POLICING THE URBAN PERIPHERY IN AFRICA

Developing safety for the marginal

Edited by Dr Simon Howell

APCOF
African Policing Civilian Oversight Forum

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Foreword

Rapid development has seen the establishment and growth of organically organised 'slums' that in their form and function often frustrate traditional service delivery such as principal. In such rapidly developing urban milieus, police organisations are often both the first to confront the many challenges that emerge as a result, and yet are also principle agents in ensuring the equal enjoyment of all persons to safety and security. Such spaces are frequently undocumented, unmapped and constantly changing, making traditional policing styles ineffective and often irrelevant. As a result, traditional policing methods become blunted, response times increase, and the provision of services and security itself becomes difficult to effect in a substantive and equal manner.

Against this backdrop, the capacities and priorities of policing risk undermining the broader human rights agenda, despite the existence of constitutional and legislative frameworks that promote the right of all persons to dignity and equality in the context of safety and security. Traditional policing styles, which favour a reactive and punitive response, heighten the risk of arbitrary arrest and detention, torture and other ill-treatment, the denial of procedural rights, and discrimination through profiling. Spatial and infrastructure constraints impact on the extent to which police can provide safe custody, with access to, and the conditions of, detention sometimes amounting to ill-treatment, and posing a further risk to the socio-economic rights of detained persons, their families and communities. The initiative has developed and presented knowledge on new and practical policing responses to policing the urban periphery, while remaining mindful of promoting rights and accountability.

This edited compilation engages with these and many other challenges. Taking seriously the complexity of these challenges, and in recognising that police are themselves important bearers of knowledge, contributions have been authored by a range of African academics, civil society experts, as well as senior police officers from police organisations on the continent.

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Biographies

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Polycarp Ngufor Forkum is Commissioner of Police in the Cameroon Police Force. His PhD thesis on 'The Public Perception of the Police in Cameroon' is pending defence. He holds a predoctoral degree *Diplome D'Etudes Approfondies* (DEA), a Masters degree in Education (DIPES 11) from the Ecole Normale Superieure, Maitrise, a BA Hons (Yaoundé), and an LLM (Masters) in 'Human Rights and Democratisation in Africa' (Pretoria). He is author of *Police Corruption in Cameroon and Uganda: A Comparative Analysis* (2012). His coauthored book *Policing and Human Rights in Cameroon* is in press.

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Introduction

Policing, development and making safe peripheral urban spaces

Simon Howell

Numerous African cities have for the last two decades witnessed exponential expansion in their populations, grown in power both economically and politically, and in some instances become destinations for investment, people and goods in their own right. The vast influx of people into defined areas and spaces does, however, raise numerous challenges, both in terms of the governance of city spaces and for those who find themselves in these spaces. In Africa, it is frequently the police who are tasked with the day-to-day governance of such spaces and, as a result, they may be the first and primary state institution that both new and existing residents encounter. If those experiences are negative, the potential exists for the legitimacy of the state to be questioned and there may be knock-on effects that undermine individuals' rights and access to essential services, medical care and education. Policing is made doubly complex in the urban periphery because such spaces are also often fluid and unstructured, with the movements of people being a function of the complex interplay of economic opportunity, social relationships and infrastructure. Policing in such contexts is by its nature not only difficult but requires novelty, dynamism and a respect for individuals. Unfortunately, such challenges often lead to policing practices and forms of control which significantly curtail, undermine or prevent the fulfilment of people's human rights.

It is between these two poles that this book is situated, a mirror of the thought that urbanisation in Africa is frequently a double-edged sword. Modern cities in Africa have evolved to become much more than simply large urban spaces with higher population densities than the surrounding areas. The modern city can be seen, both conceptually and pragmatically, as a central hub towards which resources and people are channelled. Not only do these channels stretch out through the countries in which they are situated, but they often reach far beyond political and social boundaries, so that large cities connect with each other in a myriad of ways, so much so that they become the fulcrums on which the extended regions

depend. While modern cities now act as the primary nodes in the fundamental strategies that structure contemporary financial systems, government platforms, transportation routes and the like, their development has not come without costs. Modern cities are invariably also the places were crimes go unnoticed and where human rights may not always be safeguarded, and often play host to far higher prevalence rates of disease, criminal activity and violent events. They are often also extremely unequal, stratified along economic, social and political lines, all of which serve to create dangerous urban landscapes in which mistrust, anger and, ironically, feelings of isolation pervade. Modern cities and the peripheries which surround them are then often places of paradox – economic and social hubs that give life to development, yet which may also be places of decay and stagnation.

Development, in short, has come at a hefty price, with economic development and the entrenchment of security via the police not being congruent. Indeed, and as this book documents with examples from across the continent, it seems that some cities have come to a point where this relationship has become inverse, and many of those who now live in urban areas have become caught up in cycles of structural, interpersonal and psychological forms of violence that sustain the very environments that generated these problems in the first instance. Borrowing a turn of phrase from Greek mythology, one that aptly captures this duality, the lure of the modern city acts much like a *pharmakon*: it is both a poison and an elixir, depending on how its development is directed. Often, it is policing that determines this status. In an important sense, then, this book aims to trace out the consequences of both good and bad policing, and on this basis, while remaining cognisant of the lessons history has to offer, begins to think beyond the modern city in an attempt to sketch out how the fractured and fragile cities of today might be governed in sustainable and creative ways, so as to create safe, secure and inclusionary spaces in which development and safety are no longer mutually exclusive, and in which people's human rights are protected.

Development, safety and policing

As a result of complex historical narratives, most of which in Africa include aspects of colonialism, and contemporary concerns with ensuring economic inclusivity, urban peripheries are no longer peripheral. Indeed, they may in fact be larger than the formal cities to which they are understood to be peripheral. The difference between the formal and informal is often most felt by the police, however, as ensuring the rule of law in such vastly different environments requires very different forms of policing. Opportunities for the use of violence, unjust pre-trial detentions and the pursuit of corrupt activities remain a problem in all of the examples focused on in this book. Furthermore, the interventions suggested by the authors in the various chapters, aimed at mitigating these concerns, require novelty and flexibility.

An important conceptual starting point to understanding policing in peripheral spaces, however, requires that we understand those spaces. With regards to

Lagos, for example, Alemika (2015: 3) notes that the city is one of 'contrasts', in which there exists

> … affluence of a few and abject poverty of the vast majority, and … magnificent residential areas and sprawling slums and shanties. According to a recent account, Lagos consumes about 45% of the petroleum product in Nigeria. Further, 40% of bank branches and 40% of telecommunication subscribers were in Lagos. It accounted for 50% of power transmission and utilization. It serves as the country's main gateway to foreign countries and accounted for 80% of international travels, and 70% of the country's sea trade occurred at sea ports located in the city.

That said, Lagos is also host to numerous forms and modes of crime. Alemika (2015: 11) further notes that 'Lagos State population in 1996 constituted 6.4% of the national population. However, it accounted for 22.7% of the violent crimes (murder, manslaughter, grievous harm, assault, rape and indecent assault) recorded in Nigeria by the police between 1986 and 1996'. Not limited to contact crimes, '11.5% of armed robbery incidences recorded in the country by the police between 1986 and 1996 occurred in Lagos State. Police records showed that 2 971 persons were killed in Lagos from 1986 to 1996, an average of 270 murders per year'.

It is clear from even this limited example that development has been accompanied by numerous challenges, many of which require a response from policing organisations. Such responses may, however, if poorly undertaken, actually further embed the challenges, so that policing itself becomes a force for harm. In instances where policing and organised crime find linkages, such harms may become structurally embedded in the policing practices that are used, so that the state itself becomes complicit in organised criminal activity. This is often the case when the growth of industry and the promise of jobs leads to rapid urban migration. Subject to the commercial forces that create them, such industries and opportunities may not be sustainable and long lasting. Thus, while migration towards a city may continue, the city's ability to support, employ and protect the residents ebbs away as overcrowding, a lack of resources, frustration and hopelessness give way to criminal activity. When criminal activity becomes organised, and those organisations are successful, then they may come to take the place of many industries as employers and caretakers. Criminal activity, in some instances, is then entrenched, not only at a systemic level, but also embodied by those who are now employed by it. Forceful responses by policing organisations are then not seen as helpful or as a form of protection, but rather as antagonistic.

This logic has been seen in the City of Cape Town, for example. The transformation of South Africa from an apartheid state to a constitutional democracy has frequently been referred to as a 'miracle' or 'dream'. There is, however, an increasing realisation that this 'miracle' was at best very brief, and was intricately tied up with the mythology that surrounded Nelson Mandela (Barbarin & Richter 2001). As has

been shown in numerous, diverse fields, there is an increasing dissonance between the promises of the extremely inclusive Constitution and the lived realities of many of the country's citizens (see, for example, Murray 2013). This dissonance is felt in a number of ways – the continuing (and indeed increasing) income disparities between different groups and citizens, the increasing differences in how the state interacts with diverse citizens, and the continuing political disenfranchisement of numerous groups in the country and the policing of different communities in vastly different ways, to name but a few examples. While many of these problems have their roots in apartheid, the 'new' South African government has increasingly shown itself unable to initiate and sustain substantive changes to the political, economic and societal differences that defined the apartheid system (Allogio & Thomas 2013). Substantive freedom, a right to dignity and a right to freedom of movement are not possible if one is unemployed and living in what the international community classifies as 'extreme poverty'. While the 'dream' of democracy was heralded by the numerous procedural changes which structurally delineated the 'new' South Africa from the old, for an increasing number of the country's citizens, who still live in overcrowded, poorly serviced 'townships' or urban slums, there has been little substantive change. Indeed, with reference to the 'dream' of democracy, Sharlene Swartz has argued that for many of South Africa's youth, it is now a 'dream deferred' (Swartz et al. 2013).

Such differences have remained deeply ingrained in the South African psyche and remain highly contested domains, both historically and with respect to contemporary inequalities. Thus, while the City of Cape Town has been projected as a 'world-class city', and many parts are indeed very cosmopolitan, the development and opportunities signified by these ideas are open to only a select few. These differences are best illustrated by comparing different parts of the city. For instance, the suburb of Green Point, which is in the heart of the city, has many tourist attractions, and is well developed, well serviced and well policed. The municipal area has a relatively small population of 9 301 households, a median income of R18 8001 a month, with 62% identifying with the racial category of 'white'. On the other hand, and even though they are less than 25km apart, Khayelitsha has a population of 391 749 households, a median income of R1 301 a month, with 99% of residents identifying themselves as 'black' (StatsSA 2016).

Such differences are reflected in terms of security as well, with residents regarding policing in Khayelitsha as so ineffective that an official enquiry had to be launched. Even though very close geographically, the organised criminal networks involved in the production and distribution of illegal drugs have also responded to these changes – a recent pricing study found significant variances in the prices charged by illegal drug distributors, with the products invariably being much cheaper in Khayelitsha (Howell et al. 2015). As the study notes, these disparities mirror formal socio-economic differences in the two areas. Distributors employ numerous marketing strategies, both to encourage loyalty and to increase sales. Users' primary sources of income include collecting cardboard or glass for recycling, offering unskilled services, begging, petty crime, sex work and selling illegal substances (Ibid). The illicit drug economy is dynamic, profit-driven and yet also

regulated by market forces – it displays numerous similarities with the regulatory mechanisms that shape the formal economy. Users are active participants in this economy. Ironically, however, in terms of government-led developmental initiatives, Khayelitsha has received far more resources and attention, and hosts one of the largest government housing projects in the country. While many houses have been built, the community has not developed or been developed, and remains an extremely impoverished, dangerous and fragmented place. Such concerns are magnified in urban areas and cities because of their high population numbers and densities. With high levels of urban migration, the need for adequate housing, employment and economic growth becomes paramount in preventing the growth of illegal systems of patronage, corruption and organised crime. However, as cities become increasingly important the world over, they also become more attractive destinations for those seeking to prey on the misfortune of others. Problematically, some of these individuals may also be police officers.

In remedying both the structural and policing challenges that emerge in urban areas and because of urban peripheries, it may be more fruitful to adopt the best practices illuminated by those efforts that have been a success, rather than to redesign the entire policing architecture or local governance framework. This book, as such, seeks to highlight these best practices as they occur in the contexts in which they were formulated. Decentralised forms of government are frequently the most successful, because they allow for contributions by, and direction from, those agencies and officials that have a deep-seated working knowledge of the contextual issues and environments in which such policies need to work. Local government agencies may thus be useful loci through which to funnel resources and funds so that they effect change at the lowest levels. However, prioritising such agencies may require that they are periodically reviewed and modified so as to both expedite and further protect any resources directed to them. As Shah (2006: 42) argues,

> Overall, local governments in developing countries typically follow the old model of local governance and simply provide a narrow range of local services directly. The new vision, with the local governments assuming a network facilitator role to enrich the quality of life of local residents … is yet to be realized in any developing country.

Marred by corruption and inaction, local government agencies need to be held accountable to those from whom they receive funds, and such regulatory systems need to be driven by agencies not associated with higher levels of government. This is because local government agencies may be subject to manipulation by overseers drawn from the same governmental structures, or may simply continue any problematic practices that have already been entrenched at the national level. Furthermore, local governments can only operate in environments which are enabling, and in which information and resources can flow throughout the system without being compromised by unnecessary or institutional measures and requirements which do not fulfil the role of regulation, but simply stall the delivery

of resources or the furthering of the practices needed to create substantive forms of change. As Shah (2006: 42) continues,

> Local governments are bounded by the principle of *ultra vires* and allowed to discharge only a small number of functions, which are mandated from above. They have limited autonomy in expenditure decisions and hardly any revenue-raising decisions. Their access to own-source revenues is constrained to a few non-productive bases. Political and bureaucratic leaders show little interest in lobbying for more taxing powers and instead devote all their energies to seeking higher levels of fiscal transfers.

In such environments, it is ingrained governmental practices and procedures, rather than criminality or illicit activities, that may be the primary hindrance to realising developmental goals and creating safer communities. Fortunately, it is these structures that can be most extensively modified and reviewed, and which can be measured the most accurately.

It should also be remembered that there may be no sharp division between governmental agencies and officials and organised criminal networks. Even if there are, their activities and movements will still impact and shape one another. As such, the development and entrenchment of effective governmental practices through which communities and individuals can be uplifted may require engaging with *both* those who are considered 'legal' and those who are considered 'illegal'. As Mutahi (2015: 4) notes with regards to the complex governmental architecture in Nairobi,

> Interviews with key informants and slum dwellers reveals a complex network of gangs who provide a mixture of services to slum dwellers ranging from political mobilisation, providing security and social services like water and electricity mostly though by illegally tapping.

Moreover, it should also be remembered that at the systemic level, interventions in one area may have unintended consequences in others. These unintended consequences may occur at the broadest level, as has been seen in the example of the relationship between development and security, or at the very lowest level, in that activities in one area may cause movements or problems in other areas.

It is important to note that these dynamics are contextually specific and may not be found elsewhere. Speaking to the transnational, Kenya has seen dramatic increases in the number of illegal drugs being moved through the region, and this has had both local and international consequences. Mutahi (2015: 5) explains this phenomenon thus:

> Trafficking of heroin through Kenya has increased over the years. In an analysis of 120 cases in the period June 2006–October 2012 in which heroin was seized from air passengers on itineraries involving Europe, Pakistan was the second most cited country of provenance, second only to Turkey and followed by Kenya.

Thus, while decentralised forms of governance are critical in harnessing and making use of local knowledges and in measuring local effects, these efforts can be haphazard or uncoordinated, and as such open up many opportunities for good governance at the local, national and international levels (see, for instance, the UNODC World Drug Report). Coordinated responses are pivotal in ensuring that organised criminal activity can be systemically and accurately monitored, and that the effects of interventions do not create the very environments in which their capacities are strengthened.

With this in mind, this book sets out to highlight how the policing of urban peripheries has provided the setting for some of the worst, and some of the best, policing practices on the continent of Africa. The analyses by contributing authors, ranging in profession from academics to police commanders, are necessarily selective and contextual. Their voices and examples are, however, novel and fresh, and collectively give a snapshot of policing the urban periphery in Africa as it stands today. The following section provides a brief overview of the chapters that follow.

Chapter overview

Foregrounding the contextual discussions of the other chapters, **Chapter 1** by Anneke Meerkotter presents a critical reflection of the conceptual problems that are invoked in the policing of that which is defined as peripheral. She notes for instance that the relationship that exists between the police and the urban periphery is often one of mutual resentment, disappointment and despondency. Policing in the urban periphery is complex, time-consuming and dangerous work, but it is also work that is unlikely to drastically improve public safety for the residents of the urban periphery. This chapter is conceptual in nature, questioning whether current forms of policing are up to the task of providing safety in the urban periphery. Institutionally, limited resources are allocated to the development and policing of the urban periphery, and the policing needs of the residents in these areas are seldom appreciated. In essence, the manner of policing the urban periphery in Africa has changed very little over the past century, resulting in a crisis of legitimacy that is hard to shed in a democratic dispensation without also changing the socio-economic conditions and policing practices which contributed to this lack of authority.

Moving beyond this conceptual discussion to contemporary Kenya, in **Chapter 2** Tessa Diphoorn, Naomi van Stapele and Wangui Kimari explore a 'people-centred policing' model as defined and practised by the National Police Service. They argue that, despite the various institutional changes, police violence and extrajudicial killings in many parts of Nairobi continue to occur, and paint a very different picture from that of the model envisioned. Moreover, the key state strategy of community policing, aimed at enhancing the relationship between the police and the public, has not always had the desired output. Rather, in many parts of Nairobi, community policing is hardly operational at all and in other urban peripheries it has worked through local and highly exclusive security groups. In these settings, we can identify

various localised forms of security provision that often work outside (and sometimes against) state police structures. The chapter discusses this mismatch between reform and everyday policing in Nairobi, exploring the dissonance between the model and reality by drawing on the experiences of local individuals who reside in the city.

Dennis Chipao and Thomas Probert explore policing the periphery in Malawi in **Chapter 3**. As they note, the country is a particularly pertinent example as it has been experiencing a very high rate of urbanisation since the turn of the century. The majority of Lilongwe's population lives in informal settlements which are characterised by poverty and very poor living conditions. Absent any considerable academic review of the Malawian policing experience, the primary question explored in this chapter is to what extent police officers are challenged to provide services in these informal settlements. The analysis focuses on two informal settlements in the vicinity of Lilongwe and Mtandire. Specific attention is paid to the village of Chinsapo, so as to provide a deeper analysis of the perspectives and policing realities as they occur on the gound. Chinsapo has only a small police unit, which has just been constructed along the road to Likuni after relocating from the interior of Chinsapo. Mtandire is about 6km to the north-west of Lilongwe city centre and falls under Lingadzi Police Station, which predominantly polices low-density areas. Despite being small, its impact on the local residents can be extensive, for better or for worse, as the chapter notes. In exploring this impact, the authors draw upon a series of semi-structured interviews with officers (including responsible commanding officers) from Lingadzi and Lilongwe police stations, all of which are aimed at evaluating their attitude toward policing Chinsapo and Mtandire, and particularly the challenges faced in the locality and country. Such interviews and voices have not been brought to the literature before, so this chapter marks a unique contribution to wider understandings of policing in Africa. In contextualising these voices, the chapter provides a comparative critique of the crime data available from the Malawi Police Service. In doing so, the authors use these voices and statistics to contrast life on the periphery of cities with that in more developed areas, so as to understand the differences in police and policing that may be experienced by those who are marginal to the urban development of Malawi's cities.

