctly suggest that this for example have to influence thinking on community policing. Denny sees these operations as varying according to state involvement. She groups the operations from cases where no state entities are involved, to a situation where both state and non-state entities are involved, to a situation where the state is clearly in the lead and dominating.¹³ In some settings, military forces might be a part of this police network, as expressed by Hills, standing British

[malian-crisis-a-security-sector-perspective/](#) (accessed 19 December 2016); Jonathan Goodhand and Azis Akimi (2014) Counterinsurgency, Local Militias and State Building in Afghanistan, *Peace works* 90; Antoine Vandemoortele (2016), "police reform in Iraq challenges and lessons learned part i", Security Sector Reform Resource Centre blog series, Security Sector Reform Resource center, <https://www.linkedin.com/pulse/police-reform-iraq-current-challenges-lessons-learned-paul?articleId=9054036903183609663> / (accessed 19 December 2016)

⁶ *ibid*

⁷ *ibid*

⁸ *ibid*

⁹ Johanna wright and Stig Jarle Hansen (2016) An Overview of Trafficking in Persons (TiP) and Smuggling of Migrants (SoM) in Somalia and the Capacity of Criminal Justice Actors to Respond, UNODC report

¹⁰ Festus Kofi Aubyn (2015), "Police and Peacekeeping operations in Africa, Reflections on Minusma" *KAIPTC Occasional Paper* 39, 17

¹¹ Alice Hills Policing (1997) "enforcement and low intensity conflict", *Policing and Society* 7 (4), 306; Alice Hills (2014):» *Somalia works: Police development as state building* African Affairs, 113 (450) Hills for example points to the difference between Puntland and Somaliland in Somalia (Somaliland has declared independence from Somalia, this have not been accepted by any state), where the peace in Somaliland ensured that it was easier to implement western standards.

¹² Matthew Schwartz (2015) "Policing and (In)security in Conflict and Fragile settings" *Global center on cooperate security report*, 12

¹³ Lisa Denney (2015), *Securing Communities, redefining community policing to achieve results*, *ODI Report*, March 2015, 10

military doctrine for peace support operations for example defines the re-establishment of law and order.¹⁴ In some settings, a central state leadership even accept ruling with agents of different kinds, tribes, militias, private military corporations and even criminal networks.¹⁵

Supporters and facilitators of Security sector and police reform tend to expect a typical configuration of a State, often reassembling the structures found in states as for example the United States, France, and China. We expect formal bureaucracies, where responsibility sectors usually is clearly located in the organizational hierarchy. That also means that we expect to find state actors supporting security sector reform that reassembles our own. It is often forgotten that these type of states and state institutions are a rather new invention, with China for example having large problems with disciplining and controlling its own institutions as late as the 1980s.¹⁶ Reestablishing police services in post-conflict situations means that you have to deal with a state that at times do not reassemble the standard expectation of what a state is today. In some states the elite establishes a neo patrimonial system to stay in power, not necessarily to create state institutions, at times just to further their own interests, with little care for the general population.¹⁷ In some cases, criminal groups might even be a part of this system of governance.¹⁸ Cases where the leadership of a state is predatory, and where governance functions is delegated to non-state actors, sometimes to criminal groups, also present a challenge to police reform and police support programs.

At times, the state might retract it-self completely from parts of a country. While such retraction can save money that can increase the profit for a ruling elite, it can also be a way of saving money because of restricted resources, saving lives, or gaining political support. It should not be forgotten that the west also employs similar strategies. In Iraq, the withdrawal of the forces of occupation (according to the Geneva conventions responsible for upholding law and order), was

¹⁴ Alice Hills (2007), "The inherent limits of military forces in policing peace operations" *International Peace keeping* 8 (3) 88

¹⁵ Andrew Goldsmith (2003) "POLICING WEAK STATES: CITIZEN SAFETY AND STATE RESPONSIBILITY», *Policing and Society* 13, (1), 3

¹⁶ The Chinese coast guard was involved in Piracy. Stig Jarle Hansen(2008)" Modern Piracy as a Subject of Academic Enquiry", *e-ir* 19 December

¹⁷ Andrew Goldsmith (2003) "POLICING WEAK STATES: CITIZEN SAFETY AND STATE RESPONSIBILITY», *Policing and Society* 13, (1); Patrick Chabal and Jean-Pascal Daloz (1999)*Africa Works: Disorder as Political Instrument*, The International African Institute and Indiana University Press: Bloomington; Bruce J Berman (1998), *Ethnicity, Patronage and the African State: The Politics of Uncivil Nationalism*, *African Affairs* 97 (388)

¹⁸ For example in Northern Mexico, or in Russia; Terrence Poppa (1998), *Drug Lord: The Life and Death of a Mexican Kingpin*, Cinco Puntos Press: El Paso; Luis Astorga *El Siglo de las Drogas*; Tom Porter (2015) "Gangs of Russia: Ruthless mafia networks extending their influence," *International Business Times*, April 9, 2015. (ER) <http://www.ibtimes.co.uk/gangs-russia-ruthless-mafia-networks-extending-their-influence-1495644> (accessed 1 December 2016)

a product of American strategy in the period 2003-2006.¹⁹ Some regions could also simply be harder to control for a government. Even if the State is rich, peripheral areas of a state can be very weakly controlled because of geographical features that can make policing costly. A rich country like Norway is for example unable to properly investigate illegal fishing around its Bovet Island in the South Atlantic, despite the belief amongst experts that this type of crime is extensive in the area.²⁰ Norway has simply chosen to retract from the area, save infrequent visits (less than once a second year), by its navy. In the Malian case, the Mali-Algerian border, with little people living in the border areas, generating little income, but still with a waste area that should be policed, and with a lot of crime going on.²¹ Yet de-facto control of these areas are sporadic and not efficient. Moreover, the income needed for more control is at times not there, at times too large for a state to prioritize.

The existing literature seem to indicate that policing have to adjust to different types local conditions, and that the involvement of criminal groups in the government, a weak state presence and other alternative actors doing policing do matter for policing and police reform. However, this knowledge is not systematized. Without such systematization, ideas of ‘one size fits all’ still hold a dominating position. This paper attempts to argue that policing need to be adjusted to the situation on the ground, and the relationship between the government and their territorial control, regardless if the latter is based on the will to control, or the lack of ability to control. It does so by taking Hansen’s four ideal types over territorial control for violent jihadist groups as a point of departure, modifying it to deal with the challenge of policing.

Introducing territoriality

How can one systematize thinking around what kind of presence the government wields in new areas where police forces are to be deployed? A suitable model have to take into account the practical effects of government withdrawal, if this is the case. Such withdrawal can be voluntary,

¹⁹ Stephen Biddle, Jeffrey A. Friedman, and Jacob N. Shapiro (2012) «Testing the surge», *international security* 37 (1), 22-24; see also the Haag protocol IV, Art. 43 and the Geneva Convention IV, Arts. 51 & 54; International committee of the Red Cross committee (1949), THE GENEVA CONVENTIONS OF 12 AUGUST 1949, Geneva Switzerland

²⁰ Allan Padilla, Kyrstn Zylich, Dirk Zeller and Daniel Pauly (2011) “The fish and fisheries of the Bovet Island”, *Fisheries Centre Research Reports* 2015 23 (1)

²¹ Erik Alda & Joseph L Sala (2014), “Links between Terrorism, Organized Crime and Crime: The Case of the Sahel Region” *International Journal of Security and Development*. 3(1); Michael Duffy (2015) “The Sahel, Libya, and the Crime-Terror Nexus”, *The foreign policy journal*, Oct 30

and one can actually be in a situation where a central government or an occupying force have control if it chooses to, where it cannot be beaten in open battles, but choose to restrict its presence. In some cases, the government might even face an enclave with an 'anti-state' and organization that protest the government is right to rule, have established control and produces governance.²² A suitable model also have to take into consideration that the government might delegate responsibility to criminal groups to handle issues of governance, or be integrated into the elite on the top of the state.

Hansen (2018) studies a form of violent actors, violent jihadist organizations, and religiously inspired organizations using violence to achieve their targets.²³ While these actors are different from internationally recognized states, Hansen's model focuses on the relationship between these organizations and territorial control. Ultimately, the level of security the regime can implement in the territories that is under their theoretical jurisdiction influences such territorial control. It is also influenced by the needs of the government use of non-government agents in their attempts to do governance, and the type of agents they use. These factors might similarly influence policing, changing the context of the police operation from a situation where the security situation is good and the police deals with familiar institutions within a state structure, to a situation where the government either/or is too weak to absent to provide security, and relies on even criminal groups as agents doing governance. This paper argues that the latter situations require different strategies than the first mentioned situation.

Hansen bases his model on four ideal types of relationship between the violent jihadist organization and the territory it operates in. In the first scenario, the state allows a such organization to operate, in many cases use it for governance purposes. The regional government in the Borno province for example used Boko Haram as Stormtroopers during the elections, while al Qaeda served as trainers for militant groups supported by Sudan during their Sudan years.²⁴ In one sense, this scenario mirrors a scenario where a new police force have to face criminal forces integrated with the state it is supposed to serve. In order to draw out the implications for policing,

²² For less controversial examples, see Nina Caspersen and Gareth Stansfield (2011) *Unrecognized States in the International System*, Routledge: London. However, this also goes for violent jihadist organizations as the Islamic state and the Shabaab, see Stig Jarle Hansen (2013): Harakat Al Shabaab, *The History of an African Islamist Group 2005-2013*, Hurst; London; Brynjar Lia (2015): "Understanding Jihadi Proto-States", *Perspectives on terrorism*, 9 (4); Laurent de Castelli (2014): "From Sanctuary to Islamic State", *The RUSI Journal*, 159(3); William McCants (2016), *The ISIS Apocalypse: The History, Strategy, and Doomsday Vision of the Islamic State*, St Martin Press, New York; Michael Weiss (2015): *ISIS: Inside the Army of Terror*, Regan Arts, New York; Jessica Stern and Jim Berger (2016), *ISIS: The State of Terror*, Harper Collins, New York

²³ Stig Jarle Hansen (2018), *Horn, Sahel and Rift. Fault-lines of the African Jihad*, London: Hurst

²⁴ *Ibid*, 70

the focus in the scenario have to be slightly modified to a scenario where criminal actors, are doing governance functions, and where crime and the state is integrated. The government in question will employ criminal groups, and the governments will to draw upon these groups, and act in a symbiotic relationship with them. This is a state where crime has been integrated into the government structure, and government leaders might be directly involved in crime. Its acceptance by the elite makes policing extremely difficult, not to dissimilar with the state of Chicago in the 1930.²⁵ In Kenya in 2007, several youth gangs, including the infamous Mungiki, but also the less known Taliban, were used by politicians, in the struggle leading up to the elections.²⁶ In his classic book on Warlordism, William Reno sketches out how patrimonialism networks branched into criminal networks in West Africa of the 1990s.²⁷ In these cases, criminal actors might actually do police work, being asked by the local community to curtail for example other criminals. In this sense, this state. In order to adapt the scenario here, we might refer to it as the **crime/state governance assemblage** scenario.