The concerns highlighted in the first chapter are then refracted, in part, in Polycarp Forkum's **Chapter 4** on policing the periphery in Cameroon; he offers an investigative and analytic report of the modus operandi of the Cameroon police. As Forkum shows, the complexity of the problems arises not only in police actions, but in the structural logic of policing itself. He details the configurations of authorities responsible for policing in Cameroon, including the General Delegation for National Security, *gendarmes*, council police and others performing specific policing duties as per special statutes, such as forest guards, customs and the services of price and quality control of the Ministry of Commerce. With this in place, he then focuses specifically on Yaoundé Urban Municipality, so as to provide a practical reference point to both the conceptual and procedural challenges that face the Cameroon police. Having highlighted the challenges, he investigates what legislative and policy reforms exist, how they are reflected on the ground and how they impact

on the day-to-day policing of citizens. Some of the examples he draws attention to include the vibrant 'police de police' checking processes, the impact of improved infrastructure and vehicles, uniforms for officers, the creation of new posts, services and predictable career profiles, and the presence of some progressive leaders. Some of the limitations he engages with include ongoing pressure from politicians to police for their own ends, the slow development of rights-based policing practices, and the impact of a weak civil society to provide oversight and accountability. He concludes by tracing out how rights-based policing could occur in the future, and what changes would be needed to ensure that this process is a success.

In focusing on the importance of the relationship between good policing and effective leadership, **Chapter 5** shifts attention to South Africa and one of the largest informal settlements in the country, that of Khayelitsha in Cape Town. As Kelly Stone and Simon Howell explore, as a function of historical placement, contemporary governance strategies and an understanding of criminality as a phenomenon that ought to be 'dealt with' using force, the police in South Africa are frequently drawn upon as the first response to what are invariably social rather than criminal problems. The problematic results have been widely documented, both in the academic literature and in the popular press. As a consequence, the South African Police Service continues to be mired in what some have termed a 'crisis of legitimacy', with a breakdown in the public's trust of and confidence in the organisation's ability to effectively provide safety and security. Indeed, such concerns were central to the Khayelitsha Commission of Enquiry, which was implemented as a result of the community highlighting a number of significant concerns with policing that occurred in the area – ranging in severity from corruption to extra-judicial killings. The commission having drawn its conclusions in 2014, this chapter revisits Khayelitsha to provide a critical assessment of the primary policing strategies that were implemented at the behest of the commission, their effectiveness, and the remaining challenges. It draws on the collective experiences of the authors and an interviewee, who occupy two unique positions in relation to the community and the processes deriving from the commission's recommendations. The authors were external to, yet extensively involved in, a number of specific projects in the community, while the interviewee occupied the position of station commander for one of the three police stations in the community – the only station to successfully reduce reported crime incidents consistently since the commission completed its work. The chapter outlines what has, can and should ideally occur in the complexity of policing informal settlements in South Africa some two decades since democracy became a reality for the people of the country.

Drawing attention to Nigeria in **Chapter 6**, Etannibi Alemika focuses on plural policing and the manner in which the periphery has been an important testing ground for different and novel policing methods and exercises. As he argues, there were, until recently, no considerable attempts to develop a coordinated policing architecture in which diverse agencies were integrated to enhance social control and order. The diverse policing systems and actors were often alternatives or designated for specific forms of dispute resolution and the prevention, detection, investigation and adjudication of deviance and crime. Recent global developments have witnessed

growing hybridisation of policing in the form of vertical and horizontal integration and coordination of public, commercial and community agencies, groups and actors involved in delivering security and safety services. Similar developments can be observed in Africa, with an increasing purposive attempt to encourage and introduce coordination among plural policing agencies to address the challenge of crime, conflict and disorder at national and local levels. Plural policing and hybrid policing are interrelated but distinguishable in conception and practice. Plural policing is a precondition for hybrid policing. The emergence of hybrid policing in policy and practice can be attributed to several factors, including the popularity of community policing rhetoric over the past four decades, the quest for efficiency in delivering security and safety services, and the growing complexity of threats to political, economic and social stability and development within and across countries in the era of the thriving phenomena of insurgency, transnational terrorism and organised crime. The chapter examines the phenomena of plural and hybrid policing in Nigeria. It explores the factors that are driving the emergence of hybrid policing in the country. It also examines the benefits and challenges that may result from the development, especially in the context of the coordination, accountability and oversight required in a democratic society.

Providing a unique insight into communities often so peripheral to urban spaces they may be seen as foreign, in **Chapter 7** Mark Waine details both formal and organic forms of policing as they have developed in camps and localities designated for refugees in Gambella, Ethiopia. Drawing on many years of experience in the humanitarian sector, he explores how policing and the conduct of police officers require a level of mutual understanding between officials and a community that are not overtly appreciated until circumstances emerge where that understanding is absent. Indeed, in reflecting on policing in refugee camps, he argues that policing can be forceful (as has invariably been reflected in the literature), but also creative and supportive. These differences emerge out of the individual behaviour of officers, but also out of the relationships that may be established between the refugee groups and these officers. In some instances, policing may be shaped by practical circumstance in a manner that is positive and which positions police officers as key service providers for a host of needs far beyond traditional policing concerns. In offering some suggestions as to how to replicate these positive policing practices, especially in peripheral or marginalised areas, he highlights just how important these relationships are. Indeed, he notes that, where the community does not know how policing works and police do not understand the community they serve, there is a disconnect that makes policing by consent more difficult. Ultimately, then, the nature of refugee communities means that some of the tools and fundamentals of policing are absent or limited due to the alien nature of the peripheral community. In indigenous communities, where policing has the opportunity to evolve and develop over time, in parallel and as part of the community it serves, police officers and authorities are able to adapt and develop techniques and procedures that reflect those communities. Examples of this would be the siting of police stations, the use of community groups and mechanisms, and local administrative measures such as identity cards, vehicle registration systems and housing and address systems.

Policing the most peripheral, like refugees and displaced peoples, requires creative and adaptive policing models that are based on and sustained by generative relationships between police and the communities in which they are embedded.

Bibliography

Alemika E (2015) Governance of Lagos, Nigeria. Paper prepared for the UNODC Safer Cities in a Globalised World project

Allogio S & Thomas K (2013) Resisting the lure of deferral: Realising the South African National Development Plan. *Social Dynamics: A Journal of African Studies* 39(1): 108–110

Barbarin OA & Richter LM (2001) Comparing the social development of South African, Ugandan, and African-American children. In: OA Barbarin & LM Richter (eds) *Mandela's Children: Growing up in post-apartheid South Africa*. Oxon: Routledge. pp. 232–254

Howell S, Harker-Burnhams, Townsend L and Shaw M (2015) The wrong type of decline: Fluctuations in price and value of illegal substances in Cape Town. *SA Crime Quarterly* 54(4): 43-54

Muggah R (2012) *Researching the Urban Dilemma: Urbanization, poverty, and violence*. Ottawa: IDRC available at: https://www.idrc.ca/sites/default/files/sp/Images/Researching-the-Urban-Dilemma-Baseline-study.pdf

Murray M (2013) *Commemorating and Forgetting: Challenges for the new South Africa*. Minneapolis: University of Minnesota Press

Mutahi P (2015) Security governance in Nairobi. Paper prepared for the UNODC Safer Cities in a Globalised World project

Shah A (2006) *Local Governance in Developing Countries*. Washington, DC: The World Bank

Statistics South Africa. Census 2016. Updated results available at www.statssa.gov.za

Swartz S, Tyler R & Versfeld A (2013) Emotion as opportunity: Reflections on multiple concurrent partners among young men in South Africa. *Gender and Behaviour* 11(1): 5197–5219

UNODC. 2014. World Drug Report. Geneva: UNODC

Chapter 1

Unjust cities and the institutional failure of punitive solutions to poverty

Anneke Meerkotter

Policing the urban periphery is associated with a number of challenges – a population that might be hostile towards the police, high levels of crime, and limited resources to adequately police a high-density area that is often constantly in transition (Van der Spuy & Armstrong 2014). The urban periphery, for the purpose of this chapter, refers not to where it is located in the city, but to the extent of its marginalisation (Caldeira 2017; Silverman 2018). The aspiration of equality espoused in constitutions throughout Africa cannot be realised without addressing the structural barriers which cause inequality. I argue that, in this context, it is not enough to say that policing should adapt to ensure that the urban periphery is equally protected.

Problematising the urban periphery in Africa

The urban periphery can be explained as a political project of social engineering and dualism. The phenomenon of urbanisation happens through a range of socio-economic processes, with urban areas promising opportunities. People move to the urban periphery for a myriad of reasons, including the absence of affordable public housing (Caldeira 2017); displacement from famine, disease and conflict; and access to the urban labour market. Sometimes state practices of forced removals or displacement force people onto the urban periphery – for example in Mozambique, when fisher people and informal traders were displaced from the beach areas to make space for hotels (Dibben et al. 2015), or when the land reform programme in Zimbabwe resulted in the homelessness of commercial farm workers (Mbiba 2017).

Under colonialism in Africa, policing was one of the tools used to move local populations from settler neighbourhoods to the urban periphery. During this period, the policing policy was one of control and containment – people were coerced to provide cheap labour through measures such as hut taxes or forced labour, or they

were prevented from accessing certain areas through pass laws, vagrancy offences and forced removals. Cities developed through domination, social exclusion and exploitation of the urban periphery, a process maintained through policing the poor (Elsenhans 2015). This spatial policing continues to exclude the periphery from the city and enhance the protection and enclosure of affluent areas (Ouaissa 2015; Caldeira 2017).

People often find themselves on the urban periphery because of the limited choices available to them. This exposes them to a range of risks – they have no guarantees of clean water or sanitation, electricity or street lights, and face limitations in accessing health services and schools. Despite this, the urban periphery is in a sense no different from other urban areas – these are neighbourhoods in which people have carefully built their homes and raised their families and which should be afforded the same dignity, respect and security. To sustain life in the urban periphery requires resourcefulness, planning, self-organisation and solidarity (Frische 2015). Solidarity takes a range of forms, including assisting neighbours with child care, organising to combat crime, and sharing responsibilities that ought to be provided by the state.

The urban periphery is heterogenous, pervasive, constantly transforming and highly unequal and uneven, both in relation to suburban areas and in relation to the levels of development within the periphery – as neighbourhoods improve, they become inaccessible to the poorest residents, who are displaced to more affordable areas (Caldeira 2017).

The institutional practice of policing poverty

Historically, the institutions of the state – police, courts, military – are rooted in the objective of protecting those in power and the owners of private property, whether it be feudal landlords, mining magnates or the urban middle classes. The police as an institution carries out this objective by policing poverty. This is necessary because poverty represents a threat to the elite precisely because it exposes the unequal outcomes of the social and economic policies of the state (Kaplan-Lyman 2012). This makes urban peripheries a fertile terrain for struggles for social justice and access to resources (Caldeira 2017).

It is this potential for social resistance that influences how policing takes place. This is why, for example, activities that are otherwise perceived as illegal are at times tolerated to reduce the risk of unrest and maintain the status quo (Dibben et al. 2015; Frische 2015). In other instances, police actively try to clear informal areas associated with potential opposition to the state, such as during Operation Murambatsvina ('he/she who despises filth') in Zimbabwe in 2005, which saw the clearance of houses and businesses in low-income areas (Potts 2006; Bratton & Masunungure 2007).

Economic systems such as neoliberalism, like colonialism, continue to prioritise policies that promote physical development in the city over the urban periphery

(Silverman 2018). Such policing priorities, framed as law enforcement, have become regularised within democratic systems even though they maintain unequal, uneven and unjust cities (Muntingh & Petersen 2015). The consequence is that the role of the police remains pitted between the competing interests generated by structural inequality. An apt example of this is the disproportionate allocation of police resources between the urban periphery and more affluent areas. In December 2018, the Equality Court in South Africa held that the fact that residents in the urban periphery receive inferior services from the police amounts to discrimination.[1]

Societal norms contain inherent biases that influence policing and the reporting of 'offensive' behaviour to the police, by communities in both urban areas and the urban periphery. For example, unemployed youth, street vendors, sex workers, street children and persons with psycho-social disabilities are often targeted by police in the absence of any criminal activity, because their mere existence somehow challenges the normative sensibilities of the residents and/or the police. Xenophobia and gender norms also permeate policing practices in the same way that they permeate society.

These norms are reinforced by the legal system, underpinned by the notion of private property, which has developed to buttress social exclusion and criminalise many life-sustaining practices of those who reside in the urban periphery. The notion of the police as law enforcers, when laws are not neutral, lays the basis for continued distrust between police and residents of the urban periphery in the democratic era (Harber 2011).

I argue that urban policing is in crisis precisely because, by retaining the contradictions inherent in police practices dating from the pre-independence period, it has not been able to redeem itself and reconstitute a form of legitimacy in the democratic order.

Containment through outdated offences

Vagrancy-related offences are a good example of outdated police practices. The vagrancy offences found in Africa can be traced back to the 14th century in Europe (Flynn 1968; Lahan 1968). These measures remain repressive in nature, with mass arrests a popular means to enforce these laws (English Home Office 1974; Lopes 2005).

The use of vagrancy offences followed a similar pattern in Africa as it did in Britain, France and Portugal, where the laws were used to supply cheap labour, ensure racial and class segregation, and curb the effects of urbanisation on cities and the urban elite (De Coppet 1949; Ener 1999; Cituentes 2010; Cahen 2012; Keese 2014).

The often repeated argument for retaining these offences is that they are useful to target a wide range of potentially problematic behaviour (Magaro 1967). For example, police in Malawi explained that they use rogue and vagabond offences

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1   Social Justice Coalition and Others v Minister of Police and Others (EC03/2016) [2018] ZAWCHC 181 (14 December 2018).

as catch-all provisions 'to arrest all those that have nothing to do but just wander in the towns', and 'when a person has been found at an odd hour at night' (Southern Africa Litigation Centre & Centre for Human Rights Education, Advice and Assistance 2013: 64–65). Assumptions about the crime-prevention value of such offences are often uncritically repeated by the media, contributing to the 'manufacturing of consent' for retaining aggressive policing practices. For example, the Malawi News Agency (2017) reported that Kanengo police arrested 52 people in a 'sweeping exercise'. Of the 52 arrested, 6 were charged with possession of hemp, 5 with selling liquor without a licence, 2 with possession of property believed to be stolen and 38 with being idle and disorderly. Malawi 24 (Malenga 2017) published a piece about 126 people being arrested in another sweeping exercise. Of the 126 arrested, the majority were charged with being idle and disorderly and some with not complying with bail conditions (see also Herman & Chomsky 1988). Yet, in a constitutional democracy, arrest in the absence of criminal behaviour interferes with a number of fundamental human rights (Muntingh 2015).

Courts in Africa have accordingly expressed concern about the continued presence of colonial-era laws that violate rights and criminal law principles. The High Court of Kenya concluded that the state blatantly disregarded the inherent dignity of all people by subjecting them to the Peace Bond provisions that have their roots in 11th-century British criminal procedure.[2] Similarly, the High Court of Malawi, considering the constitutionality of the offence of being a rogue and vagabond, noted that 'most of the colonies and protectorates have new constitutional orders and thus it is argued that these vagrancy laws are now dated'.[3]

There is no evidence of a correlation between vagrancy and criminality (Lahan 1968) and these offences are neither fair nor accountable strategies to prevent crime (UNODC 2015). The United Nations Office on Drugs and Crime accordingly questions whether activities such as vagrancy need to fall within the scope of the criminal justice system at all (UNODC 2007[4]).

Criminalising those on the periphery of society

The targeting of specific groups of people exposes the inherent contradictions within policing practices.

For example, in many countries in Africa, street children are often arrested for minor offences on the assumption that they are involved in criminal activities (Lugalla & Mbwambo 1999). Police in Malawi justified arresting street children in the absence of identified criminal activity on the basis that 'most of them are

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2   Anthony Njenga Mbuti & 5 others v Attorney General & 3 others [2015] eKLR.

3   Mayeso Gwanda v State (2017) MWHC 23, per Mtambo J, at 6. 'Obviously, it could never be a crime for one to be merely dishonest or unscrupulous or a wandering person without a fixed place of abode and no more. This is so because for a criminal offence to be present, one must commit an unlawful act (*actus reus*) and have a guilty mind (*mens rea*).'

4   'Various societies have decriminalised vagrancy in whole or in part, significantly reducing rates of imprisonment … In such cases, decriminalising the behaviour and dealing with it outside the criminal law does not produce a negative impact on public safety' (UNODC 2007: 13).

street kids who end up stealing or pick-pocketing', and 'it is usually street kids who are involved in crimes like pick-pocketing or robbery. If they are just found loitering for no proper reason, we arrest them' (Southern Africa Litigation Centre & Centre for Human Rights Education, Advice and Assistance 2013: 79). It should go without saying that this approach runs contrary to the principles of criminal law and criminal procedure, yet it is accepted police practice (Human Rights Watch 2003, 2006a, 2006b, 2014).

A study conducted with street children in Tanzania noted that many of the stereotypes of street children were misinformed. The study noted that street children were organised and 'tried their best to earn income in socially acceptable ways' by working informally as car-parking assistants, vehicle security guards, car washers, shoe shiners and baggage loaders. They sometimes begged or sold sex to buy food to survive (Lugalla & Mbwambo 1999: 335, 339). Lugalla and Mbwambo (1999: 341) emphasise that 'policies which criminalise them as "idle and disorderly" are coercive policies which stem from the belief that street children are responsible for their situation'.

Another example of policing persons based on their status is that of sex workers, who are frequently harassed and arbitrarily arrested by police throughout Africa. In interviews with sex workers in Malawi and Zambia, they raised particular concerns with being targeted for extortion and rape: 'The police behavior is not good because what usually happens is that they can arrest you and also ask for a bribe and even sexual favours when you are in their hands' (Southern Africa Litigation Centre & Centre for Human Rights Education, Advice and Assistance 2013: 90); 'The police beat us up in our spots when they find us and afterwards, they make us give them money' (Southern Africa Litigation Centre 2016: 21).

These perceptions and generalisations by the police of individuals as criminals result in them being denied due process within the criminal justice system and reinforce the distrust such groups have towards the police. It is fundamentally unsustainable and counter-productive to aggressively police persons based on their status as opposed to their acts.

Criminalising those on the periphery of the informal economy

A well-established informal economy has developed in cities throughout Africa, providing essential and affordable products and services to residents in the urban periphery. In the absence of adequate formal employment opportunities, an informal solidarity economy provides a critical space for women to sustain themselves and their dependants (Kinyanjui 2014). Instead of urban planning models supporting the informal economy, the policing of individuals participating in the informal economy negates the police's legitimacy and residents' ability to earn a living.

For example, in the absence of affordable and accessible public transport systems, minibuses have emerged throughout Africa to transport residents between the urban periphery and the city centre. Touts attract passengers to board minibuses in exchange for a fee (Tambulasi & Kayuni 2008). Based on

concerns of harassment raised by passengers, Malawi in 2006 prohibited touting (minibus-calling).[5] Following this prohibition, research conducted in Zomba and Blantyre in 2007 revealed that touts were often young men who struggled to obtain employment, had limited formal education and relied on this type of work to support their dependants (Tambulasi & Kayuni 2008). After the ban, some touts reported that they continue the trade illegally, accepting that they could be arrested or required to bribe police officers, whilst others reported that they now resort to other illegal activities like theft, begging, loitering or charcoal-making to make a living (Tambulasi & Kayuni 2008).

The argument that all minibus touts should be banned on the basis of the crimes or nuisances committed by some touts is simplistic and fails to acknowledge other related factors contributing to the crimes committed against public transport passengers. It suggests further that there is little understanding by those in power of the sociology of crime and the need to develop appropriate, evidence-based crime prevention programmes.

In the context of poor allocation of resources for policing and other services in the urban periphery, the diversion of resources to policing life-sustaining activities in the informal economy further erodes the legitimacy of the police. A policing strategy which makes it acceptable to recklessly spend resources on repeatedly arresting street vendors and impounding their goods is inappropriate in a democratic society, which ought to recognise the right of everyone to be in the city and to earn a living.