A second Scenario in Hansen's models focuses on the situation policing in general faces in Europe, North America, Oceania and North east Asia, where the state in general do control violence, and does so through its security institutions, including police structures. The violent jihadists here exists as clandestine networks, afraid of being investigated, focusing on organizational security. Yet, it is the essence of this scenario that is interesting for this article. The states' institutions dominate the provision of law and order; this is the ideal type of the 'modern state', and the goal that many police reforms and many new police forces attempt to achieve.²⁸ In order to capture the essence of this situation we might refer to it as *the 'state control' scenario*. Importantly, it often seem to be a type of end target for many police reforms, but still have its problems.

Hansen introduces a third scenario, what he calls 'semi territoriality' where a state de-facto has yielded control by retracting it-self. The state, or an international occupying force, focuses on security concerns for its troops, sheltering them in bases. Save the odd government campaign, there is little, if any presence by the state at local level. A Yemeni friend of the writer in one sense

²⁵ See for example Cooley, Robert, with Levin, Hillel (2004). *When Corruption Was King: How I Helped the Mob Rule Chicago, Then Brought the Outfit Down*. Carroll & Graf Publishers: New York:

²⁶ See for example International Crisis Group.(2008). "Kenya in Crisis" *Africa Report*. 137)

²⁷ William Reno (1999): *Warlord Politics and African States*, Lynne Rienner Publishers: New York

²⁸ Andrew Goldsmith (2003) "POLICING WEAK STATES: CITIZEN SAFETY AND STATE RESPONSIBILITY», *Policing and Society* 13, (1);

perfectly described this scenario, commenting on Yemen claiming, “Yemen is a post office in Sanaa [the capital of Yemen] where I get my passport when I travel abroad, otherwise I don’t see ‘Yemen’ anywhere.”²⁹ In the original scenario, violent jihadist organizations were allowed advantages, as the locals had to relate to them. The violent jihadists would come back when the government pulled back their forces after their odd campaigns. Government campaigns would function like a child squeezing a balloon without ripping it, if you squeeze the insurgents one place, they will flow into another sparsely controlled area, then come back when the government had left. Locals would be aware of this, to paraphrase an American horror movie, “Sometimes they come back”.³⁰ This would mean that locals would have to adjust to the violent jihadist groups. To a certain extent, this could be transferred to go for criminal groups as well. In fact, the state of semi-territoriality means that locals have to adjust to a living with other armed groups than the ones loyal to the state. Security, indeed justice provision, is for periods dependent on armed groups in opposition to the state, or criminal gangs/networks. These criminal networks or armed groups will operate relatively freely in the Semi-territorial scenario.

A such situation would lead to forms of hedging techniques on behalf of the locals. Actors with power, including both criminal and insurgent groups have to be accommodated if the locals want to stay safe. There are many strategies to do this, locals might integrate into groups, try to get their sons or daughters to participate in group activities, even to gain leadership positions. Both supplying recruits for armed militias, or to supply brides in Marriage might be ways of doing this. Other ways of doing this is to pay protection money (tax). Local support for state institutions have to be weakly manifested, the state will not have a strong enough presence to protect the loyalist, which would be at the mercy of hostile armed groups. Indeed, this happened in Iraq during the first part of the Insurgency, where tribal allies of the occupation forces were left too themselves.³¹ In large the Somali examples illustrates a similar point, where clans had to relate to the Shabaab in order to survive, there where little help forthcoming from the government, or the forces of the African Union, to support locally.³²

Returning to Hansen’s ideal types, a last scenario actually describes a case where the violent jihadist organization is setting up institutions of governance in an area that is under their

²⁹ Interview January 13, 2013, Sanaa

³⁰ Stephen King (1991) *Sometimes They Come Back*, Vidmark Entertainment directed by Tom McLoughlin

³¹ Stephen Biddle, Jeffrey A. Friedman, and Jacob N. Shapiro (2012) «Testing the surge», *international security* 37 (1), 22-24

³² Stig Jarle Hansen (2015), “Somalia”, in Sebastian Elischer, Rolf Hofmeier, Henning Melber and Andreas Mehler (ed) *Africa Yearbook Volume 11 Politics, Economy and Society South of the Sahara in 2014*, Brill:Leiden

relatively permanent territorial control. In one sense, a such are is an enclave of 'anti State' in an already existing de-jure states territory. In a such scenario, and organization hostile to the state will do governance, often including police services. For the purpose of this article, on might expand it, from including a violent jihadist organization, to including any type of insurgency/cessation organization controlling territory on a more permanent basis, an example being Somaliland in Somalia, or even Ossetia or the trans-Dniester republic in Moldova.³³

We now have four ideal types based on Hansen (2018), but slightly altered for studying police operations. To sum the ideal types up, under some circumstances newly created police forces will face **State/crime assemblage scenario** , where crime and state will be intertwined, and where criminal groups actually have been used for governance purposes. However, under other circumstances a newly created police force might face a state where parallel state institutions are managing to uphold a monopoly of violence, in other words a scenario that reminds of the typical state of things in North America, North Asia and Europe, that can be named *the 'state controlled' scenario*. A scenario where you have areas where you have state institutions who have the power to define police reform structures do to their position in the international aid and security landscape. A third scenario is very different from the aforementioned scenario, in the latter case the state has withdrawn from the day to day dealings in a region, although entering into it in on an irregular basis, and wielding superior forces when doing so. Following Hansen's original model, we might name this scenario, *the semi territorial scenario*.

The last scenario is a scenario where the state have fully given up control over an area. In this area, an alternative structure is doing governance, and the state fully lacks reach, in fact, it is in many ways irrelevant. For the purpose of this article, such scenario might be named *the enclave scenario*. In the original model, Hansen stresses that several of these scenarios can co-exist within a state. In some cases, a part of the de jure state can have a common state scenario in the capital city, but have an enclave inside its de-jure territories, as well as lacking a permanent presence in other areas, and working in league with criminal networks in other regions. As will be shown, these scenarios demand different structures for efficient solutions to policing. The model can say something about the conditions in which police operates under, and its variations, and perhaps clearer underline the variations in what is needed to police in various areas.

³³ Vladimir Kravchenko, (2010). Спецпредставитель Украины: Заявления Молдовы о транзите наркотиков и оружия через Приднестровье — безосновательны. *Zerkalo Nedeli* 2 January; Stig Jarle Hansen and Mark Bradbury (2008) Somaliland: A New Democracy in the Horn of Africa? *Review of African Political Economy*, 34 (113)

The State/crime assemblage scenario

When doing research in Kenya for the EU, financed Horizon 2020 policing project, one of the criticisms coming from several of the interviews was aimed at the United Nations UNODC and UNDP programs was that they were policy blind.³⁴ The political strata was seen to be unwilling to discard criminal practices and criminal connections, leaving police reform as an exercise in fulfilling checkpoints. The NGOs underlined that ability to handle crime becomes less important if you lack the will, partly because of involvement of elites in criminal activities. In one sense the comments point to one of the essential features of this scenario, the lack of will to handle criminal networks, despite having resources to do so.³⁵ Police reform quickly becomes just an exercise in theoretical benchmarks, where material capacity building not necessarily transform into better policing. For organizations attempting to follow a list of benchmarks without understanding the situation. Attempts to use a standard set of strategies employed in Europe, North Asia, Oceania or North America, might be counterproductive, even dangerous to policing as the institutions and structures you are dealing with are so different.

To venture into a state-to-state-bilateral support program, or indeed a united nations/regional organization to state program becomes a dangerous step, checks and balances becomes essential. To read and understand the local situation, including the links between the police and the criminal networks, to have a broad dialogue locally becomes essential. Key allies in police reform, acting as a check the police forces performance, could be human rights organizations that manages to show integrity in relations to the actions of the state or affiliated criminal groups, state institutions that are more 'clean'. Religious leaders with integrity could also be allies, as can journalists. In a such situation it has to be remembered that the institutions that can do checks and balance in relations to the police could be in danger of facing violence from the police or allied gangs. It should however also be remembered that international pressure and international exposure might give some protection to such institutions. Information triangulation becomes very important. In other to achieve all of this, it also becomes necessary to have a permanent and robust presence on the ground for international NGOs.

³⁴ The organizations will not be named in the paper because of security concerns.

³⁵ Kenya is perhaps not the best example on a such situation. The Kenyan use of non-state criminal actors have during the election time included larger criminal groups as Mungiki, and do include the use of death squads as the infamous Kwa Kwa squad, but the latter is usually staffed by the police. A better example is perhaps Liberia in the 1990s, local administrations in Nigeria and Mexico.

If checks and balance fails to be implemented, international engagement might actually aid the buildup of criminal groups. Similarly, ethical training of new police officers, and the construction of new model units, consisting of members that are relatively new and not yet entrenched in an organizational culture that condones interaction with criminal groups. The political elite and their criminal networks have to be watched as well and in some cases, political reform or change is needed for an efficient police reform. These situations have scared away international donors in the past, political change is sensitive, and material support for the police forces can disappear in corruption or end up with criminal groups.³⁶ The trust between the police forces and the society is on a minimum. The communities are often scared by the police, and fail to trust police integrity.

A paradox in this situation is that a general increase in police payment might alleviate some of the problems facing the police forces, as policemen becomes less dependent on criminal activities for income generation. While this scenario is challenging, a correct approach, that included focus on political reform, checks and balance on the police forces, and with emphasis on understanding local conditions, might actually enhance the probabilities for success. Most importantly, international police reformers must understand that they are in such environment to take countermeasures.