Order-maintenance policing

In Africa, the development of the state under colonialism was from the onset concerned with the extraction of resources, the maintenance of law and order (Coldham 2000), and accompanied by high levels of violence (Oloka-Onyango 1990; Ouaissa 2015).

Although considerable effort has been put into trying to legitimise the police institution by, for example, re-orienting towards 'police services' and 'child justice', such practices have not yet become endemic and many pre-independence policing practices continue to be preferred.

A policing practice which has come under specific scrutiny is that of order-maintenance policing. This practice does not differ much from order-maintenance policing under colonialism, but received a new lease of life through the broken windows theory of the 1980s (Harcourt 2012; Kaplan-Lyman 2012). According to this theory, disorder was at the root of urban communities' perceptions of fear and insecurity and generated more serious crime (Harcourt 2012: 28[6]; Kaplan-Lyman 2012). To address this, it was postulated that more aggressive police patrolling would be a deterrent to crime (Kaplan-Lyman 2012). Some authors,

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5   Section 8B of the Malawi Road Traffic Act, Road Traffic (Construction, Equipment and Use) Regulations GN 18/2000, 40/2004.

6   '… the alleged correlation between disorder and serious crime fails to take into account other factors that may contribute to the deterioration of a neighbourhood.'

however, went further to require police intervention in low-level disorder such as public urination or sleeping on the streets (Kaplan-Lyman 2012).

William Bratton, a prominent initial implementer of broken windows policing in New York in the early 1990s, followed a strategy of arresting people for misdemeanours and conduct that is not inherently criminal, claiming that this reduced felonies because some of those arrested had warrants out for more serious crimes (Kaplan-Lyman 2012). Many authors have argued that this increased the stigmatisation of marginalised communities (Kaplan-Lyman 2012).

Babe Howell (2009: 271) concludes that 'the costs associated with policing order via the criminal justice system are so great that immediate steps must be taken to reduce them'. He notes that order maintenance is possible without aggressive policing which undermines the legitimacy of the criminal justice system and is disproportionately onerous on the poor.

Many cities in Africa have also applied order-maintenance policing practices through the enforcement of by-laws by city-level officers. These officers have become notorious for their aggressive, military-style tactics for dealing with nuisance-related behaviours – for example the askaris who assault street vendors in Nairobi; the Abuja Environmental Protection Board officers who indiscriminately harass people who beg, street children and sex workers in Abuja; and the Red Ants who forcefully evict poor residents from inner-city areas in Johannesburg. What these examples illustrate is that policing of the poor is not just a matter of outdated policing practices. This lack of understanding and respect for the needs of residents in the urban periphery permeates all government departments, accounting for the lack of services in the urban periphery and the exclusionary practices of local governments.

The myth of democratic policing within unjust cities

For policing to be effective and provide equal protection to all communities (Marx 2001: 8[7]), it has to follow the rules of democratic policing, achieve legitimacy and be capable of being held accountable. Where police discretion allows prejudice, stigma and discrimination to become factors in determining whether to arrest a person, the legitimacy of the police is eroded.[8] It is the responsibility of the government to address such concerns regarding the normative legitimacy of police and ensure that impunity for abusive police practices does not prevail.

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7   '… equal enforcement of the law focusing on the behaviour of the suspect, regardless of irrelevant characteristics such as ethnicity, gender, class and life style, or the personal attitudes of the enforcer.'

8   'Those generally implicated by the imprecise terms of the ordinance – poor people, nonconformists, dissenters, idlers – may be required to comport themselves accordingly to the lifestyle deemed appropriate by the Jacksonville police and the courts. Where, as here, there are no standards governing the exercise of the discretion granted by the ordinance, the scheme permits and encourages an arbitrary and discriminatory enforcement of the law. It furnishes a convenient tool for harsh and discriminatory enforcement by local prosecuting officials, against particular groups deemed to merit their displeasure.' Papachristou v City of Jacksonville 405 US 156 (1972).

The legitimacy of the police wanes or recovers in periods of economic decline and economic growth and is affected by the extent to which the police are authoritarian, partisan or prone to excessive force or extortion. Sometimes communities accede to the power of the police not because they view such power as legitimate, but rather because they feel too disempowered to assert their rights.

During the struggles for independence and democracy in Africa, the police were notorious for their 'heavy-handed enforcement of unpopular laws' (Delgado 2008: 1195[9]). For the police to now achieve social legitimacy, residents should understand the authority of the police, accept that the police determine their behaviour, trust the motives of the police and believe in their capacity to protect them (Terpstra 2011). This will require substantial new strategies and resources.

An illustration of deficits in legitimacy is the difficulty police officers have in getting witnesses from poor communities to testify in court – a task which would have been much easier if these communities trusted in the police and the police's ability to guarantee their safety. Another example is the swift action taken by the police to quell protests compared to the speed with which they investigate serious crimes within the periphery.

No doubt, from a police perspective, policing the urban periphery is a challenging, dangerous and stressful task (Van der Spuy & Armstrong 2014). From societies' point of view, however, policing is not just a question for the police.

Community policing revisited

The community policing movement is described by criminologists as a gradual adoption of a change in philosophy in an attempt to legitimise the police (Crank 2003). The effectiveness of community policing often depends on the extent to which democracy has been established within a country and democratic values are instilled in the police service (Lum 2009).

Community policing encourages the police to work closely with communities to develop strategies to address crime and problem behaviour, and requires that communities trust in the service, responsiveness and cultural sensitivity of the police (Eve et al. 2003).

The notion of community policing has not been easily incorporated into the current policing institutions (Walsh 2001). Community policing is also harder to implement in diverse communities with many competing interests (Eve et al. 2003). Community policing practices are accordingly at risk of being cyclical – communities form partnerships with the police to solve social problems, but in the absence of other non-police interventions, structural inequality will limit the possibilities for incremental achievements and result in the onset of fatigue within these partnerships.

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9   '… heavy-handed enforcement of unpopular laws breeds resentment, particularly in outside communities …'

Given the history of colonialism in Africa and the many injustices perpetrated by the police over the centuries, I would argue that community policing nevertheless remains the only policing option currently available that will not serve to further de-legitimise the police. Adopting other approaches such as zero-tolerance policing would be akin to bringing a sledgehammer into a fragile environment.

Community policing, however, must be integrated with other social development services and comprehensive, evidence-based crime prevention programmes at local level. It is not reasonable to expect that community policing on its own can be used to address social problems which simply do not fall within the police's mandate or training. Whilst some inroads can be made, such initiatives will not be able to address the structural problems which facilitate crime, for example, the fact that crime will likely be an attractive option where the formal economy exploits workers and limits their ability to sustain a living.

For communities to function peacefully and with dignity, it is important for resources to be invested in such communities and for the state to take its constitutional obligations seriously (Silverman 2018: 13[10]). It is necessary to create as many opportunities as possible for civic engagement with the police and other state institutions on what their needs are and to hold these services accountable, including through enabling community-led monitoring of state institutions (Cituentes 2010).

Conclusion

Being stationed at a police station in the urban periphery can be daunting. In Africa, urban peripheries are not easy terrains to navigate and they can easily be labelled petri dishes for a range of social problems. These problems are, to a large extent, insurmountable as long as the lack of investment of resources in urban peripheries remains. However, police training and restructuring which espouses a community-oriented world view could go some way towards rebuilding bridges between the police and the communities they are supposed to serve. This will require gaining the trust of diverse communities and being willing to be held accountable to such communities for service delivery.

The need for rights-based reform of police institutions is critical and should be accompanied by the reform of outdated criminal laws and police practices, and a clear message that abuse of power will be dealt with swiftly and effectively. It is imperative that states provide better working conditions for police officers, including higher pay and improvements in training and psycho-social support, to ensure that they are able to conduct their work efficiently and are not drawn into corrupt or compromising relationships. Above all, we need to rethink the purpose of

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10 'For decades, poor and minority urban dwellers have been displaced, disenfranchised, and segregated. This has been the outcome of urban policies that are increasingly driven by the demands of footloose industry and global economy … In order to promote social justice and equity, it is incumbent upon policymakers to focus revitalisation efforts in these cities on the needs of this growing segment of the population.'

policing, criminal law and the criminal justice system, to ensure that the institution of policing is not used as a tool to penalise the poor and entrench the marginalisation of sectors of society.

Bibliography

Anthony Njenga Mbuti & others v Attorney General & others (2015) eKLR, Constitutional Petition No. 45 of 2014. Available at http://kenyalaw.org/caselaw/cases/view/107838/ [accessed 11 February 2019]

Babe Howell K (2009) Broken lives from broken windows: The hidden costs of aggressive order-maintenance policing. *NYU Review of Law & Social Change* 33: 271–285

Bratton M & Masunungure E (2007) Popular reactions to state repression: Operation Murambatsvina in Zimbabwe. *African Affairs* 106(422): 21–45

Cahen M (2012) Anticolonialism and nationalism: Deconstructing synonymy investigating historical processes. In: E Morier-Genoud (ed.) *Sure Road? Nationalisms in Angola, Guinea-Bissau and Mozambique*. African Social Studies Series 28. Leiden: Brill. pp. 1–28

Caldeira T (2017) Peripheral urbanisation: Autoconstruction, transversal logics, and politics in cities of the Global South. *Society and Space* 35(1): 3–20

Cituentes M (2010) Speaking up: Citizens' demand for accountability and improved services in a Nairobi slum. In: GM Gómez, AA Corradi, P Goulart & R Namara (eds) *Participation for What: Social change or social control?* The Hague: International Institute of Social Studies & Hivos. pp. 93–103

Coldham S (2000) Criminal justice policies in commonwealth Africa: Trends and prospects. *Journal of African Law* 44: 218–238

Crank JP (2003) Institutional theory of police: A review of the state of the art. *Policing: An International Journal of Police Strategies & Management* 26(2): 186–207

De Coppet M (1949) Manpower problems and prospects in Madagascar. *International Labour Review* 59(3): 249–270

Delgado R (2008) Law enforcement in subordinated communities: Innovation and response. *Michigan Law Review* 106: 1193–1212

Dibben P, Wood G & Williams CC (2015) Pressures towards and against formalization: Regulation and informal employment in Mozambique. *International Labour Review* 154(3): 373–392

Dikeç M (2002) Police, politics, and the right to the city. *GeoJournal* 58: 91–98

Elsenhans H (2015) The concept of the periphery as a constitutive part of the capitalist world system. *Middle East – Topics and Arguments* 5: 14–23

Ener M (1999) Prohibitions on begging and loitering in nineteenth-century Egypt. *Die Welt des Islams* 39(3) (State, Law and Society in Nineteenth-century Egypt): 319–339

English Home Office (1974) *Working Party on Vagrancy and Street Offences Working Paper*

Eve RA et al. (2003) Community-oriented policing in a multicultural milieu: The case of loitering and disorderly conduct in East Arlington, Texas. *International Journal of Police Science and Management* 5(4): 245–264

Flynn PG (1968) Vagrancy laws and the right to privacy. *University of San Francisco Law Review* 2: 337–354

Frische J (2015) "Getting by" at the urban periphery: Everyday struggles of informal merchants in Tunisia. *Middle East – Topics and Arguments* 5: 65–76

Harber A (2011) *Diepsloot*. Johannesburg: Jonathan Ball Publishers

Harcourt BE (2012) *Punitive Preventive Justice: A critique.* Coase-Sandor Institute for Law and Economics Working Paper No. 599

Herman S & Chomsky N (1988) *Manufacturing Consent: The political economy of the mass media*. New York: Pantheon Books

Human Rights Watch (2003) *Charged with Being Children: Egyptian police abuse of children in need of protection.* Available at www.hrw.org/reports/2003/egypt0203/ [accessed 22 December 2018]

Human Rights Watch (2006a) *Swept Away: Street children illegally detained in Kigali, Rwanda.* Available at https://childhub.org/en/system/tdf/library/attachments/hrw06_swscidi_kigali_rwanda_081106.pdf [accessed 22 December 2018]

Human Rights Watch (2006b) *What Future? Street children in the Democratic Republic of Congo.* Available at www.hrw.org/reports/2006/drc0406/ [accessed 22 December 2018]

Human Rights Watch (2014) *Where Do You Want Us to Go? Abuses against street children in Uganda.* Available at www.hrw.org/report/2014/07/17/where-do-you-want-us-go/abuses-against-street-children-uganda [accessed 22 December 2018]

Kaplan-Lyman J (2012) A punitive bind: Policing, poverty, and neoliberalism in New York City. *Yale Human Rights and Development Law Journal* 15: 177–221

Keese A (2014) Slow abolition within the colonial mind: British and French debates about 'vagrancy', 'African laziness' and forced labour in West Central and South Central Africa, 1945–1965. *Internationaal Instituut voor Sociale Geschiedenis IRSH* 59: 377–407

Kinyanjui MN (2014) *Women and the Informal Economy in Urban Africa: From the margins to the centre.* London: Zed Books

Lahan MP (1968) Trends in the law of vagrancy. *Connecticut Law Review* 1: 350–368

Lopes MA (2005) Poor relief, social control and health care in 18th and 19th century Portugal. In: OP Grell, A Cunningham & B Roeck (eds) *Health Care and Poor Relief in 18th and 19th Century Southern Europe.* Aldershot: Ashgate. pp. 142–162

Lugalla J & Mbwambo JK (1999) Street children and street life in urban Tanzania: The culture of surviving and its implications for children's health. *International Journal of Urban and Regional Research* 23(2): 329–344

Lum C (2009) Community policing or zero tolerance? Preferences of police officers from 22 countries in transition. *British Journal of Criminology.* 49(6): 788–809

Magaro GE (1967) Criminal penalties for vagrancy – Cruel and unusual punishment under the Eighth Amendment. *Western Reserve Law Review* 18: 1309–1329

Malawi News Agency (2017) Kanengo police net 52 in sweeping exercise. *The Nation*, 18 May. Available at https://mwnation.com/kanengo-police-net-52-in-sweeping-exercise/ [accessed 22 December 2018]

Malenga B (2017) 126 nabbed in sweeping exercise. *Malawi 24*, 7 August. Available at https://malawi24.com/2017/08/07/126-nabbed-sweeping-exercise/ [accessed 22 December 2018]

Marx GT (2001) Police and democracy. In: M Amir & S Einstein (eds) *Policing, Security and Democracy: Theory and practice.* Huntsville: Office of International Criminal Justice. pp. 35–45

Mayeso Gwanda v State MWHC 23 (2017) Available at https://pocketlaw.africanlii.org/judgment/high-court-general-division/2017/23.html [accessed 11 February 2019]

Mbiba B (2017) On the periphery: Missing urbanisation in Zimbabwe. *Africa Research Institute*, 27 March. Available at www.africaresearchinstitute.org/newsite/publications/periphery-missing-urbanisation-zimbabwe/ [accessed 22 December 2018]

Muntingh L (2015) *Arrested in Africa: An exploration of the issues.* Cape Town: Dullah Omar Institute, University of the Western Cape. Available at https://acjr.org.za/resource-centre/Arrested%20in%20Africa%202.pdf [accessed 22 December 2018]

Muntingh L & Petersen K (2015) *Punished for Being Poor: Evidence and arguments for the decriminalisation and declassification of petty offences.* African Criminal Justice Reform. Available at https://acjr.org.za/resource-centre/punished-for-being-poor-evidence-and-arguments-for-the-decriminalisation-and-declassification-of-petty-offences/ [accessed 22 December 2018]

Oloka-Onyango J (1990) Police powers, human rights and the state in Kenya and Uganda: A comparative analysis. *Third World Legal Studies* 9: 1–36

Ouaissa R (2015) Frantz Fanon: The empowerment of the periphery. *Middle East – Topics and Arguments* 5: 100–106

Papachristou v City of Jacksonville 405 US 156 (1972) Available at https://supreme.justia.com/cases/federal/us/405/156/ [accessed 11 February 2019]

Potts D (2006) 'Restoring order'? Operation Murambatsvina and the urban crisis in Zimbabwe. *Journal of Southern African Studies* 32(2): 273–291

Silverman RM (2018) Rethinking Shrinking Cities: Peripheral dual cities have arrived. *Journal of Urban Affairs* 1–18 https://doi.org/10.1080/07352166.2018.1448226

Soares de Oliveira R & Taponier S (2012) 'O Governo Está Aqui': Post-war state-making in the Angolan periphery. *Politique Africaine* 130(2): 165–187

Social Justice Coalition & others v Minister of Police & others (2018) Available at http://www.saflii.org/za/cases/ZAWCHC/2018/181.html [accessed 11 February 2019]

Southern Africa Litigation Centre & Centre for Human Rights Education, Advice and Assistance (2013) *No Justice for the Poor: A preliminary study of the law and practice relating to arrests for nuisance-related offences in Blantyre, Malawi*. Available at www.southernafricalitigationcentre.org/wp-content/uploads/2017/08/No-Justice-for-the-Poor-A-Preliminary-Study-of-the-Law-and-Practice-Relating-to-Arrests-for-Nuisance-Related-Offences-in-Blantyre-Malawi.pdf [accessed 22 December 2018]

Southern Africa Litigation Centre (2016) *'They Should Protect Us because that Is Their Job': A preliminary assessment of sex workers' experiences of police abuse in Lusaka, Zambia.* Available at www.southernafricalitigationcentre.org/2016/09/24/salc-research-report-they-should-protect-us-because-that-is-their-job/ [accessed 22 December 2018]

Social Justice Coalition & others v Minister of Police & others (2018) Case No. EC03/2016, Western Cape Equality Court, 14 December

Steinberg J (2008) *Thin Blue: The unwritten rules of policing South Africa.* Johannesburg: Jonathan Ball Publishers

Tambulasi R & Kayuni H (2008) Can the state perpetuate the marginalisation of the poor? The socio-economic effects of the state's ban on minibus 'callboys' in Malawi. *Development Southern Africa* 25(2): 215–226

Terpstra J (2011) Two theories on the police – The relevance of Max Weber and Emile Durkheim to the study of the police. *International Journal of Law, Crime and Justice* 39(1): 1–11

UNODC (United Nations Office on Drugs and Crime) (2007) *Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment*, Criminal Justice Handbook Series. Available at www.un.org/ruleoflaw/files/alternativestoimprisonment_handbook%20of%20basic%20principles.pdf [accessed 22 December 2018]

UNODC (United Nations Office on Drugs and Crime) (2011) *Introductory Handbook on Policing Urban Space*, Criminal Justice Handbook Series. Available at www.unodc.org/pdf/criminal_justice/Introductory_Handbook_on_Policing_Urban_Space.pdf [accessed 22 December 2018]

UNODC (United Nations Office on Drugs and Crime) (2015) *Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation*. Thirteenth United Nations Congress of Crime Prevention and Criminal Justice. New York: United Nations

Van der Spuy E & Armstrong A (2014) Policing of an urban periphery: The case of Khayelitsha. *SACJ* 27(3): 377–403

Walsh WF (2001) Compstat: An analysis of an emerging police managerial paradigm. *Policing: An International Journal of Police Strategies & Management* 24(3): 347–362

Willis GD (2014) Antagonistic authorities and the civil police in São Paulo, Brazil. *Latin American Research Review* 49(1): 3–22

Chapter 2

Policing for the community? The mismatch between reform and everyday policing in Nairobi, Kenya

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During an afternoon walk in the spring of 2018 with three men living in Mathare, one of the larger 'ghettos' of Nairobi, Kenya, we discussed the prevalence and normalisation of intimidation, abuse, violence and killings by police officers. They narrated how the state police as a whole (thereby referring to the various units that make up the National Police Service) only serve a minority of the population. Moreover, they do so in a fickle and unpredictable way, very often driven by self- and economic interest. When asked whether they would turn to the police for protection or assistance, their eyes opened wide, expressing disbelief and shock. Shortly thereafter, they broke into laughter and one of them said: 'The police do not protect us, they kill us!'