The state controlled scenario

The common state scenario is perhaps the scenario where police reform and the restructuring of the police is the easiest. A state is existing, or in some cases, the remains of a former state structure is so intact that it is easy to build upon it, or an occupying power or coalition wield through control, and can create a point of departure, sometimes through its own police forces, for the creation of a new police forces with a full reach. A more common approach focusing on the state as the security provider, as it was conducted in Bosnia, might serve well in such a scenario.³⁷ There will be fall traps, as local authoritarian traditions that can create human rights violations, as well as a lack of contact between the police and the local communities. However, many of the experiences of

³⁶ Interview with anonymous embassy representative in Nairobi, 10 January, 2016

³⁷ Aitchison, Andy Aydın (2007). Police reform in Bosnia and Herzegovina: state, democracy and international assistance. *Policing & Society*, 17(4)

common donors will be highly relevant, as the scenario reassembles police reform work in Europe, North-East Asia, Oceania and North America, where most donors indeed come from. This is largely more close to, the one-size fits all approach that several governments have promoted. Deep experiences from donor countries and their recent attempts on police reform can be employed.³⁸ Checks and balances do matter, and efforts to improve transparency inside the police force, efforts to improve community interaction do still matter, but if one get acceptance for these ideas at a higher more central level, they become easier to implement, as the police force is separate from criminal networks and actually have the capacity to implement these steps. Under these conditions, material capacity building becomes more valuable, as the new capacity is less likely to trickle down to criminal actors.

Authoritarianism, and authoritarian traits, and these have to be checked on. Although this type of scenario is common in the west, western examples also illustrates that this scenario is far from a perfect end state. Trust between the police and communities for example becomes very important, to ensure proper communication and that communities in general feel protected.³⁹ In the past, the lack of such communication, in many cases created by the lack of trust, have hampered police work, also in Europe and United States.⁴⁰ Local understanding is in this sense important. Yet the pressing need to map large-scale connections and overlaps between the police and crime groups are not there. Top down reforms becomes easier to implement as the hierarchy can implement such reform. In fact, centralized police reform becomes easier to implement as the monopoly of violence is more centralized.

³⁸ See for example Hans Toch and James Douglas Grant (1975):, *Agents of Change: A Study in Police Reform*, John Wiley and Sons; New York

³⁹ Gary W. Cordner(2016),*Police Administration*, Routledge: London; Anjuli Van Damme (2016) The impact of police contact on trust and police legitimacy in Belgium, *Policing and Society*, An International Journal of Research and Policy 27 (2); Enrica N. Ruggs, Michelle R. Hebl, Verónica Caridad Rabelo, Kayla B. Weaver, joy Kovacs and Andeneshea S. Kemp (2016),” Baltimore Is Burning: Can I-O Psychologists Help Extinguish the Flames?” *Industrial and Organizational Psychology*, 9(3),

⁴⁰ See for example Stian Lid, Marte Winsvold, Susanne Søholt, Stig Jarle Hansen; Geir Heierstad, and Jan Erling Klausen, (2016). Forebygging av radikaliserings og voldelig ekstremisme – Hva er kommunenes rolle?. *NIBR report* 2016:12, <http://www.hioa.no/Om-HiOA/Senter-for-velferds-og-arbeidslivsforskning/NIBR/Publikasjoner/Forebygging-av-radikaliserings-og-voldelig-ekstremisme2>, accessed 16 January 2016; Jake Horowitz (2007), “Making Every Encounter Count: Building Trust and Confidence in the Police,”*NIJ Journal* 256, Ronald Weitzer and Steven A. Tuch (2005), “Determinants of Public Satisfaction With the Police,” *Exit Note Police Quarterly* 8(2005): 279–297; Wesley G Skogan (2005), “Citizen Satisfaction with Police Encounters,” *Exit Notice Police Quarterly* 8.

The Semi-territorial scenario.

In parts of Somalia, like the rural areas in the Bay-Bakool area, or in central Mudug, or in southern Algeria, it is simply hard to spot any state institutions, the state, let alone police forces, are simply not present, save the odd military campaign or patrols. In this scenario centralized police reforms if not including the building up of a real presence rurally. For locals the police either do not exist or exists on an ad hoc basis.

Some local entities, as clans or tribes, might provide some police functions. Tribal or clan justice mechanisms might be in operation. However, several of these mechanisms might have serious drawbacks when it comes to gender issues and human rights. Local powerholders, as insurgents becomes important providers of security, either by attempting to create some form of security services for locals, or through becoming the producers of insecurity that locals have to envisage strategies in order to appease. Such strategies can, as earlier mentioned, include appeasement through providing recruits to insurgent outfits, providing them tax, or providing them with wives. Forced recruitment and marriage might take place as well. This mean that any police reform will face a set of challenges, the first and foremost is of course the lack of will and capacity to establish the state, including the police in these areas. In some cases, it might not be cost efficient for the state to deploy in the areas. In other cases, it might be cost effective in the long term, for example denying guerilla movements the ground, so the state will need convincing before deploying resources. When the state build up a presence, it cannot be done piecemeal since insurgents and local power holders would have the power to fight off small police forces. In Somalia, for example the idea of three to five person police forces in the countryside had to be abandoned because of fears that Shabaab units would crush the Somali police. In Iraq, lightly armed community police units faced the same problems.⁴¹ Police forces in the initial stage have to be equipped to defend them-selves from heavy attacks, hampering their investigative efforts. Police forces have to look more like heavy armed militias in order to survive.