This experience, of an oppressive police force that does not serve all of its citizens, is held by many Kenyans, especially those residing in the numerous lower socio-economic strata of the city. During interviews and periods of participant observation conducted by all three authors, the police were primarily portrayed as a corrupt, untrustworthy and despotic group of officers that were feared and abhorred, and other studies confirm this perspective (Omenya & Lubaale 2012; Musoi et al. 2013; International Alert & Kenya Muslim Youth Alliance 2016; Price et al. 2016; Van Stapele 2016; Jones et al. 2017). This reigning experience points towards ongoing tensions with the state discourse on 'people-centred policing' that has steered the police reform project in Kenya.

Police reform in Kenya has been extensive, especially since the establishment of the new Constitution in 2010. In the wake of progressive legislative changes, new command structures and monitoring institutions were founded to improve the behaviour of the police, and an array of other initiatives have been implemented, such as the creation of new training curriculums. In combination, the fundamental aim has been to transform the culture and mindset within the

National Police Service from 'state-centred' towards 'people-centred' policing. Central to this shift has been the implementation – ironically – of various state-led community policing initiatives to (re)establish confidence in the state police and build trust between police officers and citizens. These initiatives often coincide or clash with existing local security provision across the country, ranging from resident associations in the more affluent regions to informalised patrol systems organised by tenant associations in the urban peripheries (Anderson 2002; Heald 2007; Andhoga & Mavole 2017; Ayiera 2017; Colona & Diphoorn 2017).

Yet, despite the various institutional changes that have been implemented towards engendering reform, the levels of police violence and extrajudicial killings in many parts of Nairobi paint a very different picture. In areas such as Mathare, Kawangware, Kibera, Majengo and Eastleigh, everyday life is marked by violence, crime, fear and insecurity, and the police are widely considered to be implicated in all of these phenomena. Embroidered in larger structures of social exclusion and stigmatisation, policing in these parts of the city is very often defined by corruption, criminality and the illegal use of (lethal) force, as the three men from Mathare also made clear. Furthermore, instead of acting as the protectors of people, property and peace, as their formal mandate upholds, it is especially state police officers that are regarded by residents as the prime perpetrators of violence. Their role as perpetrators has been extensively documented by numerous non-governmental organisations (NGOs) (KNCHR 2008; MSJC 2017). Against this background, community policing efforts in these neighbourhoods have not led to better relations between the state police and citizens. Furthermore, these state-led initiatives have either not been implemented, or have been instigated in ways that lead to more police control by merging with local and highly exclusive security groups that serve the interests of the police (and themselves), rather than residents. Alongside these few cases of co-optation, most ghettos of Nairobi are home to different types of community-based security groups that often work outside (and sometimes against) state police structures. Similar to what has been identified elsewhere (Bayley 2006; Hills 2008), it seems that police reform efforts in Kenya have not localised and have not trickled down to police stations as hoped for, especially those in the peripheries of large urban centres such as Nairobi.

Drawing on ethnographic fieldwork conducted by all three authors working on different but complementary research projects on policing in Nairobi, we argue that, despite the numerous reform efforts that have been implemented by the Kenyan state, everyday policing in poor areas in the city reveals an opposing reality on the ground. We explore these contradictions by focusing on local security efforts in Mathare and Majengo, two poor areas in Nairobi. In Majengo, we see how excessive and (mostly) illegal police violence has flipped community policing from a 'people-centred' endeavour to one that brings about more state control. In Mathare, such violence has prompted local security initiatives that have more legitimacy than the state police units that visit these neighbourhoods on a daily basis.

To these ends, in the first section of this chapter we briefly discuss the core institutional changes brought about by police reform in Kenya. In the second section, we analyse the key role that community policing plays in most police reform initiatives across the globe and make apparent how this is also the case in Kenya, while also highlighting how the focus in this context has been a shift from 'state-centred' towards 'people-centred' policing. In the third section, we analyse two cases, Mathare and Majengo, and through these examples show that state-led community policing efforts have only reached a few low-income neighbourhoods, and frequently in ways that are detrimental to the 'people-centred' objective. Furthermore, areas where state-led initiatives are operative are characterised by intense state surveillance and the successful co-optation of local security efforts, particularly in the context of the War on Terror. In most other low-income neighbourhoods in Nairobi, community policing is non-existent and residents rely heavily on local non-state security providers for safety in their own streets, thereby allowing for divergent local security efforts. We end this chapter with some concluding remarks about the need to consistently question the objectives, implementation and impact of state policing efforts in Nairobi.

Transforming the police

Police reform is a broad concept used to refer to the various ways that police forces across the globe are 'transforming' in a myriad of ways. Generally speaking, it refers to 'far-reaching efforts to restructure and re-conceptualise policing and internal security within a society' (Call 1999: 27). Most studies on police reform tend to focus on countries that have gone through some form of political transition, such as South Africa, Sierra Leone, Guatemala and Northern Ireland, to name but a few (Glebbeek 2003; Brogden 2005; Marks 2005; Ellison 2007; Krogstad 2012). Within this attention on transitional societies, the emphasis lies with the democratisation of policing and establishing police forces that respect the rule of law and are transparent and accountable to the public (Hinton & Newburn 2009).

In Kenya, the idea of police reform emerged under the Mwai Kibaki government in 2002. Within a key government plan, namely the Economic Recovery and Wealth Creation Strategy, security and policing were centralised and regarded as crucial to economic growth (Ruteere 2011). Furthermore, a particular programme, the Governance, Justice and Law and Order Sector Reform Programme, was established to transform the security and justice sector, and a task force on reform was created by the state police in 2004. The optimism that accompanied this programme quickly dwindled as the report on police reform never reached the public or resulted in concrete programmes. Furthermore, numerous police operations conducted under the Kibaki regime, most notably the crackdown on Mungiki, a religious ethno-nationalist movement, between 2004 and 2009, made it apparent that police reform was far from under way.[1] In the eyes of many, the state

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1   For more information on Mungiki, see Rasmussen (2010).

police remained an instrument for control by and for the political elite (Akech 2005; Hills 2007).[2]

This perception of the state police was reaffirmed when it became known that police officers had played a crucial role in the widespread violence that occurred after the presidential elections in 2007 and 2008 (referred to as the post-election violence). A Commission of Inquiry into the Post-Election Violence (CIPEV) was set up after these unfortunate events and concluded that 1 133 people died and over 660 000 had been displaced. More specifically, over 400 of these deaths were the direct result of police actions. Furthermore, police officers and other security agents were found culpable of other crimes as well, such as sexual violence.[3] The CIPEV report, and many others, reaffirmed the idea that substantial police reform was needed. As a consequence, in 2009 the National Task Force on Police Reforms, chaired by Philip Ransley, was established, and the final outcome of this task force later came to be known as the Ransley report. The task force made more than 200 recommendations, and in 2010 the Police Reforms Implementation Committee was set up to oversee the implementation of these recommendations.

The National Police Service Act of 2011

Most of the recommendations were channelled into the new Constitution of 2010, and this included a vast number of legislative changes. Perhaps the most crucial change was the establishment of the National Police Service (NPS) Act of 2011.[4] This Act entailed transforming the Police Force into the Police Service, and restructuring the police and its commanding structures. An independent inspector general was instated to command over the entire police service, which now merged two existing forces. In Kenya, state policing emerged under British colonial rule and the corps was divided into two sectors: the Administrative Police and the Kenya Police Force. The latter is regarded as the 'regular police' or the Kenyan police, more generally, and has been engaged with more traditional policing duties such as crime prevention and investigations. The Administrative Police was known as the 'tribal police' and is still widely regarded as a political tool to support provincial administrations and chiefs. For many decades, the Administrative Police largely dealt with the rural areas and informal urban settlements, while the Kenya Police Force was responsible for policing the urban centres (Ruteere 2011).

Historically, the two police units often operated rather distinctively, and the reform intended to change that and unite them under one command. With the NPS Act, the Kenya Police and the Administrative Police are both mandated to assist the public, maintain law and order, and protect the lives of Kenyan citizens. At the

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2   For a critique on this perspective of the state police as a force in the service of its regime, see Ruteere (2011).

3   The CIPEV report can be accessed at: www.nation.co.ke/blob/view/-/482958/data/46262/-/attnbm/-/CIPEV+Report.pdf.

4   For a more encompassing overview of the various changes that were part of police reform, see Osse (2016).

same time, the Kenya Police remains responsible for preventing and investigating crime, while the Administrative Police has the primary duty of border security and the protection of government buildings. Yet, despite these unifying efforts, they are still seen as two separate police forces that operate independently from each other. In Mathare, for example, the Administrative Police is primarily involved in conducting raids, while the Kenya Police is seen to be more engaged in 'regular' policing and tackling crime-related activities. Many interlocutors, especially police officers, identified this persistent divide as a major impediment to police reform in Kenya. During interviews they discussed how competition and rivalry between the two forces hamper cooperation and influence police operations. Recent developments suggest that this distinction will soon disappear since, at the end of July 2018, public statements by the NPS suggested that the Administrative Police was facing 'disbandment' and that most of the officers would be merged with the Kenya Police, leaving only the very specialised units to operate separately (People Daily 2018).

Police oversight

Another fundamental change that was crucial to the police reform project was the setting up of two oversight agencies to oversee police conduct: one for internal and the other for external oversight. For internal oversight, the Internal Affairs Unit (IAU) was set up under Section 87 of the NPS Act. The unit is responsible for handling police (mis)conduct internally and, although it is supposed to act as an independent body from the two police services – the Kenya Police and the Administrative Police – its director reports directly to the inspector general. The main goal of the IAU is to receive and investigate complaints against police officers, and these complaints can come from both members of the public as well as police officers themselves.

For external civilian-led oversight, the Independent Policing Oversight Act of 2011 was decreed, and an oversight agency, the Independent Policing Oversight Authority (IPOA), was established as a result of this law. The agency is an independent state institution that has the primary mandate of regulating and monitoring police violations. Specifically, it is required to investigate police misconduct, especially deaths and serious injuries caused by the police; review the functioning of internal disciplinary processes; monitor and investigate policing operations and deployment; and conduct inspections of police premises. The IPOA can be compared to oversight authorities established elsewhere, such as the Independent Police Investigative Directorate in South Africa, the Independent Police Complaints Board in Sierra Leone, and the Independent Office for Police Conduct in the United Kingdom. On this global comparative level, the agency is regarded as highly progressive, having an extensive mandate that exceeds other oversight authorities. In addition to these two oversight institutions, the National Police Service Commission was created to oversee the recruitment, transfer, discipline and remuneration of police officers. Since the inception of the commission, the vetting of police officers has been its core (and most public) activity.

People-centred policing: Police reform from above

In addition to changes of command and the implementation of oversight bodies, a key part of police reform has been the implementation of state-led community policing. Globally, community policing is an appealing and widely employed strategy aimed at enhancing public security and safety and improving relationships between the police and the community. The general rationale is that regular encounters between police officers and citizens will enhance trust and result in the exchange of information and experiences, and in this way reduce crime. The first initiatives that were termed community policing emerged in the 1970s in North America and Britain, and were largely aimed at restoring police–minority relations in particular neighbourhoods (Fielding 2005). Since then, 'community policing' has become somewhat of a popular term in the policing domain, acting as both a philosophy and an operational strategy.

Across the globe, we can identify various community policing initiatives and determine that it is difficult to define what community policing actually is (Brogden & Nijhar 2005). Community policing is a 'chameleon concept' (Fielding 2005: 460) and is used to refer to particular styles of policing, such as reassurance policing, problem-oriented policing and community-oriented policing (Makin & Marenen 2017); particular activities, such as conducting regular patrols and engaging in consultative meetings; or an expression capturing specific organisational units ranging from neighbourhood watches driven and organised by citizens to community policing forums (CPFs) that are managed by police stations. In fact, some argue that community policing refers to initiatives that are state-led, and that other initiatives, driven by community members, should be seen as forms of citizen-based policing or community-led forms of security provision (Ruteere 2017). Research on community policing on the African continent tends to confirm this divide, reaffirming the empirical distinction between top-down initiatives implemented by states and police forces, and bottom-up undertakings that are initiated and maintained by civilians (Buur 2006; Baker 2008; Cross 2014; Di Nunzio 2014; Kyed 2018).

In Kenya, community policing has also been a major component of the police reform project and driver of the shift to 'people-centred' policing. In their widely cited article, Mutuma Ruteere and Marie-Emmanuelle Pommerolle (2003) discuss how the concept of community policing gained momentum in 1999, when the Vera Institute of Justice proposed to support two projects run by civic organisations in Nairobi – the Kenya Human Rights Commission and the Nairobi Central Business District Association. In their analysis of this situation, they discuss how these community policing initiatives did not achieve what they had set out to: they largely 'fail[ed] to address or deliberately ignore[d] the wider political context', and did not fully embrace the 'meaning of democratization in policing matters' (Ruteere & Pommerolle 2003: 602–603).

Nevertheless, community policing was then picked up by the Kenyan state, and in 2004 to 2005 community policing was formally launched by the National Police Force. Following that, several projects were initiated around the country, but a

nationwide strategy aimed at diminishing crime never materialised. With the new Constitution of 2010 and the NPS Act of 2011, community policing became constitutional: under Section 10(1)(k) of the NPS Act, the inspector general is authorised to provide guidelines on community policing to all police officers and to ensure that there is cooperation between police officers and communities in combating crime. Despite these various efforts, largely propelled by donor support, the nationwide roll out of community policing only happened in 2016.

In the meantime, community policing took a different turn in 2013 after the Westgate Shopping Mall attack in Nairobi. The response this time around was the launch of the countrywide Nyumba Kumi initiative, and the president set up a task force to oversee the implementation of this scheme. Largely imported from a Tanzanian experiment, the system intends to bring security to the level of the 'household' by creating clusters of ten houses (as the name implies in KiSwahili – *nyumba* [house] *kumi* [ten]) comprised of local residents and stakeholders. The idea is that these clusters meet regularly (twice a month), share information with one another and, when needed, provide this information to relevant levels of the national administration. In contrast to the previous community policing programme under Kibaki, Nyumba Kumi does not operate through police structures, but through the colonial system of the provincial administration, i.e. the chiefs and sub-chiefs. It thus acts as a parallel structure to the police, and many police officers shared feelings of resentment towards the scheme, as can be seen from the following quote from a high-ranking male police officer: 'The aim of Nyumba Kumi was to snatch community policing from the police and bring it to the administration to make the chiefs more powerful.'[5]

Over the past few years, Nyumba Kumi has been enforced in some places. Several interlocutors discussed its success, primarily in the rural areas. In the urban centres, it largely exists in lower-income neighbourhoods and poor urban settlements that face high terror-related incidents. However, ultimately, Nyumba Kumi never really took off as was intended and informants cite the lack of police involvement as the main reason for this. In fact, during interviews with police officers, it became apparent that they saw a need to 'reclaim' community policing.

This reclaiming was primarily instigated by the launch of a new and improved community policing programme in August 2016. In May 2016, three key booklets were launched to give direction to police officers: (1) *Community Policing: Inspector General's Guidelines to Police Officers* (National Police Service 2016a); (2) *Community Policing Forums and Committees: Handbook* (National Police Service 2016b); and (3) *Community Policing Information Booklet* (National Police Service 2017). Once handed out across the country, police officers would possess uniform instructions on how to enforce community policing. In this new community policing programme, community policing is defined as 'an approach to policing that recognizes [the] voluntary participation of the local community in the maintenance of peace', and consists of a 'partnership between police and the

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5   Interview: male police officer, 20 February 2018.

community in [the] identification of issues of crime and general insecurity' (NPS 2016a: 8). Furthermore, within this collaboration the police 'need to be responsive to the communities and their needs, with its key elements being joint problem identification and problem solving while respecting the different responsibilities the police and the public have in crime prevention and the maintenance of order' (NPS 2016a: 8).

To set up community policing, two main structures are key: the community policing committees and the CPF. The committees act as elected governing entities that administer the activities and exist at all levels: county, sub-county, police station/ward, location and sub-location. The forums refer to the meetings or gatherings of residents 'for the purpose of discussing their security and policing matters' and these 'should be inclusive and represent all the stakeholders of the area' (NPS 2016a: 5). Each police station/ward is responsible for deciding which activities should be undertaken, with the following activities suggested: 'foot patrol, community meetings, door-to-door visits, public education programs, outputs/unit bases, neighbourhood watch programmes, neighbourhood town meetings, and mobile police stations' (NPS 2016b: 17–19). The new community policing programme thus has the objective of bringing all community policing activities, including Nyumba Kumi, under one framework. According to a few of the officers responsible for designing this programme, existing Nyumba Kumi structures are to be incorporated and to operate as committees at the sub-location level.

Although this recent attempt by the NPS endeavours to provide a uniform, coherent and all-encompassing programme for community policing, it is too soon to assess which direction it will take. In the meantime, it remains an ambiguous concept that is interpreted in a multiplicity of ways. Furthermore, the role of the police within these initiatives is often not clear – in the eyes of many police officers, community policing is about gathering information from the public, and rests on a rather traditional Westphalian assumption that policing and crime prevention are the sole responsibility of the state police. It is the state police, as such, that intervenes, monitors and controls the situation, and residents are to act as abiding partners that provide assistance and intelligence.

Combined, these three changes – the NPS Act, the establishment of police oversight bodies, and the redesign and implementation of community policing – have the fundamental objective of transforming the Kenyan state police into a transparent, accountable and democratic law enforcement agency that serves all of its citizens. However, although some Nairobi citizens voice optimistic sentiments, we more frequently hear voices of critique and pessimism. For many, the entire process is regarded as a 'reform-façade' (Osse 2016: 910). This critique is most strongly heard from human rights organisations and members of civil society who have documented the vast number of police killings and violence that characterise the everyday lives of many inhabitants of the urban peripheries of Nairobi. One such organisation is the Mathare Social Justice Centre (MSJC), a grass roots community-based movement operating in Mathare whose members argue that extrajudicial killings continue to rise (MSJC 2017).

'The police do not protect us!': Community policing in the urban periphery

In this section, we discuss local security efforts identified in Majengo and Mathare, two areas of Nairobi often referred to as ghettos. The intent here is to show how community policing takes on different forms in both areas, particularly the relationship between state-led community policing projects and local security efforts. In Majengo, we see how both Nyumba Kumi and community policing efforts have been implemented and are effective to some measure, yet they have, due to local circumstances, morphed into something else. In Mathare, community policing efforts are largely absent. Rather, we can identify a range of (informalised) security actors that provide security for the community, but through actions that would not be characterised as 'community policing' by either the state police or local residents.

The role of key individuals in community policing in Majengo

Majengo, a neighbourhood east of the city centre, is a sea of rusty brown low-rise structures that lie in the shadow of a magnificent and enormous mosque, which was the epicentre of Al Shabaab activity in Nairobi until recently (Amble & Meleagrou-Hitchens 2014). The neighbourhood emerged as a home to Muslims from the coast during the colonial era, and later people from other ethnic and religious backgrounds also settled there (White 1990). Majengo has always had a reputation for being rife with crime, drugs and sex work, ever since soldiers from the barracks nearby frequented the area during colonial times. Several major terrorist attacks have taken place in this neighbourhood and many people from Majengo have joined Al Shabaab (and in recent years also the Islamic State). At the same time, the area is plagued by police violence and brutal surveillance by intelligence organisations (Villa-Vicencio et al. 2016). Many young people (mostly men) have lost their lives or have disappeared after being taken into custody by state officials.

One of the men we interviewed, Daddy, was a known youth leader in Majengo, despite his age. His years 'were pushing', as he said, but he remained a resourceful role model for many youths. He had lost two brothers and many friends to the War on Terror, and had lost count of how many other friends had been killed as crime suspects. For close to two decades, Daddy had put great effort into coming up with economic alternatives to crime, and later also to terrorism, for the many youths in his circle of influence. He walked tall in his part of the neighbourhood, always sporting long, sleeveless baseball shirts and matching shorts reaching over his knees. On the day we spoke to him he wore a Muslim cap to cover his greying hair. With confident strides, he approached a small wooden table-cum-shop where more than ten of his young friends huddled together behind the table, all chewing fervently on the green *muguka* leaves (a strong variety of khat, a stimulant comparable to coca leaves) which they kept in small, rough, brown envelopes. One of them stood up from time to time to sell cigarettes or peanuts to customers, but the rest sat in motionless silence apart from moving their jaws. Daddy disturbed

their peace with his loud entrance. He shook hands, exchanged brash greetings, and shoved two men away to sit down on a brick behind the table.

He began to discuss a dialogue that had occurred two weeks prior as part of a project organised by different community-led and international organisations to reduce police violence in Nairobi ghettos. Daddy said: 'During the dialogue [between youth groups from Majengo], the three from Nyumba Kumi, huh, one of them, he is okay.' Others nodded in agreement. He continued: 'Yesterday I saw him, Mike, late at night, haha, he just stands there.' Daddy pointed to a kiosk across the road. 'You can't believe he has that courage. That street is bad. It is dark, dark. When you put a camera, you can shoot a movie there. And he just stands there, every night!' Daddy explained why in his view Mike was good, especially in comparison to the other Nyumba Kumi members, whom he branded as bad. He raised his voice: 'The others, all others, they sell you to the police. You could not even sit together – they think you are thieves. But Mike knows us, he still has that youthness in him, like me, so he makes sure the others also understand us.'

Majengo is one of the few ghettos in Nairobi where Nyumba Kumi is fully operational. A functioning Nyumba Kumi was largely established due to the high levels of police surveillance in this part of Nairobi, following several terrorist attacks and the discovery of local Al Shabaab recruiting programmes (Gisesa 2012). Alongside the common state security actors (i.e. the Kenya Police and the Administrative Police), this neighbourhood has a constant presence of officers from various other units, most notably the Anti-Terrorist Police Unit, the Directorate of Criminal Investigation, and the National Intelligence Service. These officers can be spotted regularly gathering intelligence and measuring the mood of the neighbourhood. Most stand out to local residents because they generally seem taller, bigger bodied and more formally dressed than other men walking the streets of Majengo. The existence of such an intense and multi-level surveillance infrastructure created a conducive environment for Nyumba Kumi to thrive, as it merely built on an already existing experience of 'being watched'. Most residents know who the 30 (or thereabouts) mostly male Nyumba Kumi members are, what their mandate is and how their work is organised. Each member is responsible for a cluster of ten houses and reports any relevant development at the household level to the chief during monthly meetings.

During an interview with Mike later that day, he explained that most Nyumba Kumi members volunteered to join, and sometimes received compensation fees of around KES 2 000 (± USD 20) from the provincial administration. Nyumba Kumi members are also often invited to meetings with NGOs and the government with the promise of per diems. It is common practice among NGOs and government bodies in Kenya to pay participants to attend trainings and seminars. Such per diems are often referred to as transport money, but these payments mostly exceed transport costs by a significant margin. Furthermore, members wield some level of power in their own neighbourhoods due to their close relationship with the chief, which they can manipulate to their own advantage, for instance in the case of land disputes.

Mike could almost always be found hanging out at a carwash he had started with youth who had reformed from crime, roughly 500m from Daddy's hang-out. He explained:

> But Nyumba Kumi is not community policing, Nyumba Kumi is *Nyumba Kumi*, it looks at ten houses each. I am the founder of community policing in Majengo. We collaborate with the regular police, not the Administrative Police (AP) like Nyumba Kumi – that is with the chief. We started our work in 1997, as [criminal] reformists. Now the [Kenya] police they collaborate with us … no not before; before it was just us, but that is also community policing.

Before Mike and his crew began to officially collaborate with the police, they provided security in their neighbourhood as a youth group of reformed criminals. Nevertheless, they only began to refer to their work as 'community policing' from the moment when their activities were incorporated into the state-based initiative. Patrolling the streets at night had always been part of Mike's wide array of youth group activities, which included garbage collection and selling water. Today, however, over 40 members of the Community Policing Committee in Majengo patrol the streets in shifts every night to protect their particular part of the neighbourhood against crime. Most carry a heavy wooden club or a steel pipe and fully charged phones filled with phone credit to call the police, who are on standby in case a problem occurs that cannot be solved by the patrollers. Mike gives an example: 'I cannot fight a thief with a gun. Then I call so and so. The police on duty have called me earlier to say they are on duty. When I call, they rush to where I am to deal with the matter. But most cases we can solve ourselves.'

A year earlier, an interesting incident revealed what 'solve ourselves' entails, and why young men and older youth leaders like Daddy trust Mike in a context where trust is in short supply, especially for Nyumba Kumi and members of the local Community Policing Committee, who are considered 'traitors' (*watiaji* in Sheng) by most young male residents. Mike was sitting on a rickety bench near one of the many projects he had started to help young people and himself earn a sustainable income outside of crime. He was joking around with a woman who sold sexual services from her doorstep. A teenage boy rode by on his bike. This on its own was not uncommon, but the reason why he stood out was that he was wearing a balaclava and a cap in sweltering hot weather. Mike spotted him and swiftly jumped up and raced to stop his bike. He started yelling at the boy in rude language. The boy, visibly shaken, turned around and walked away with his bike. When Mike sat down again he let out a long sigh:

> When you want to help they ignore you. That boy may be dead by tonight. A police officer, he is a friend of mine, told me they are looking for him. I know this boy, I know his mother. So, I went to him and said you have to go to [your rural home] and hide until things cool down. I even gave him some money to go. He went, and now he is back, ah trying to hide his face, not to me ... huh.

> He is back because he misses the ghetto, his friends, no, that is
> his death, right there!

Mike was known to use his position and relationships with different police officers to warn local suspects when their names appeared on 'death lists'. He has also financially supported several local crime suspects to go into 'exile' and has negotiated with police on behalf of other suspects to have them arrested instead of killing them. Most importantly, he has been instrumental in the release of many youths arrested without reason during the frequent police raids in the area, and this has solidified his support among large segments of Majengo residents. At the same time, Mike has been able to retain his relevance to the police by regularly providing information on criminal and terrorist activities in Majengo. His ability to engage in such a dangerous balancing act makes him stand out among regular members of community policing committees and Nyumba Kumi. His exceptionality reveals several critical points about community policing in Nairobi.

First, this case shows how formal interventions, very often led by the state, have been adapted to fit local contexts and incorporate existing activities to become relevant in particular settings. Mike and his team had been patrolling the area for nearly a decade before the formal community policing programme was rolled out, and they continued doing so under the new umbrella that requires monthly meetings with the police. Accordingly, the community policing programme formalised their activities and strengthened their connection with the police (and, as such, they enjoyed more powerful back-up than before). The effect, however, was not 'people-centred' policing, but increased control of Majengo by the police through its co-optation of Mike's group. Second, community policing seems to rely heavily on individuals' personal abilities to navigate often contradictory fields of power and legitimacy (for instance between young men and the police). Mike provided information to the police about criminal and terror suspects and simultaneously advocated for them to be arrested instead of killed. His success in doing the latter earned him some respect from young men who were engaged in crime, which made his work a bit safer and easier. Third, Nyumba Kumi and the Community Policing Committee may have overlapping members, indicating a possible conflict of interest and a potential concentration of local power among certain individuals. In Mike's case, this led to slightly improved relationships between the police and residents, even if only in particular circumstances. This does not negate the fact that Mike, and key individuals like him, can at times abuse their power and strategic relationships to develop personal projects and target specific individuals regarded as competitors. This may result in highly exclusive forms of policing that aim to control and target specific people and groups – i.e. those who are deemed a threat or who are considered of less use to crucial individuals such as Mike.

Plural security provision in Mathare

Recent work on plural security provision in Nairobi makes evident the growing number of non-state actors who play a role in enforcing and enhancing safety in poor urban settlements in the city. Though the state's preoccupation may be the 89 'criminal

gangs' recently banned in Kenya (Zadock 2016) – including the Gaza Boys, Taliban and Swat – residents of settlements such as Mathare recognise the many actors and the multifaceted nature of security provision in the area, which, notwithstanding the scale and power of the police nationally, have more weight and a mandate in this area. This is especially so given that the police in the ghettos are seen as primarily embodying violence and extortion, as discussed earlier. Additionally, Mathare is the site of a number of different security provision mechanisms that are adapted to the demographic and social realities of each particular locality in ways that national strategies for community policing are unable to do.

A recent community-based initiative anchored in the MSJC, a local social justice community-based organisation (CBO), has proposed bringing all of the security actors in the area together to institute and operationalise common security standards. Both this local work and a recent survey by Kimari and Jones (2016) recognise that various groups have been identified as providing security in the area, although this is not always dependable, accessible to all or free (see the Majengo section earlier for similar dynamics). These include actors such as security groups (sometimes referred to as vigilante groups), the police, village elders, youth groups, CBOs and NGOs (such as *Médecins Sans Frontières*, which has a clinic in the area), *askaris* (security guards), informants, family and friends. Institutions such as the County of Nairobi (known locally as *Kanjo* and which often collects arbitrary and exorbitant 'taxes' from small businesses), the General Service Unit (GSU) and the Administrative Police, which are, perhaps, formalised security actors, are understood by many locals as also bringing insecurity. In this regard, the GSU and Administrative Police officers are usually called in to enforce brutal martial actions, as in the 2015 raids against illegal alcohol and even 'Operation Kosovo', launched in 2007, ostensibly to rid Mathare of 'criminals'. While there is national reference to Nyumba Kumi, and it inevitably becomes a 'sign post' for the local administration to enact surveillance, our research shows that this strategy has not been operationalised to great effect in this area.

The constellation of security actors listed, principally those located in the community, offers some form of combined, competing and sometimes disconnected security infrastructure against the very real challenges experienced by residents. Furthermore, these actors evidence an understanding of security as encompassing more than just the protection of persons and property, but also including infrastructure (for example, adequate lighting, housing, roads, toilets and ablution blocks), health and job security, among other interconnected factors. While some security challenges are more pronounced at particular moments in time, for example ethnic violence during the lead-up to elections, most of these issues are part of the daily life of residents in Mathare, and intersect in very sinister ways with broader social, political, ecological and economic structural violence. Perhaps, as a consequence, there is even a significant overlap between the groups that manage water stations, toilets or carry out garbage collection, and those that provide security. Without a doubt, these interconnections highlight a more comprehensive understanding of security and community safety in poor urban settlements, one that cannot be resolved by national strategies of and for 'community policing'.

One may ask: How then, given all these actors with different interests, can security work in Mathare? These diverse security providers doubtlessly act on different but connected scales. For example, mothers, youth groups and village elders can all work to deter delinquency and deal with minor misconduct by speaking to those involved in these small breaches. In this regard, one group of women interviewed shared that they 'talk' to the 'boys' they suspect of being involved in small-time criminal activity, and even 'chase them away' from an area if they deem this to be a security solution.

Paid security groups, on the other hand, usually collectives of youth who are hired by residents and patrol the area, may use violence or their connections with the police to deal with what may be seen as more serious security violations, such as robbery, assault or threats to others. At the same time, both the police and local youth security groups are often implicated in gross abuses that favour landlords, business persons or more prosperous tenants in the area. It is these acts that allow residents to question the legitimacy of local paid security, while also recognising the monopolies of power they have in the constituency, especially in view of their ability to mobilise forces to ensure ends that are, primarily, satisfactory to themselves.

Churches, CBOs and NGOs also play a role in security provision. This is usually by mediating between police and/or more powerful local security groups and other residents, seeking to give those involved in crime 'alternative' futures, and documenting the human rights violations often attendant upon formal security operations – usually acts by the Kenya Police.

While common security standards are being pursued in Mathare, there is a clear difference in opinion from ward to ward about the possibilities of state and non-state security actor collaborations – a core objective of formal community policing initiatives. At the same time, our inference is that there is a desire to create a long-standing solution to the security issues in Mathare, and, therefore, that residents will do what it takes to ensure this. Notwithstanding the role that all of these groups are carving out for themselves in terms of security provision, we still see the clear domination of the police and informal security groups – even amidst the many contradictions in their services. What is also obvious is that, though the situation seems severe, all of these groups, as is the case in Majengo, perform functions that offer levels of imperfect 'community policing'. They essentially provide a multi-level safety net that begins at the domestic level and extends to paid local groups, CBOs and, when necessary, the police – in the face of the grave security challenges that characterise this area.

Conclusion

We have tried to demonstrate the ongoing tensions between the state strategy of 'people-centred policing', which has acted as the guiding mantra of police reform in Kenya, and the reality of everyday policing in many urban peripheries of Nairobi. More specifically, the Kenyan state has focused on the creation and implementation

of community policing efforts, yet these have either not been implemented (as in Mathare), or they have co-opted existing local structures that eventually end up operating differently than intended (as in Majengo). To complicate matters further, community policing has also been convoluted by the state's own instigation of a community policing type-programme – Nyumba Kumi. Combined, this has produced a complex constellation of local security provision in the urban peripheries, forcing us to question whether police reform has entailed a shift to people-centred policing and whether the 'people' (whoever they may be) lie at the 'centre' of policing.

In addition to the tremendous impact that such state-based policing efforts have on the lives of Nairobi's residents, we can also identify three other major issues that emerge or are amplified due to the mismatch between reform and everyday policing. The first pertains to oversight: with such a multi-actor security infrastructure, oversight is practically impossible. Although the IPOA has the mandate to monitor all 'policing operations', including community policing, how can such an institution regulate and monitor such a complex phenomenon that takes on different shapes and sizes across localities? As a consequence, groups that may have overextended their mandate, often the case with police and larger security formations such as paid security groups, are rarely held accountable.

Second, we need to question why community policing, or even Nyumba Kumi for that matter, has been operative in some areas but not in others. With specific regard to our case studies, the question arises: Why are neither Nyumba Kumi nor community policing operative in Mathare, while they seem, to some extent, to be imperfectly functional in Majengo? One explanation is related to the threat of terrorism in Majengo, which has led to more financial and political power to incentivise local security providers to become an integral part of the surveillance apparatus there. In Mathare, which lacks the threat of terrorism, the financial and political power needed to incentivise this national strategy is likely not a priority, and, as a result, state-based forms of community policing have not taken off.

We thus see that community policing is prone to becoming part of the state control apparatus rather than a partnership geared towards improving police–citizen relationships. In these instances, mitigation of such 'state-centred' community policing is only achieved, to some extent, through the intervention of key individuals who are able to delicately navigate contradictory interests, i.e. of the state vis-à-vis communities, and stay alive. Notwithstanding their ability to do so, this is far too weak a foundation for people-centred policing to build on, and concentrates too much power in the hands of these community figures. As the title of this chapter suggests, we need to critically question whether policing is for the community, and what initiatives are needed to streamline police reform in such a way that it is beneficial to the people for whom it is intended.

Bibliography

Akech MJM (2005) Public law values and the politics of criminal (in)justice: Creating a democratic framework for policing in Kenya. *Oxford University Commonwealth Law Journal* 5(2): 225–256

Amble JC & Meleagrou-Hitchens A (2014) Jihadist radicalization in East Africa: Two case studies. *Studies in Conflict & Terrorism* 37(6): 523–540

Anderson D (2002) Vigilantes, violence, and the politics of public order in Kenya. *African Affairs* 101: 531–555

Andhoga WO & Mavole J (2017) Influence of Nyumba Kumi Community Policing Initiative on social cohesion among cosmopolitan sub locations in Nakuru County. *International Journal of Social and Development Concerns* 1(6): 65–76

Ayiera EA (2017) Community-led security mechanisms: The case of Mlango Kubwa and Kawangware in Nairobi. *African Review* 44(1): 27–61

Baker B (2008) *Multi-choice Policing in Africa.* Uppsala: The Nordic Africa Institute

Bayley DH (2006) *Changing the Guard: Developing democratic police abroad*. New York: Oxford University Press

Brogden M (2005) 'Horses for courses' and 'thin blue lines': Community policing in transitional society. *Police Quarterly* 8(1): 64–98

Brogden M & Nijhar P (2005) *Community Policing: National and international models and approaches*. Devon: Willan Publishing

Buur L (2006) Reordering society: Vigilantism and expressions of sovereignty in Port Elizabeth's townships. *Development and Change* 37(4): 735–757

Call C (1999) *From Soldiers to Cops: 'War transitions' and the demilitarization of policing in Latin America and the Caribbean*. PhD thesis. Stanford University

Colona F & Diphoorn T (2017) Eyes, ears and wheels: Policing partnerships in Nairobi, Kenya. *Conflict and Society* 3: 8–23

Cross C (2014) Community policing and the politics of local development in Tanzania. *Journal of Modern African Studies* 52(4): 517–540

Di Nunzio M (2014) Thugs, spies and vigilantes: Community policing and street politics in inner city Addis Ababa. *Africa* 84(3): 444–465

Ellison G (2007) A blueprint for democratic policing anywhere in the world? Police reform, political transition, and conflict resolution in Northern Ireland. *Police Quarterly* 10(3): 243–269

Fielding N (2005) Concepts and theory in community policing. *The Howard Journal* 44(5): 460–472

Gisesa N (2012) Portrait of a jihadist born and bred in Nairobi. *Daily Nation*, 30 January

Glebbeek M (2003) *In the Crossfire of Democracy: Police reform and police practice in post-civil war Guatemala*. PhD thesis. Utrecht University

Heald S (2007) Controlling crime and corruption from below: *Sungusungu* in Kenya. *International Relations* 21(2): 183–199

Hills A (2007) Police commissioners, presidents and the governance of security. *Journal of Modern African Studies* 45(3): 403–423

Hills A (2008) The dialectic of police reform in Nigeria. *Journal of Modern African Studies* 46(2): 215–234

Hinton M & Newburn T (eds) (2009) *Policing Developing Democracies*. London: Routledge

International Alert & Kenya Muslim Youth Alliance (2016) *We Don't Trust Anyone: Strengthening relationships as the key to reducing violent extremism in Kenya.* International Alert/KMYA. Available at www.international-alert.org/sites/default/files/Kenya_ViolentExtremism_EN_2016.pdf [accessed 21 February 2019]

Jones P, Kimari W & Ramakrishnan K (2017) Only the people can defend this struggle: The politics of the everyday, extrajudicial killings and civil society in Mathare, Kenya. *Review of African Political Economy* 44(154): 559–576

Kimari W & Jones P (2016) The insecurities of security provision in Nairobi's margins. *Plural Security Insights,* 29 May. Available at http://pluralsecurityinsights.org/insecurities-security -provision-nairobis-margins/ [accessed 5 March 2017]

KNCHR (Kenya National Commission on Human Rights) (2008) *The Cry of Blood: Report on extra-judicial killings and disappearances*. Nairobi: KNCHR

KNCHR (Kenya National Commission on Human Rights) & Centre for Human Rights and Peace (2015) *Audit of the Status of Police Reforms in Kenya*, *Nairobi*. Nairobi: KNCHR

Krogstad E (2012) Security, development and force: Revisiting police reform in Sierra Leone. *African Affairs* 111(443): 261–280

Kyed HM (2018) Street authorities: Community policing in Mozambique and Swaziland. *Political and Legal Anthropology Review* 41(S1): 19–34

Makin DA & Marenen O (2017) Let's dance: Variations of partnerships in community policing. *Policing* 11(4): 421–436

Marks M (2005) *Transforming the Robocops: Changing police in South Africa*. Scottsville: University of KwaZulu-Natal Press