Yet community contacts becomes important. Local communities will most likely face severe deprecations if seen supporting new police forces before a secure environment is created, and hostility from the local communities, and severe reprisals against ethnic groups supporting the police becomes likely. Steps to protect local allies have to be protected, and possible military units

⁴¹ Johanna Wright and Stig Jarle Hansen (2016) An Overview of Trafficking in Persons (TiP) and Smuggling of Migrants (SoM) in Somalia and the Capacity of Criminal Justice Actors to Respond, UNODC report; Jonathan Goodhand and Azis Akimi (2014) Counterinsurgency, Local Militias and State Building in Afghanistan, Peace works 90

might be involved in creating a security environment more conducive to normal policing. Standardized police programs based on experiences and techniques from Europe, north Asia, North America and Oceania is less suited for this type of police reform, counter insurgency techniques focusing on protecting the local populations and the security forces have to be given primacy. Police units, also community police, have to be heavily coordinated with other security forces, in order to receive quick reinforcements if needed, and have to have quite heavy armaments.

Local allies, if supported and provided with ample security, can be valuable allies in upholding justice. Local clan mechanisms for example can be used to relieve the police of duties and to act as force multipliers. This requires several conditions however. One is that human rights shortcomings, for example in the form of discrimination against females or ethnic minorities, are continuously addressed through dialogue. Local allies also often need in defending themselves and their institutions against insurgents and criminal groups; if this is not forthcoming, they might disappear.

In such areas, creating a secure environment conducive to policing should have a priority, thus security should be given priority over normal police duties. The scenario is simply not fit for 'ordinary' police forces, and this have to be taken into accounts when designing police forces for regions reassembling the traits of this scenario. Yet, to have law and order, and the sense of ordinary justice for the local population in such zones become essential, violent organizations as the Shabaab, the Lord's Resistance Army, the Allied Democratic Forces, have used such zones for survival, and have staged large attacks out of them.⁴² Semi-territoriality policing is needed but have to be of the right type, in many cases closer to a counter insurgency campaign in nature.

The enclave scenario

The enclave scenario also brings large dilemmas to police reform; some of it is of the political type. In Some cases, as in the Islamic State governed parts of Iraq and Syria, the local powerholder might provide forms of justice and police services, but will transgress human rights norms and

⁴² Stig Jarle Hansen (2017), *Horn, Sahel and Rift. Fault-lines of the African Jihad*, London: Hurst, 72

have aggressive goals, in the case of the Islamic State of world domination nothing less.⁴³ In such cases, an engagement in building up police forces or reforming police reform will be seriously hampered by hostility from potential donors. In some cases, the survival of the enclave could be in doubt, but in other cases, the enclave could be quite stable. Local actors that are not accepted by a majority of international states can nevertheless provide police services to the local population, and in some cases, they could be very good at it. At times, the target for the bodies governing these enclaves is to take over the state, in some cases it could be cessation or larger autonomy.

The dilemmas again becomes political, is it state-building or the provision of police services that should be the priority, in some cases the enclave might have a better system for provision of police services than the state it nominally is a part of. A secondary question becomes if the enclave could be a part of the state-building efforts. Interfering with these questions is of course power relations within international relations, and which powers supports the enclave, which powers that support the states leadership. International politics will thus limit the possibilities for international engagement. However, it should be noted that engagement with enclaves might be highly useful. In Somaliland in Somalia, the police force have since 1998 been on average much more efficient than the police force that at various occasions have been built up in its capital in Mogadishu. In the Kurdish self-governed areas, and in the case of pre-independence Kosovo, the west choose to go inn and back police reform, in the first case as a part of a more federal arrangement, but also as an acceptance that the lack of trust in Iraq made national policing in the Kurdish areas impossible. In the second case, the purpose was to build up a new state. However, in Somalia, one also choose to engage Somaliland, despite the second entity lacking backing for independence.⁴⁴ The Federal system in Somalia was indeed to a certain extent based on enclave thinking, as the central government lacked the trust necessary to do large scale policing in regional entities as the juba state and Puntland. The solution were in creating both local police handled by the enclave, and a federal police structures handling border patrols and investigations

⁴³ William McCants (2016), *The ISIS Apocalypse: The History, Strategy, and Doomsday Vision of the Islamic State*, St Martin Press, New York; Michael Weiss (2015): *ISIS: Inside the Army of Terror*, Regan Arts, New York; Jessica Stern and Jim Berger (2016), *ISIS: The State of Terror*, Harper Collins, New York

⁴⁴ Johanna Wright and Stig Jarle Hansen (2016) "An Overview of Trafficking in Persons (TiP) and Smuggling of Migrants (SoM) in Somalia and the Capacity of Criminal Justice Actors to Respond", UNODC report;

in the capital, while including weak mechanisms of centralization in the process. These mechanisms included common training sessions, and common uniforms etc.⁴⁵

When dealing with an enclave that is not aggressive and avoids substantial human rights violations, thus the question easily turns political. Should human security and the service provision given to locals count more than vague dreams of future centralization and central state building? Can federalization be a tool to make police reform acceptable to international actors? Will police reform inside the enclave really undermine state building, as the central state lacks presence in the enclave anyway? If the political issues are overcome, the police reform efforts might reassemble the second scenario. Moreover, as illustrated in the above discussions, there are possible mechanisms, as common training, common uniforms etc, that actually can promote the integration of the police forces from the enclave into a larger police force.