MSJC (Mathare Social Justice Centre) (2017) *Who Is Next? A participatory action research report against the normalization of extrajudicial killings in Mathare*. Mathare: MSJC. Available at www.matharesocialjustice.org/who-is-next

Musoi K, Muthama T, Waiya N & Kitiku J (2013) *Nairobi Region Annual Crime Observatory Report 2011/2012.* Nairobi: Security Research and Information Centre

National Police Service (2016a) *Community Policing: Inspector General's guidelines to police officers*. Nairobi: National Police Service

National Police Service (2016b) *Community Policing Forums and Committees: Handbook*. Nairobi: National Police Service

Nzes F (2014) Al-Hijra: Al-Shabab's affiliate in Kenya. *CTC Sentinel* 7(V): 24–26

Omenya A & Lubaale G (2012) *Understanding the Tipping Point of Urban Conflict: The case of Nairobi, Kenya. Urban Tipping Point, University of Manchester* Working Paper No. 6

Osse A (2016) Police reform in Kenya: A process of 'meddling through'. *Policing and Society* 26(8): 907–924

People Daily (2018) *AP unit faces disbandment,* 19 July

Price M, Albrecht P, Colona F, Denney L & Kimari W (2016) *Hustling for Security: Managing plural security in Nairobi's poor urban settlements*. The Hague: Clingendael Conflict Research Unit

Rasmussen J (2010) Mungiki as youth movement: Revolution, gender and generational politics in Nairobi, Kenya. *Young* 18(3): 301–319

Ruteere M (2011) More than political tools. *African Security Review* 20(4): 11–20

Ruteere M (2017) Governing security from below: Community-led security mechanisms in urban East Africa. *African Review* 44(1): 1–26

Ruteere M & Pommerolle M (2003) Democratizing security or decentralizing repression? Ambiguities of community policing in Kenya. *African Affairs* 102(409): 587–604

Van Stapele N (2016) 'We are not Kenyans': Extra-judicial killings, manhood, and citizenship in Mathare, a Nairobi ghetto. *Conflict, Security and Development* 16(4): 301–325

Villa-Vicencio C, Buchanan-Clarke S & Humphrey A (2016) *Community Perceptions of Violent Extremism in Kenya*. Institute for Justice and Reconciliation. Available at www. africaportal.org/publications/community-perceptions-of-violent-extremism-in-kenya/ [accessed 10 May 2019]

White L (1990) *The Comforts of Home: Prostitution in colonial Nairobi*. Chicago: University of Chicago Press

Zadock A (2016) Interior Cabinet Secretary outlaws 89 criminal gangs. *Daily Nation*, 31 December. Available at www.nation.co.ke/news/Government-bans-89-criminal-gangs /1056-3502650-t8jv2iz/ [accessed 18 January 2017]

Chapter 3

The accessibility of policing in informal settlements around Lilongwe, Malawi

Dennis Chipao and Thomas Probert

Informal settlements, slums and other poor residential neighbourhoods exist in almost all urban contexts around the world, although in various forms and known by different names, such as squatter settlements, shacks and favelas (UN-Habitat 2015). They have been described as dense settlements comprising 'communities housed in self-constructed shelters under conditions of informal or traditional land tenure' (Hindson & McCarthy 1994: 1; see also Mason & Fraser 1998). They are a common feature of developing countries and are mainly a product of an urgent need for shelter by poor people settling in urban areas, combined with poor or weak governance, especially in areas of planning and urban management (Mason & Fraser 1998).

The principal United Nations agency concerned with urban space and housing, UN-Habitat, estimated in 2015 that around one-quarter of the world's population lives in slums (UN-Habitat 2015). In Africa, this was estimated to be 60% of the population, with the number projected to increase from 400 million to 1.2 billion people by 2050 (UN-Habitat 2015). These people suffer from lack of security of tenure, inaccessibility of basic services, poor city infrastructure, and housing that does not comply with prevailing safety standards (UN-Habitat 2012). Meanwhile, informal settlers and vagrants are ostracised and socially marginalised, and portrayed as a threat to formal neighbourhoods. They may affect the prosperity of cities, including by providing an active informal economy and by being a source of unskilled labour in low-paying jobs that only allow inhabitants to survive, but not to prosper (UN-Habitat 2015).

Malawi is not an exception in terms of the difficulties faced by people living in informal settlements, although literature to that effect is limited. A study by urban and political geographer Ellis Adjei Adams (2018), which focused on several of Lilongwe's informal settlements, found that such areas face challenges in terms of provision of access to water. A study conducted for two international aid charities in 2014 found that Lilongwe City fails the residents of its poor settlements, with challenges ranging from poor access to public services, limited access to health facilities, high unemployment rates, sub-standard waste management and other

sanitation problems (Lindstrom 2014).[1] In terms of social or security issues, common problems found were domestic violence, alcohol abuse and crime (Lindstrom 2014).[2]

Very few existing studies have addressed the accessibility of security services to people living in informal settlements in Malawi. To what extent do informal settlements benefit from the services offered by the police? Are there inherent challenges in delivering security services in these locations compared to more formal settlements? If and when called upon to do so, how do officers overcome these impediments?

With a focus on two of Lilongwe's informal settlements, Mtandire and Chinsapo, this chapter examines the extent to which the Malawi Police Service (MPS) is challenged in providing services to people living in informal settlements, how policing is done in such areas, and whether there is equitable policing in view of the delicate nature of informal settlements compared to affluent areas. The chapter also describes various police officers' perspectives of the challenges they face when discharging their duties in different areas of the city, and the mechanisms or initiatives they have adopted in response.

The chapter focuses on three core themes: officers' perceptions of crime and its causes, particularly in informal settlements; their attitudes toward the process or practicalities of policing different areas; and the differences that exist within the broader administration of criminal justice in informal settlements. The findings are based principally upon a series of semi-structured interviews conducted in three police stations in August 2018. Those interviewed included supervisors in the Criminal Investigations Department (CID), operations officers and general duties personnel. CID officers were targeted because they are responsible for fighting crime and conducting investigations as well as patrols, although in plain clothes. Operations officers were interviewed because they are responsible for deploying uniformed officers for patrol and responding to incidents. Finally, front-line junior officers – detectives, general duties personnel and patrol officers – were also included in order to understand their perspectives as the officers doing the actual policing work on the ground.

To this end, and further highlighting the lived realities of policing informal settlements, responsible commanding officers from the Lingadzi and Lilongwe police stations were also interviewed. These interviews focused on how policing is done in the informal settlements of Mtandire and Chinsapo, and were then compared with experiences of policing in the neighbouring affluent areas. Crime statistics from the different areas were also compared to determine whether or not the experiences and data correlated.

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1   The survey highlighted starkly different perceptions of security between day- and night-time, with nearly a quarter of respondents citing security as a general concern. UN-Habitat found, among other poor living conditions, that street lighting is only available in the Old Town and the high-income housing areas (see UN-Habitat 2011: 8, 9, 15, 29).

2   The study also noted that many cases go unreported, especially those related to prostitution, sexual assault and domestic violence.

Background

Overview of Lilongwe City

Lilongwe is the capital city of Malawi and is located in the central region. It has grown rapidly as a result of Malawi's very high rate of urbanisation since the turn of the century.[3] The decision to move the capital from Zomba to Lilongwe – with a view to improving government efficiency and stimulating the central and northern regions of Malawi – was made in 1965 and took effect in 1975. The first masterplan for Lilongwe City was developed in 1968, aimed at outlining land use for the new capital. This was reviewed in 1986 to include Area 56 (Mtandire), Area 57 (Chinsapo) and later Area 58 as part of the city (UN-Habitat 2010). Since becoming the capital, Lilongwe has experienced substantial population growth, expanding from 223 300 people in 1987 to 674 400 in 2008 (Malawi National Statistics Office 2012). By 2015 it had become Malawi's largest city, with an estimated population of 1 037 000 (Malawi National Statistics Office 2016).

Figure 1: Map showing some of Lilongwe City's police stations
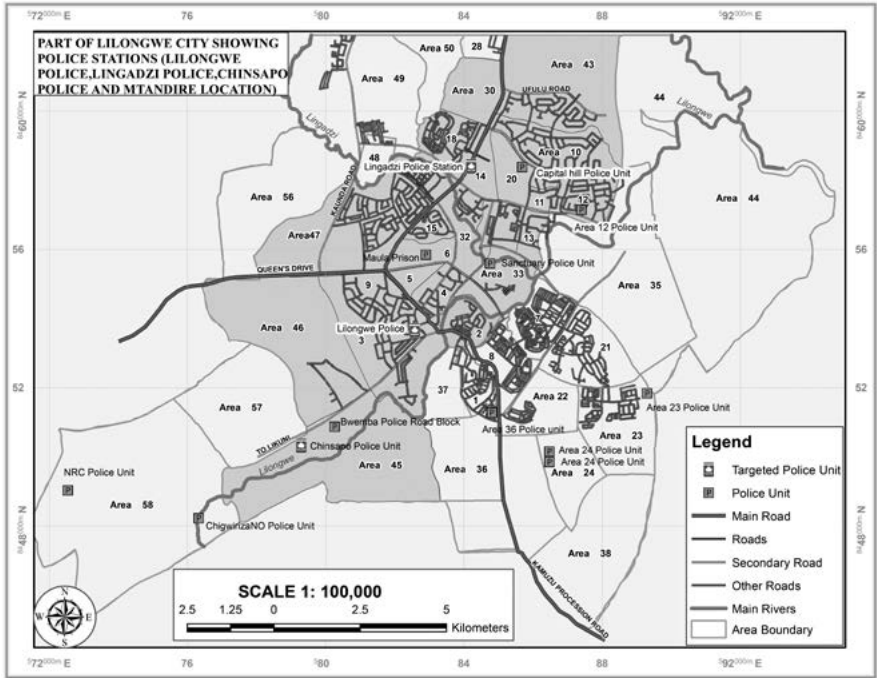
Source: Department of Surveys, Ministry of Lands, Housing and Urban Development

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3   UN-Habitat (2010) found its urbanisation rate of 6.3% per annum to be the highest in the world.

The jurisdiction of the city is nearly 400km^2, divided into four main zones or sectors, namely Old Town Sector, Capital Hill Sector, Kanengo Sector and Lumbadzi Sector. The zones are further divided into 58 areas, and most locations in the city are more commonly referred to by their area number than by their names.

The city has been expanding in the Old Town Sector. However, unplanned settlements occupied by migrants to the city have expanded in almost all sectors (JICA 2010). Of the space given to residential housing, only about a quarter of the total is formal permanent housing, with the rest left for some form of informal settlement (JICA 2010).[4] The rapid urbanisation and informality of much of the urban space brings with it challenges and complexities which inevitably extend to the provision of security services.

Policing within Lilongwe City

The MPS is an independent organ of the executive, responsible for the protection of public safety and the rights of people in Malawi (Republic of Malawi 1994: Section 153(1)(2)). It falls under the Ministry of Homeland Security and has the responsibility of law enforcement and maintenance of order. General functions of the police are further specified in Section 4(1) of the Police Act No. 12 of 2010 to include the prevention, investigation and detection of crime; the apprehension and prosecution of offenders; the preservation of law and order; as well as due enforcement of all laws.

The MPS is headed by the inspector general of police, who is based at the National Police Headquarters. Below this, the command of policing is split into four regions, with each region headed by a commissioner of police (Republic of Malawi 1995: Paragraph 2(i) of Part 1). At regional level, command is divided between stations, sub-stations, posts and units, each headed by an officer in charge (OC). In terms of command and reporting, the OC at a police station reports to the regional commissioner but exercises command over his/her station and also commands officers in charge of other police sub-stations, posts and units under his/her jurisdiction.

In a manner similar to the administrative zoning, there are five main police formations in Lilongwe City: two in the Old Town Sector, and one in each of the remaining sectors of Capital Hill, Kanengo and Lumbadzi. Until 2017, Lilongwe had only two police stations, namely Lilongwe and Kanengo, but due to population growth and the increasing policing challenges, other police formations have been upgraded to become full police stations.[5] The map in Figure 1 shows some of the city's police stations. This chapter focuses on two police formations – Lilongwe Police Station and Lingadzi Sub-Station – and the two informal settlements proximate to them, Chinsapo and Mtandire. A comparison will also drawn is the sub-station in Kawale Township.

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4   According to UN-Habitat (2011) assessment, approximately 76% of the city's population lives in informal settlements.

5   The MPS review process, which was finalised in 2017, recommended the upgrading of other sub-stations like Lingadzi and Kawale to become full police stations. However, some of the recommendations had not been implemented at the time that interviews were conducted.

Lilongwe Police Station and Chinsapo Township

Lilongwe Police Station is one of the biggest stations in Malawi, with more than 430 officers. It is situated in Area 3, one of the low-density areas of the city. The station is very close to major commercial areas such as Area 1, Bwalo la Njobvu, Game and the Shoprite complex. The station's jurisdiction includes both urban and rural areas, but its urban jurisdiction covers the whole of Lilongwe Old Town, which is one of the most densely populated areas. It exercises supervisory jurisdiction over several smaller police formations within the city, including Area 36, Chinsapo and Chigwirizano police units. The main focus of this chapter is on Chinsapo Police Unit in Chinsapo Township.

Chinsapo, also known as Area 57, is one of most densely populated areas in Lilongwe, and one that has seen rapid population growth over the past two decades (see JICA 2010). Chinsapo Police Unit is a police formation under Lilongwe Police Station. It is located about 6km to the south-west of Lilongwe Police Station, along the road that links Lilongwe Old Town to Likuni. Chinsapo Police Unit is located on the very edge – indeed, actually outside the area it is meant to be policing, namely the informal settlement to the north of the road. The area is divided into Chinsapo 1 and 2. The satellite image in Figure 2 shows part of the jurisdiction for Lilongwe Police Station and the location of the Chinsapo Police Unit.

Figure 2: Satellite image showing Lilongwe Police Station and Chinsapo Police Unit, along with their respective jurisdictions

Source: ©2018 GoogleEarth
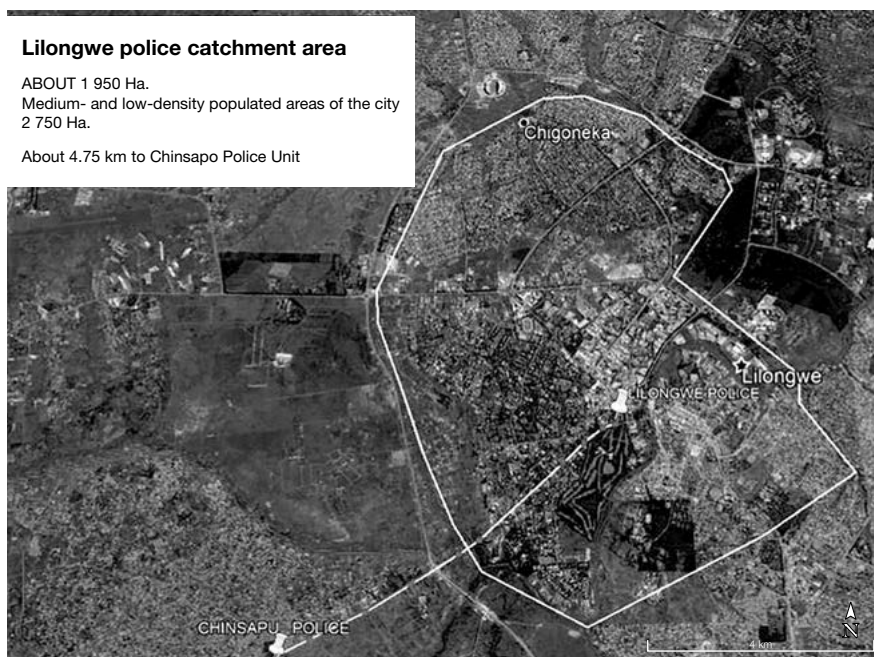
Lingadzi Sub-Station and Mtandire

The Lingadzi Sub-Station is located in Area 18a within the Capital Hill Sector of Lilongwe City. It has an extensive jurisdiction, including the whole of the New City Centre, Area 13, Area 32 and low- to medium-density Areas 10, 11, 12, 14, 15, 30, 43 and 47. The station also covers the permanent high-density areas of Area 18a, 18b and 49, which include New and Old Gulliver, Shire and Dubai. Lingadzi also covers the informal settlements of Kauma, Senti, Chimoka, Ng'oma, Mtandire and Mtsiliza.

The sub-station is a cost centre and as such operates independently of Lilongwe Police Station. Lingadzi has about 260 officers, including units, under it. There are four police units under Lingadzi, namely Area 12, in one of the low-density areas; Sanctuary Police, which covers the new city centre commercial area; Area 13 police unit, which is about a kilometre from Sanctuary police unit; and finally, Bingu National Stadium Police, a recently added police unit located in Area 49, which is closer to Mtandire.

Mtandire, also known as Area 56, is located about 7km to the west of Lilongwe City centre and is about 5.5km from Lingadzi Police Station. It is bordered to the east by Area 47, a low- to medium-density area; to the south-west by another informal settlement, known as Mtsiliza; and to the north by Area 49, a high-density formal settlement. To the immediate south of Mtandire there are some institutional houses for police on land allocated to the MPS, which is being gradually encroached upon by the residents of Mtandire. There are no street lights or tarmac roads in Mtandire. The settlement was founded by Chief Chigoneka around 1974 following eviction threats in present-day Area 47. As such, the residents are considered indigenous and land owners. Settlers therefore either rent or buy land from these owners (Lindstrom 2014).

Although Bingu National Stadium Police is the closest to Mtandire, the police unit mainly focuses on securing the infrastructure at the stadium. As such, Mtandire residents mainly rely on Lingadzi police for most services, travelling about 5.5km to reach the police station. The satellite image in Figure 3 shows the distance between Mtandire and Lingadzi Police Station.

A comparison point: Kawale Police Sub-Station

The station is within the Kawale Township, which is situated about 5km to the south-west of the new city centre. This is one of the oldest areas in the city. Kawale jurisdiction is mainly a high-density area, comprising both informal settlements and a few formal settlements.

Kawale was included for comparison in order to gauge whether there were differences in terms of the experiences of the other formations with respect to policing informal settlements, given that Kawale is based *within* the township and the majority of its jurisdiction is informal rather than formal settlements.

Figure 3: Satellite image showing the position of Lingadzi Police Station, Mtandire and the nearby Area 47 (referred on to the image as Chigoneka)
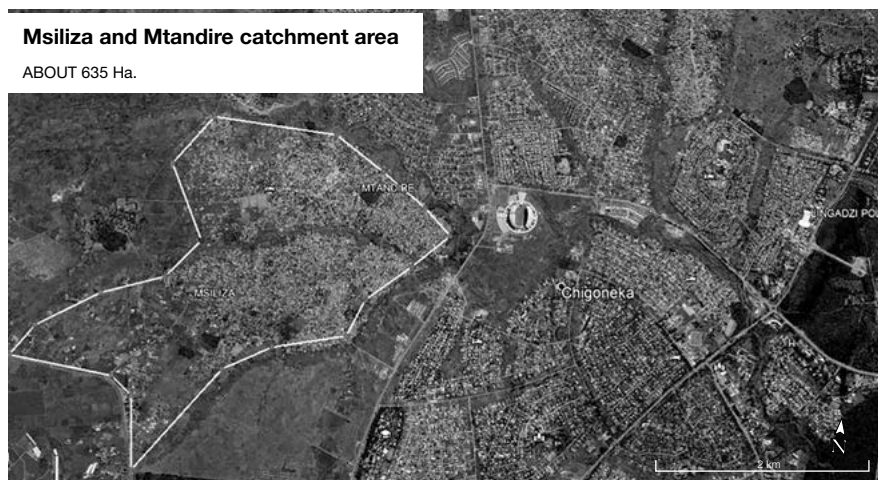
Source: ©2018 GoogleEarth

Police experiences and crime statistics

This section presents the findings of the study, which are based on data and the perceptions of the officers who were interviewed. The findings have been organised into four categories: perceptions of crime and its causes, policing matters, criminal justice matters, and policing responses.

Perceptions of crime and its causes

A Luppen/Actionaid report found that alcohol abuse, domestic violence and crime were major problems in informal settlements (Lindstrom 2014). During our research, officers highlighted similar challenges in all the informal settlements studied, including the areas around Kawale Police Station. Officers also performed their duties based upon a series of assumptions about the types of crime perpetrated in formal and informal settlements, and about the communities in which the criminals lived and worked.

Drugs and alcohol as drivers of criminal activity

Officers interviewed often highlighted alcohol and other drugs as separate but sometimes interlinked challenges, and as drivers of crime. There are strong linkages between alcohol and violence (World Health Organization 2010). Alcohol has a direct effect on physical and cognitive functioning, and it is argued that it contributes to violence by reducing self-control and the ability to recognise warning signs. Moreover, some contend that alcohol causes aggression and that this can lead to alcohol being used to prepare for or excuse violent acts. Evidence shows that, in some circumstances, reducing the availability of alcohol

by regulating sales outlets, hours or days of consumption, raising prices and improving drinking environments, can help reduce violence (World Health Organization 2010). Alcohol and other substance use and abuse have also been linked to other factors which sustain a culture of violence and criminality (CSVR 2010).

In a study on policing experiences in enforcing liquor legislation in Nyanga township in Cape Town, alcohol was always near the top of the list when it came to violent behaviour and often presented as the most obvious driver of violence (Faull 2013). In South Africa, it appears that dominant policy, as well as political and media discourse, rest on the idea that shebeens act as conduits for and drivers of violence and crime, sometimes overlooking the extent to which shebeens remain important sources of livelihood for many in poor communities, and provide spaces for recreation and social cohesion – spaces which often do not exist in such areas (Herrick & Charman 2013). The officers interviewed in Malawi expressed views that tend to reinforce these general observations.

During the interviews, police officers in Chinsapo cited alcohol and drug abuse as the most critical challenges in the area contributing to the rise in crime, especially for offences like assault, unlawful wounding and break-in-related offences. They reported that most perpetrators were youths. The officers complained that:

> [T]here are many drinking joints in Chinsapo, one may just wake up today and think of opening a shebeen and you find that they are also selling drugs like marijuana. The type of beer sold in such places is locally brewed beer called *Kachasu* [6] … The shebeens harbour criminals, and most such criminals here are young people who frequent to such places to buy cheap alcohol.

The police officers were of the view that such places not only provide a conducive environment for drug and substance abuse, but also harbour criminals who sometimes attack people passing within the vicinity at night, and they act as a *rendezvous* to plan for further criminal activity within the city. These sentiments were echoed by police officers at Lilongwe Police Station, who described the known problem in Chinsapo of young people (many of them under the age of 18) frequenting drinking places, after which they start wreaking havoc in the area. Likewise, in Mtandire, one detective highlighted the extent to which alcohol licensing and drug enforcement can overlap, noting that 'people in Mtandire can sell marijuana openly in beer-drinking places'.

The problem of alcohol and drug abuse also came out at Kawale Police Station. One senior detective mentioned the existence of beer-drinking places which often attract people who break the law. The detective was not that concerned with the fact that frequenting unlicensed bars is a criminal offence, but rather with the way people

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6   This beer is in the category of spirits and contains a very high percentage of alcohol. It is cheap, locally brewed and intoxicates quickly.

behave when they are there. This gives an indication of how officers view members of this community. Moreover, officers complained that it is not easy to arrest suspects in such places because they often encounter heavy resistance. Unlike Mtandire, both Kawale and Chinsapo attributed the offences of theft, robbery, break-ins and assault to alcohol and drug abuse, mainly perpetrated by youth gangs.

A common thread in both Chinsapo and Mtandire was the issue of cultural differences between the original settlers and migrants, land disputes, high levels of unemployment, and divisions amongst native chiefs and block leaders, leading to divisions in loyalty and the formation of gangs among the youth.

Impressions around different crimes in different areas

It is often contended that one cause of local concern about informal settlements is fear of crime.[7] While we did not undertake public surveys, the officers interviewed in both Chinsapo and Mtandire confirmed this, expressing their belief that these areas had higher crime rates. With respect to the type of crimes committed in the areas, officers felt that gender-based violence, assaults, property-related offences and mob justice were prevalent.

In Chinsapo, one senior police officer reported that the area 'contributes to a large[r] proportion of crimes compared to any other area under Lilongwe Police Station'.

However, detectives at Lingadzi Police Station were of the view that Mtandire was more of a hub for criminals who commit crime elsewhere, while mentioning specific crimes like child abuse and sexual offences, mainly involving children, to be of concern within the area. Such sexual offences were in some cases attributed to beliefs by adult perpetrators that they would become rich or be cured of diseases like HIV/Aids, in the detectives' views, suggesting that lack of education is a significant driver of such violence.

Officers at Lingadzi reported that, apart from the problems with crime within Mtandire, its residents also commit crime in other areas outside Mtandire. General duties officers felt that crime rotates around affluent areas, but a seasoned detective was of the view that of all the affluent areas, Area 47, which is closer to Mtandire, was the most problematic. Crime statistics for Lingadzi jurisdiction, disaggregated by area (as shown in Figure 4), seem to confirm that reported crime is indeed high in Area 47. Area 18, another high-density area with formal settlements, also registered a high crime rate. This could be attributed to the proximity of Area 18 to Senti, another informal settlement which borders Area 18. Further, many houses in Area 18 are not fenced, which provides easier access to potential thieves. Together, these two areas make up 30% of crimes recorded at Lingadzi. These statistics have not yet been contrasted with accurate population data, but this does seem disproportionate. Of course, this could also reflect variances in the likelihood of populations living in Areas 47 and 18 reporting crime, in comparison with those living in informal settlements.

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7   For an example from the South African context, see Ballard (2004).

Figure 4: Crimes recorded at Lingadzi Police Station, by area (January–July 2018)
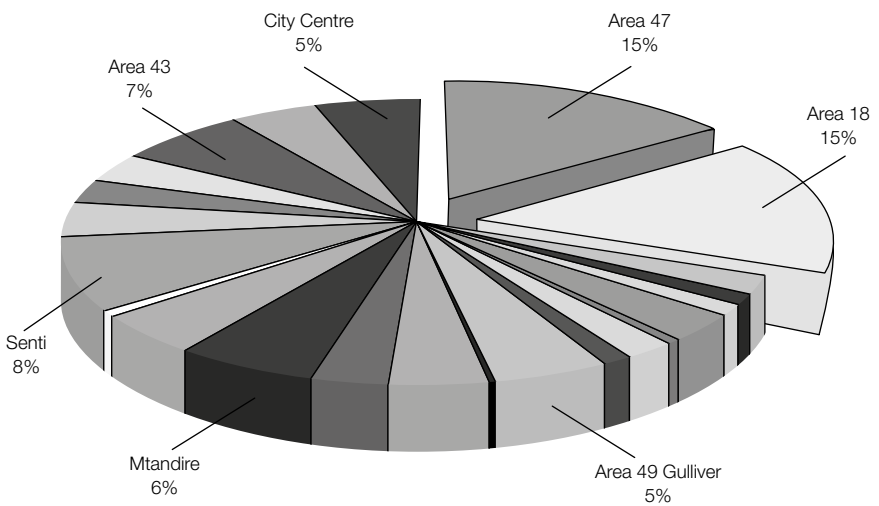
Source: Authors' calculations based on data from the Lingadzi Police Station Research Unit

Of course, the representation in Figure 4 does not consider population levels to present crime per capita. Nonetheless, this breakdown seems to support the seasoned detective's contention that crime is higher in Area 47 and potentially that this can be attributed to its proximity to Mtandire, which is regarded as a hub for criminals. Area 47 registered 46% of the total crime in the seven medium- to low-density areas. What cannot be said with certainty is which crimes were high in Area 47 and Mtandire. We could not get disaggregated data on this, but what is apparent is that theft seems to be the major offence of concern, followed by assault-related offences.

The statistics show that theft-related offences constitute a significant part of crime in Lingadzi, followed by assault-related offences. In Figure 5, 'property-related offences' covers theft, theft of bicycles, theft from motor vehicles, house-breaking and theft, burglary and theft, and breaking into a building. This category made up 74% of reported crime. 'Assault-related offences' included common assault, assault occasioning actual bodily harm, unlawful wounding and grievous harm. This constituted 13% of reported crime.

As noted above, since geographic or social variations in reported crime data can reflect variations in willingness or access to report crime, as much if not more than variation in the incidence of crime itself, it is important to also consider survey-based victimisation data. Adam Smith International (2015b) undertook such a survey, which found that, across Malawi, the most common crimes were related to theft of various forms of property and physical assault.[8] Theft of crops was

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8   An earlier national crime victimisation survey found that nearly 60% of crimes in Malawi were linked to crop and livestock theft (see Pelser et al. 2004).

the most prevalent, with an estimated 21% of Malawians reporting victimisation, followed by theft of livestock (17%), theft of property (10%), followed by assault or physical attack (6%) (Adam Smith International 2015b).

Figure 5: Categories of crime reported in Lingadzi police jurisdiction (January–July 2018)
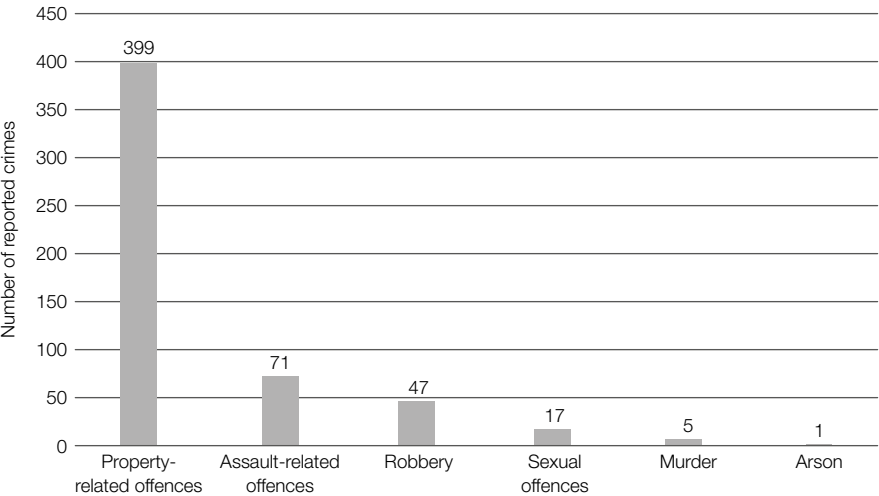
Source: Authors' calculations based on data from the Lingadzi Police Station Research Unit

There was a slight difference in perceptions of crime in Chinsapo compared to Mtandire. Police officers from Chinsapo, while acknowledging that the area is a hub for criminals acting elsewhere, also felt that crime levels in Chinsapo itself were high. The officers were of the view that, although Chinsapo is an informal settlement, migrants who have lately come to settle there have managed to construct better houses deep inside the area, as opposed to in the areas along the road where indigenous settlers still live. This makes some areas within Chinsapo more attractive to criminals than others. Table 1 shows crime statistics for four selected areas: Chinsapo, Area 3, Area 9 (which is to the north-east of Area 3 and not close to any informal settlement), and the densely populated Old Town.

Property-related offences constituted two-thirds of all reported incidents across these areas, with Area 3 registering the highest number in this category. In the assault-related category, 60 incidents were reported, of which more than half took place in Chinsapo. Likewise, for sexual offences Chinsapo registered more than half of the 24 offences. In the robbery category, Area 3 registered more than 40% of recorded crimes. In short, Area 3 appears to suffer from the highest incidence of property-related offences, robbery and 'other' offences. Chinsapo, on the other hand, registered more incidents of assault-related offences, sexual offences and homicide.

Table 1: Recorded crimes for selected areas under Lilongwe Police Station (2017)

	Chinsapo	Area 3	Area 9	Old Town	Total
Property-related offences	56	211	43	133	443
Assault-related offences	33	10	6	11	60
Sexual offences	13	3	0	8	24
Robbery-related offences	5	16	5	11	37
Homicide	9	2	0	2	13
Others	11	36	4	34	85
Total	127	278	58	199	662

Source: Authors' calculations based on data from the Lilongwe Police Station Crime Management Unit

Crime statistics for the same areas for the period between January and July 2018 (shown in Table 2) show similar trends, but with an indication of an increase in crime as it covers a shorter period. Property-related crime again dominated in Area 3, and while assault-related offences were more evenly shared, Chinsapo suffered higher proportions of – albeit very small numbers – sexual offences and homicide.

Table 2. Recorded crimes for selected areas under Lilongwe Police Station (January 2018–July 2018)

	Chinsapo	Area 3	Area 9	Old Town	Total
Property-related offences	47	143	31	122	343
Assault-related offences	13	15	5	7	40
Sexual offences	4	1		2	7
Robbery-related offences	9	29	2	12	52
Homicide	3	1			4
Others	12	29	4	26	71
Total	88	218	42	169	517

Source: Authors' calculations based on data from the Lilongwe Police Station Crime Management Unit

These statistics partly support the assertions made by police officers at Lilongwe, Chinsapo as well as Lingadzi, about where crime is reported as having occurred. However, it is not possible to use this data to test their assumption that crime in, for example, Old Town may be partially attributed to a convergence of residents from Chinsapo and Area 36, another semi-informal settlement to the south-west. It could equally be that the Old Town, being an active commercial area, attracts possible offenders from almost all parts of the city. Likewise, the high crime rates in Area 3

could be attributed to Chinsapo or could equally be attributed to a possible alliance of offenders from different areas across Lilongwe. In the absence of docket analysis to establish the residential addresses of offenders accused of committing different crimes, the findings are therefore merely suggestive of crime trends and offending. This could be a fruitful avenue for future research.

Officers in Chinsapo alleged that sometimes offenders from other areas converge at drinking joints in Chinsapo before embarking on their mission to commit offences in earmarked areas. However, there is also a possibility that the affluent areas harbour criminals – perhaps mainly those that commit white-collar crimes or other sophisticated crimes like fraud, or serious crimes like robbery and theft of motor vehicles. In some instances, offenders have even operated from other cities, like Blantyre, to commit offences in Lilongwe.

It is interesting to note that, although alcohol and drug abuse was mentioned as an issue of concern, as well as cases of gender-based violence and child abuse in general, data seem not to support this. It is not clear whether this was due to laxity in enforcement (especially for alcohol and drug abuse cases), or to non-reporting (especially for gender-based violence). In Chinsapo, sexual-related offences were more common than in other areas, again confirming the assertions made by police officers. However, the actual number of reported incidents seems not to match what officers said. Further research is needed to establish whether this should be attributed to the inaccessibility of the police when it comes to reporting certain types of crime, or to issues of information management.

Policing matters

Four main policing issues affected delivery of services to members of the community: transport, public antagonism towards the police in certain areas, the rationalisation of a police presence in formal areas, and non-functioning or insufficient radios.

Transport

Lack of or limited transport in terms of motor vehicles was consistently mentioned by officers in all the police formations visited. In Chinsapo and Lilongwe, officers mentioned transport challenges as negatively affecting their work. Officers were of the opinion that it is not easy to make arrests in informal settlements while walking. This jeopardises their safety because sometimes members of the public gang up against the police to prevent an arrest.

Transportation challenges were also found to hinder rapid response services. It was reported that, while Lilongwe, Lingadzi and Kawale police stations have vehicles designated to specific patrol zones, the scale of the area to be policed results in slow response rates when officers respond to particular calls for service. This is aggravated by the poor access roads in all the informal settlements. One patrol officer at Lilongwe Police Station said that:

> [Y]ou may want to go to a specific area or house, but because of
> the road network or the way houses were constructed, you may
> end up moving round and round. This is the reason sometimes
> there have been allegations that we delay to respond to incidents
> in Chinsapo. But the truth is that zone officers fail to deliver
> services on time because of these structural problems.

Very large policing jurisdictions for Lingadzi and Kawale were cited as contributing
to late responses and erratic coverage by foot patrols. Moreover, the use of
marked police vehicles by detectives, due to lack of other transport, was also
mentioned as a challenge that affects police effectiveness and alerts offenders
beforehand.

Police/community relations

Sour relations between the police and the public were reported in the areas of
study. Junior officers alluded to the fact that it is not easy to effect an arrest
during the day in Chinsapo. Similar sentiments were voiced about Mtandire and
Mchesi, an informal settlement under Kawale Police Station. It is not uncommon
for residents to come out in large numbers whenever police officers arrive to
make an arrest. Depending on the person to be arrested, residents may gang up
against the police. One officer at Kawale Police Station cited an incident in which
an attempt to arrest a marijuana dealer was aborted due to the crowd that came
out to protest the arrest:

> [W]hen we arrived there to effect an arrest, the crowd came and
> surrounded us, they told us that you can only do one thing but not
> two. Just confiscate marijuana but leave the suspect, otherwise
> things won't go on well. We just took the marijuana and left,
> otherwise there could have been trouble.

Another example cited was an incident in 2017 in Mtandire that led to the torching
of a marked police motor vehicle. Police went to contain a situation where a woman
was accused of witchcraft. People wanted to set her house on fire, but police
intervened in good time. This angered the residents, who started attacking the
police officers; they surrounded the vehicle and set it on fire. Despite the officers
being armed, there was little they could do, as they had no appropriate less lethal
options and using firearms could well have aggravated the situation.

In Chinsapo, the OC recounted instances when his officers literally avoided being
sent to make arrests during the day or even to undertake other (paid) private duties,
for the sake of their safety. These ugly encounters partially explain the dragging of
feet in law enforcement. One junior officer reported that sometimes they slack off
a little in enforcing the law to the letter because the residents know where officers
and their families live (since most of them live within Chinsapo). These fears may
also be traced back to the events of July 2011, when nationwide demonstrations
ended up in violent running battles between the police and members of the
public. In the course of that conflagration, several houses belonging to police

officers in Chinsapo were torched, along with the police building itself. Following this, rather than rebuilding the police unit in its original location, within the informal settlement, it was decided that it should be relocated to a safer place along the main road.

Vehicle patrol officers from Lilongwe Police Station also confirmed the challenges of public antagonism towards the police in Chinsapo. They partially attributed this to the cultural practice in Chinsapo involving *Nyau* dancers, who walk around with a machete or some type of weapon. They felt that this contributes to and legitimises violence within the community. Studies suggest that high levels of assault in some areas may indicate greater social acceptance and tolerance of such behaviour, which manifests in lower reporting of such cases (Sidebottom 2014).[9]

Rationalising police focus on affluent areas

This study also revealed a consistent pattern of officers rationalising police presence in affluent areas because of the view that people leave informal areas to commit crime. Commenting on the differential policing between formal and informal settlements, an experienced officer at Lilongwe Police Station said:

> [W]e focus in the low-density areas like Area 3 because of the calibre of people who stay in these areas … We also consider the property they own, all these considerations lead us to deploy more police officers in the low-density areas like Area 3. These residents usually own attractive properties and that is why there is need for more protection and security services unlike high-density areas like Chinsapo. Even the criminals, they do eye property from these low-density areas. Just to add, places like Chinsapo harbour many criminals … who leave their homes and steal in Area 3. This kind of behaviour leave us with no choice but to prioritise Area 3 in terms of deployment.