Conclusions.

It is easy to develop general practices for police reform, which is seen as globally valid. However, the research literature rightly suggest that local conditions have to be taken into consideration when designing a police reform program. It has to be open for a variety of intentions of the local elite; it has to be able to handle the level of violence taking place locally. Today, police forces in peacekeeping missions have a considerable training before they go into deployment, and UN organizations have developed common training programs.⁴⁶ The Standardized Generic Training Modules (SGTMs), the Core Pre-deployment Training Materials (CPTM) and the Specialized Training Materials (STMs) have for example developed by the United Nations. Although these programs are designed for peacekeeping, and not for police reform, and therefore have an operational focus, they illustrate a lack of local adaptation.

A typology as presented here can help police experts go beyond these standardized curriculums, and understand that variations in context will have to influence both the structure of a police reform or new institutions. The typology will enable individuals in the field to

⁴⁵ Ibid, Jonathan Goodhand and Azis Akimi (2014) Counterinsurgency, Local Militias and State Building in Afghanistan, *Peace works* 90

⁴⁶ Festus Kofi Aubyn (2015), "Police and Peacekeeping operations in Africa, Reflections on Minusma" *KAIPTC Occasional Paper* 39, 17

systematically think about variables that influence structure and training. The ideal type scenarios will hopefully also serve as a point of departure for future discussions that might refine them.

The below part of the present document is the policy brief

ICT4COP Policy Brief 3#2017 - Concept Note

Community-Based Policing and Post-Conflict Police Reform

A Horizon 2020 Research Project

Trust and Community-Policing in Kenya

Prof. Stig Jarle Hansen, Norwegian University of Life Sciences

Based on field studies and 20 interviews with organisational representatives, public officials, and ordinary citizens in Kenya in January 2016 conducted as part of the Africa work package of ICT4COP, this brief highlights some crucial lessons on trust and policing in Kenya. These lessons may prove relevant for Kenyan civil society activists and the Kenyan state, but also beyond.



Kenya, it can be said, is of high importance for the European Union in that it offers at least some stability in an unstable region that hosts al Qaeda affiliates, the Islamic State and the Shabaab as well as hosts regional criminal networks that affect the region and Europe through both human and narcotics smuggling.

Kenyan strategies created to fight crime is thus of uttermost importance for decision-makers and crime fighting institutions locally, regionally and in Europe; wrong policies might, for example, ease access of drugs within the EU.

The Kenyan case also gives important lessons for other cases where there is distrust between the police and the wider community. It illustrates mechanisms causing distrust, and gives us lessons of how potential strategies to counter such distrust might work or not work.

Although Kenya has had its successes in law enforcement, for example curtailing Shabaab recruitment and terrorism, the country has so far been more successful in deploying one type of tools, prosecution and government surveillance, while another set of tools, softer measures such as prevention in cooperation with the wider society, have been more troublesome.

Trust & Community-Policing Strategies

Yet, as highlighted by the 2016 Kenyan National Strategy for Countering Violent Extremism, interaction with the wider community is essential for policing to be successful. The Kenyan authorities have defined community policing “as an approach to policing that recognizes the independence and shared responsibility of the Police and the Community in ensuring a safe and secure environment for all citizens”. According to the Kenyan Police homepage, it aims at “establishing an active and equal partnership between the Police and the public through which crime and community safety issues can jointly be discussed and solutions determined and implemented”.

Following this definition community policing can be a tool to build up the capacity for police-community interaction, as community policing in theory enhances the contact between the police services and the wider community. Indeed, Kenya has taken several steps in this direction.

“Community policing can be a tool to build up the capacity for police-community relations

Devolution in Kenya, the process of dispersing political power and economic resources from the center in Nairobi to the grassroots and the periphery, started with the new constitution in 2010 and was intended to bring institutions closer to the people, and giving local communities more influence over policing and police institutions.

So-called County Policing Authorities (CPAs) were created by the National Police Service Act of 2011 and became part of the devolved structures of policing. Their intention was to act as an important interface between counties, communities and the National Police Service. The local governor was to act as a chairperson, but also have local community representatives. The CPAs were to feed directly into the County Security Committees.

Moreover, anti-radicalization work, often sensitive because of accusations that it targets and alienates Kenya’s Muslim population, thus creating distrust, but also general human rights grievances regarding alleged human rights violations of the Kenyan police forces, also spurred activities.

These anti-radicalization and human rights activities led to interaction between NGOs and the police in the form of stakeholders’ meetings where various governmental and non-governmental institutions meet with the aim of cooperating to strengthen de-radicalization efforts and enhance the human rights consciousness of the Kenyan police. Very often, it was the NGOs that took the initiative to such meetings, often involving larger and often human rights-focused organizations such as Haki Africa, Informed Action, and Muhuri. However, this form of interaction has its drawbacks. In many ways, it is ad-hoc and the relationship between, for example, Haki and the government has at times been strained. Haki had, for example, their bank accounts frozen by Kenyan authorities in 2015, and many of NGOs have complained about police behavior, including arrests of NGO activists.

A last important structure is the so-called Njumba Kumi system, where locals take responsibility for some police services and for liaising with the police. The name itself means “ten households” in Swahili, reflecting the original idea that a Njumba Kumi representative should be appointed amongst groups of ten households. Njumba Kumi is a part of the security structure at a much lower level than the County Security Committee, and is nominally under the so-called sub-location security committee.

Lack of Trust

The lack of trust creates problems for the functioning of several of the above strategies. In the case of the Njumba Kumi, several respondents in Nairobi reported that the similarities between the Njumba Kumi and several previous groups organized for political purposes scared the locals away from the institution, and that several community members saw the Njumba Kumi as a form of spying.

Activists from the North East would highlight that they were afraid that both the county policing authorities and entities lower in the hierarchy would be hijacked by tribal entities taking advantage of them to settle local scores. Somali traditional leaders from Garrisa and Mara village elders from Mara also maintained that the confidence level in the police was so low that they rather use traditional structures connected to the tribal-clan system to solve crimes. Masai herders in Mara made the same conclusions.

The same was highlighted by sheiks with a mosque in Eastleigh:

“Kenyan police, sometimes they target the real criminal, sometimes they arrest the innocent. Trust is thus difficult, [there are] two things that we want to point out, the police need to respect the right of the civilian, and they should pay the police well”.

Trust-building initiatives are thus needed for the community police structures to function, a wider interaction in other fora, also at an ad hoc-basis, for example through radio shows (that also have the potential to reach a nomadic population and illiterates), media events etc.

Who’s the Community?

The second problem is who decides who are supposed to be ‘the community’. The devolved security structures and the Njumba Kumi system are all vulnerable to hijacking by local patronage networks.

The designation mechanisms of community representatives in the CPA, and similar levels lower in the hierarchy, are not clear, and there is a considerable risk that strongmen can designate ‘their own’ community leaders, or that county governors can dominate this process. As expressed by an activist in a Kenyan NGO:

“Some took advantages; bribery, collecting money from the people, sometimes it [Njumba Kumi] was used to settling personal vendettas”.

Another risk is that poorer strata in the Kenyan society often lack representation. Kenyan elites more often have the time and resources to participate in NGO work, sometimes leaving the voices of marginalized out of relevant meetings. Since the exact selection mechanisms are unclear, tension might also follow between contesters for positions in the committees.

At the Njumba Kumi level, this risk is less as the Njumba Kumi officer is elected, yet local patronage and power structures can intervene, as indicated by our respondents. Such structures, if they are allowed to dominate the selection, might alienate the Kenyan population even further from the security services.

In this sense, a checks and balance function between higher levels in the hierarchy and lower levels could be

“Poorer strata in Kenya often lack representation

Lessons Learned

The Kenyan experience provides some lessons for institutional efforts to implement community-policing strategies:

First, a wide and active dialogue is needed to establish who ‘the community’ really is. It becomes of uttermost importance to have a wide dialogue with different social groups to establish who the community is. It is not enough to allow self-selected civil society organizations represent the community, but a wider mapping of the inhabitants, including qualitative interviews, as well as contact with religious leaders, the business community and local journalists is important to understand local dynamics. Minorities have to be included.

A more standardized selection criteria for community members in the various committees in the administrative hierarchy, including guarantees to ensure representatives from low-earning groups as well, and checks and balances within the system. The initiators of the dialogue can be both government institutions, international organisations, and the civil society.

Second, to be trusted by the community, the police has to provide services.

The general trust-level is also reduced by an inability of the Kenyan police services to provide positive services for the locals, such as efficiently helping in case of locals being victims of crime. The Kenyan police have had problems with corruption, also influenced by their low wages, and with lack of capacities.

These lacks hamper their ability to provide normal law enforcement services to the local community. However, the police can go beyond such services to take steps to help the community, give teaching sessions in crime prevention or traffic rules at school, or other practical tasks, which could enhance trust.

Third, trust is a two-way channel, and needed for community policing.

In order to be trusted, the police have to trust as well. The somewhat strained relationship with several NGOs, for example Haki, demonstrates that the Kenyan police have to be more open with their NGO partners, and ensure that their reaction to them is less heavy handed.

Additional trust building efforts have to be a part of the strategy to promote efficient community policing structures, and bring about the benefits of such structures for both Kenya and her allies in the struggle for law and order. Kenya, and its NGOs, have taken steps in the right direction and should proceed further.

Key Points

Conceptually, the key points from a study in Kenya on the establishment of trust-building measures and community policing strategies are:

- ***Engaging representative participants from the community is important:***

Interest groups and government representatives at times attempt to hijack the process. A good practice community program allows voices to the silent groups and groups not represented in more 'Western type' civil society groups.

- ***To be trusted by the community, the police has to provide services:***

The police need to provide effective services to the community. This means sometimes to go beyond their mandate for example by helping with other day-to-day problems of the community.

- ***Trust is a two-way channel, and needed for community policing:***

In Kenya, this means the police needs to become more transparent with the NGO community and the wider community.

THE PROJECT

The ICT4COP research project seeks to understand human security in post-conflict settings by researching community-based policing and post-conflict police reform.

The Norwegian University of Life Sciences is the project coordinator.

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