Police officers justify their presence in affluent areas because of the high value of property that is worth protecting. The fact that informal areas are thought to harbour criminals, or that they are known to be hotspots for risk factors for violence – such as unregulated alcohol or drug abuse – are not considered sufficient reasons to justify more police presence as a crime prevention measure. According to this view, offenders come from the informal settlements, and police prefer to protect the targets rather than deal with the source of the problem. Officers attempted to provide a reason for not dealing with the source:

> [F]or us to go and police places where criminals are coming from, like Chinsapo, we find it difficult because as they leave their area, you cannot be sure of where they are going; they can say that we are just going to town.

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9   It is, however, important to note that under-reporting of crime is a national phenomenon (see, for example, Pelser et al. 2004).

This could be a symptom of laziness, but likely also reflects officers' justifiable reluctance to undertake law enforcement operations in informal areas that are not intelligence-driven. Officers interviewed for this study reported that policing operations in informal settlements are led by intelligence, mainly for purposes of arresting perpetrators:

> Deployment in informal settlements is also based on intelligence collection and this helps to plan on the kind of action to be taken. When we get information that criminals are hiding at such a place, we either organise an ambush or raid or sometimes patrols. But how we do it in Area 3 and Chinsapo will differ because people or the criminals are hiding in Chinsapo to commit offences in Areas 3 and 9.

Informal settlements seem to be deprived of police visibility. Uniformed police officers at Chinsapo conceded that they rarely conduct patrols in the areas, citing insufficient personnel as the major reason. Similarly, in Mtandire, it was said that foot patrols are no longer deployed because of insufficient staff. Some complained of long distances between Lingadzi and Mtandire, making patrols untenable unless they used a motor vehicle. The police unit near Mtandire had such serious staff shortages, that it could not spare officers for patrols.

Clearly, not all residents in informal settlements are criminals or commit offences, and they need police services as much as residents of affluent areas do. Perceptions that people in informal settlements do not understand things and are difficult to police point to the need for sensitisation, rather than deprivation of security services. Furthermore, the fact that levels of crime remain high in the affluent areas closer to informal settlements calls for special intervention and modern policing strategies, like problem-oriented policing or community policing.

Non-functional or inadequate police radios

The problems of transportation are compounded by a shortage of police radios, which makes supervision difficult. Officers reported that juniors become selective about the area they choose to police. Perhaps not surprisingly, this concern was expressed by supervisors and not junior officers. Most supervisors reported that the radios help them to monitor junior officers whenever they conduct patrols. They also help to redirect officers in the field to attend to a particular situation.

Criminal justice and court-related concerns

Three main issues related to criminal justice matters were identified: failure to understand bail issues, child justice matters, and mob justice.

Failure to understand bail

The law provides mechanisms for the release of suspects placed in custody. The leading provision is Section 42(2)(e) of the Constitution, which states that a person has the right to be released from detention with or without bail unless the interests of justice require otherwise.[10] Meanwhile, other provisions, such as Section 118 of the Criminal Procedure and Evidence Code Act No. 14 of 2010, provide that any arrested or detained person without a warrant may be released by a police officer, or any person brought before a magistrate may at any stage of the proceedings be released on a bond, either with or without sureties.

The release of suspects on bail has been a source of misunderstanding about the operations of the criminal justice system. The officers interviewed expressed concern about this misunderstanding within informal settlements. For instance, at Lingadzi Police Station, one experienced officer said:

> [W]e may arrest a person and take him to court where he is granted bail, but people in Mtandire don't understand this, they think it's the police who have released the person and we are always to blame, while those in Area 47 they are able to understand. People of Mtandire think that the case ends at bail, while those in Area 47, they understand.

Police officers from Chinsapo and Kawale also referred to the same misunderstanding once a suspect is released on bail by the court. They said that police officers were always blamed and accused of accepting bribes to release the person or of manipulating the criminal justice system. Officers explained that some residents could not appreciate that bail is the right of every accused or detained person and that being released on bail does not mean closure of the case.

Officers believed that this contributed to a lack of trust in the police, and sometimes led to people taking the law into their own hands. While it may be true that residents lack understanding of the criminal justice system, this could also reflect the level of insecurity in the informal settlements, where people are more exposed to small-time criminals on bail than those behind their security fences in the affluent areas.

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10 The Constitution further provides for a 48-hour rule, requiring that every arrested person has the right to be brought before a court of law before expiry of 48 hours to be charged, or to be informed of the reasons for further detention, failing which they must be released.

Child justice matters

The second issue of concern related to child justice. Police officers from all three informal settlements raised the issue of gangs composed of youths. In Kawale, police officers said:

> … these youths drink alcohol irresponsibly, smoke marijuana and terrorise the community during day and night. In most cases the youths that do these [things] are less than 18 years of age and have formed groups. They lay in ambush to attack people.

In Chinsapo, both the OC and junior officers raised similar concerns and went on to say that they are let down by the criminal justice system. The officers complained that the majority of suspects arrested in Chinsapo are minors who end up being diverted from the criminal justice system on account of their age. Eventually, the officers suggested, they take advantage of this and re-offend, knowing that they may well not be incarcerated.

Section 140 of the Child Care, Protection and Justice Act No. 22 of 2010 provides for the diversion of child offenders, and, in cases where a trial against a child continues and the child is found to be responsible for the offence, such a child is not liable for imprisonment. Such children may, however, be sent to reformatory centres and public safety homes, depending on the type of offence committed and evidence of recidivism.[11] Furthermore, Section 24 of the law makes several provisions regarding the handling of children who are regarded as in need of care and protection, and obliges the state to place them in temporary custody or in a place of safety if placement with parents or guardians is not an option.

Mob justice

The final problem was mob justice. Again, this problem was found in both Chinsapo and Mtandire, as well as in the informal settlements under Kawale Police Station. An officer in Kawale said:

> [M]ob justice is the first reaction from members of the public when a crime has been committed and later on they report to police. When they apprehend a suspect, they would harm the suspect, beat him up, sometimes to the extent of injuring him. So they would do harm to the suspect first before reporting to police.

The problem of mob justice was linked to a lack of trust in the police, partly fuelled by the limited understanding of bail issues, as discussed earlier. Limited transport was found to aggravate the problem, because a delay in responding to such incidents could sometimes lead to loss of life. An officer in Chinsapo mentioned that sometimes mob justice is instigated by insensitive remarks by some local leaders.

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11   Reformatory centres are established under Section 157 of Act No. 22 of 2010 and an order for detention can be made by the court under Section 141 and Section 146(1)(h), if the child is found responsible for the offences, including offences punishable by death, like murder and robbery.

Recalling a particular event, he said:

> [O]n one occasion there was a funeral and I was there as well. To me this chief didn't speak well. The chief said that, 'We have a concern in the area, when we send suspects to police, the police are not assisting us, nothing is happening to them. *I think it's better for us just to be dealing with the suspects in our own way*.' (emphasis added)

The officer expressed that such words, coming from a leader, could incite people to resort to mob justice. Retaliation and confrontations between gangs, tribal and cultural differences, and clashes between families were some of the other reasons cited by officers as contributing to mob justice.

Policing responses

The final part of this chapter examines policing responses in view of the criminal, policing and criminal justice challenges discussed. A number of strategies aimed at policing the informal settlements more effectively were mentioned by police officers: listening units, intelligence-led policing, and community policing.

Listening units

The first intervention mentioned was a 'listening unit'. The Police Service Standing Orders only recognise stations, sub-stations, posts and units as police formations or structures. A listening unit is an initiative designed by the MPS to serve members of the public in areas where there could have been a police unit, but because of constraints like absence of proper structures or human resources, they are unable to open one. According to officers at the national headquarters, a listening unit may be established at a designated area with very few police officers to improve accessibility to the public, and to allow the police literally to *listen* to complaints. Depending on the available structure, a listening unit may operate day and night or during the day only. Usually the unit is staffed by general duties officers, one detective and sometimes one mobile police service officer, depending on the security threat level of the area.

Officers from Lingadzi explained that Mtandire was serviced by a listening unit before the Bingu National Stadium opened. Once the stadium, which is closer to Mtandire, opened, the listening unit was closed. Surprisingly, after the closure it was found that Mtandire residents usually report crimes to the Lingadzi Police Station, and not necessarily at the nearby police station, which was reportedly understaffed. Police officers, including those from the police headquarters, felt that Mtandire deserved a police unit, not just a listening unit, because of the nature of crimes that happen in the area, the high population and the distance to Lingadzi Police Station.

Intelligence-led policing

Officers from Lilongwe stated that residents in informal settlements are hesitant to publicly disclose information about suspects, so intelligence-led policing is needed to make arrests in the area in the form of ambushes or raids. The strategy was reported to be helpful, but only if they use it consistently and combine it with visible policing, as this officer at Chinsapo confirmed:

> [W]henever we conduct intensified patrols, crime levels go down, but the people know that this won't last long, they know that we don't have enough resources so as soon as this stops, crime goes back to normal rate.

Community policing

A third intervention mechanism mentioned by respondents was the integration of a community policing philosophy. Community policing is an approach towards crime that seeks to address underlying causes of crime and endeavours to apply long-term solutions to issues through improved police–community partnerships and communication (Dempsey & Frost 2008). Most police officers acknowledged the importance of community policing in building partnerships with block leaders, chiefs, schools and members of the community to address challenges in the area. In Chinsapo, the OC mentioned the need to involve the community to confront the problem of youth gangs. In Mtandire, detectives from Lingadzi were optimistic that involvement with the community would help address sexual offences in the area.

Officers also reported that they revamped neighbourhood watch structures so they could act as first respondents to crime and incidents before referring them to the police. Members of the neighbourhood watch were sensitised and were reported to be performing better than in the past, when they could also be perpetrators of mob justice.

In Chinsapo, familiarity between officers and residents contributed to a reduction in violent police–citizen encounters and enhanced cooperation. An officer who grew up in the area and joined the MPS reported good cooperation with members of the public and said that in some instances citizens refrain from committing violent acts and cooperate out of shame. The question 'Even you are doing this?' was reported to be an effective restraint to known members of the public.

Public awareness programmes were also thought to have contributed to reducing cases of mob justice in Mtandire. Despite the challenge of having to walk long distances to police stations, officers felt that the rate of crime reporting by Mtandire residents had improved. They reported that some residents in the informal settlements had come to regard them as helpers, not enemies. According to an officer in Lingadzi:

> [E]ven in some areas like Chinsapo, there have been efforts to form football teams in order to improve public and police relationships, this is helping a lot, and some even sing a song saying '*a polisi ndi*

> *abale athu, a polisi ndi abale athu'* [the police are our partners]. People are realising that police are their helpers, not enemies. Also, nowadays we cannot avoid it, some of our police officers are staying in the very same areas.

The fact that some junior police officers also stay in the informal settlements contributes to efforts to improve police–public relations, unlike in the past when all police officers stayed in police camps or designated areas.

The positive endorsement of community policing by officers confirmed the finding of a recent study by Adam Smith International (2015a) that community policing improves crime detection, service delivery and support for wider policing activities.[12] However, it is difficult to tell whether the talk of community policing strategy was merely formalistic rhetoric or whether officers had really internalised it. What was obvious was that they were constrained by resources. It appears, however, that the philosophy is regarded as belonging to specialist officers in the community policing branch. Therefore, it is not surprising that, despite the talk about community policing, pockets of resistance and negativity still exist in the informal settlements.

Conclusion

Informal settlements pose particular challenges that range from social disorder, violence, crime and inaccessibility to outright hostility towards the police. Constrained by limited resources, police officers in Lilongwe have found it difficult to serve members of the community. The perception that informal settlements harbour criminals seems to significantly influence policing strategies, as police officers concentrate their efforts in the affluent areas which are perceived to be the targets of criminals. While the police's crime data may to some extent bear out these assumptions, they have not been tested against a more holistic survey of either the perpetrators or the victims of crime.

The close proximity of police units to some affluent areas and the absence of the same in some informal settlements raises the question of how equitable the distribution of security services is between formal and informal settlements. While it may be true that there is a lot of disorder in the informal settlements, these areas may require special attention because of the social vulnerabilities they face.

Despite limited resources, the police have used different initiatives, like intelligence-led operations, the establishment of listening units, as well as

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12 Nonetheless, the same study found that the costs of most community policing activities are weighed against the funding of reactive services, with the result that reactive policing is dominating the other recurrent transaction budget allocation, consequently suffocating community policing activities. Furthermore, community policing was not systematically taking place, despite the existence of good practices at all fieldwork sites. Community policing services were being delivered as a specialist service with most officers disengaged and the community policing desk officers severely restricted by a lack of mobility and finances.

community policing, to reduce crime and effectively police informal settlements. However, the challenges faced in the informal settlements ultimately require a multisectoral approach, as well as the effective use of policing methods such as problem-oriented and community policing. Just like other citizens, the residents of informal settlements are entitled to equal access to all public services, including police services.

Bibliography

Adam Smith International (2015a) *Malawi Police Improvement Program: Community policing review final report*. London: Adam Smith International

Adam Smith International (2015b) *Malawi Police Improvement Program: Crime and victimisation public perception survey*. London: Adam Smith International

Adams EA (2018) Intra-urban inequalities in water access among households in Malawi's informal settlements: Toward pro-poor urban water policies in Africa. *Environmental Development* 26: 34–42

Ballard R (2004) Middle class neighbourhoods or 'African kraals'? The impact of informal settlements and vagrants on post-apartheid white identity. *Urban Forum* 15(1): 48–73

CSVR (Centre for the Study of Violence and Reconciliation) (2010) *Tackling Armed Violence: Key findings and recommendations of the study on the violent nature of crime in South Africa*. Johannesburg: CSVR. Available at www.csvr.org.za/docs/study/6.TAV_final_report_13_03_10.pdf [accessed 23 June 2018]

Dempsey JS & Frost LS (2008) *An Introduction to Policing* (4th edition). Belmont: Thomson Wadsworth

Faull A (2013) Policing taverns and shebeens: Observation, experience and discourse. *South African Crime Quarterly* 46: 35–48

Herrick C & Charman A (2013) Shebeens and crime: The multiple criminalities of South African liquor and its regulation. *South African Crime Quarterly* 45: 25–33

Hindson D & McCarthy J (1994) Defining and gauging the problem. In: D Hindson & J McCarthy (eds) *Here to Stay: Informal settlements in KwaZulu-Natal*. Durban: Indicator Press

JICA (Japan International Cooperation Agency) (2010) *The Study on Urban Development Master Plan for Lilongwe in the Republic of Malawi: Final report*. Tokyo: JICA

Lilongwe City Council (2009) *Lilongwe City Strategic Development Plan 2010–2015.* Lilongwe: Lilongwe City Council

Lindstrom N (2014) *Survey of Urban Poor Settlements in Lilongwe.* Luppen/Actionaid. Available at https://urbanopolista.files.wordpress.com/2014/12/surveyurbanpoorsettlements2014_aam-luppen.pdf [accessed 12 June 2018]

Malawi National Statistics Office (2008) *Census Main Report*. Zomba: Malawi National Statistics Office. Available at www.nsomalawi.mw/images/stories/data_on_line/demography/census_2008/Main%20Report/ThematicReports/Population%20Projections%20Malawi.pdf [accessed 25 June 2018]

Malawi National Statistics Office (2012) *Statistical Yearbook*. Zomba: Malawi National Statistics Office. Available at www.nsomalawi.mw/images/stories/data_on_line/general/yearbook/2012%20Statistical%20Yearbook.pdf [accessed 23 June 2018]

Malawi National Statistics Office (2016) *Malawi in Figures*. Zomba: Malawi National Statistics Office. Available at http://www.nsomalawi.mw/images/stories/data_on_line/general/malawi_in_figures/Malawi%20in%20Figures%202016(1).pdf [accessed 10 May 2019]

Mason SO & Fraser CS (1998) Image sources for informal settlement management. *The Photogrammetric Record* 6(92): 313–330

Pelser E, Burton P & Gondwe L (2004) *Crimes of Need: Results of the Malawi national crime victimisation survey*. Lilongwe: Crime & Justice Statistical Division, National Statistics Office

Republic of Malawi (1994) *The Constitution of the Republic of Malawi*. Lilongwe: Republic of Malawi

Republic of Malawi (1995) *Police Service Standing Orders.* Lilongwe: Republic of Malawi

Republic of Malawi (2010a) *Child Care, Protection and Justice Act No. 22 of 2010.* Lilongwe: Republic of Malawi

Republic of Malawi (2010b) *Criminal Procedure and Evidence Code Act No. 14 of 2010.* Lilongwe: Republic of Malawi

Republic of Malawi (2010c) *Police Act No. 12 of 2010.* Lilongwe: Republic of Malawi

Sidebottom A (2014) On the correlates of reporting assault to the police in Malawi. *British Journal of Criminology* 55(2): 381–398

UN-Habitat (2008) *The State of the World's Cities 2008/2009: Harmonious cities.* London: Earthscan

UN-Habitat (2010) *Malawi: Urban housing sector profile*. Nairobi: UN-Habitat

UN-Habitat (2011) *Malawi: Lilongwe urban profile.* Nairobi: UN-Habitat

UN-Habitat (2012) *The State of the World's Cities 2012/2013: Prosperity of cities*. Nairobi: UN-Habitat

UN-Habitat (2015) *Habitat III Issue Papers*: *22 – informal settlements.* United Nations Conference on Housing and Sustainable Urban Development. New York: UN-Habitat

UN-Habitat (nd) *Participatory Slum Upgrading Programme (PSUP).* Available at https://unhabitat.org/urban-initiatives/initiatives-programmes/participatory-slum-upgrading/ [accessed 21 February 2019]

World Health Organization (2010) *Violence Prevention: The evidence*. Geneva: World Health Organization. Available at http://www.who.int/violence_injury_prevention/violence/4th_milestones_meeting/evidence_briefings_all.pdf [accessed 24 September 2018]

Chapter 4

Policing of urban peripheries in Cameroon: the Yaoundé urban municipality

Polycarp Ngufor Forkum

This chapter explores the policing of urban peripheries in Cameroon in general, and the Yaoundé urban municipality in particular. It is an investigative and analytic report of the modus operandi of the Cameroon police force. I begin by introducing the authorities responsible for policing and limit the temporal scope to the personnel of the General Delegation for National Security (GDNS), and the spatial scope to the Yaoundé urban municipality.

While reviewing existing literature, the paucity of research on the police, which could possibly be explained by the zero-tolerance approach to criticism, became evident. This study is primarily desk-based, blended with interviews, questionnaires and focus group discussions. The chapter addresses the challenges in the policing of Yaoundé, which include, amongst others: police corruption, poor infrastructure/logistics, human rights violations and profiling. Findings show that the lofty reform provisions in legislation and administration are not at all reflected on the ground as far as the day-to-day policing of Yaoundé is concerned. This impacts negatively on the population that bears the tax burden for police operations in the hope of having a police force that polices in the name of peace, social justice and respect for human rights for all, everywhere and always. These police failures have undoubtedly led to frustration in the population, with mob justice a resultant effect. Going forward, while acknowledging the ongoing police reforms, those announced by the 15 legislative texts of 2012 to reform the police must be actioned. Besides this, there remains a need for parallel reforms, especially as they pertain to the justice sector, since the police do not operate in a vacuum. The police are just one actor amongst others in the chain of administering justice. The need for an increased budget allocation for infrastructure (roads), as well as police cells and correction facilities, cannot be overemphasised, for this undoubtedly impacts on police service delivery.

Policing literature in Cameroon

But for a few exceptions), accurate knowledge of policing in Africa in general and Cameroon in particular is severely limited. Such as there is can be found in the mass media, novels (Asong 1997), autobiographical reminiscences, internet blogs and in conversations. Many structures concerned with human rights, police reform and accountability, such as Human Rights Watch (2013), Amnesty International (2016b), Transparency International, the Crisis Group International and the US Department of State Human Rights Report (2017), have published detailed reports on the police in Cameroon. Paul Pondi (1988) traces the birth and growth of the Cameroon police force, starting in 1925 with a simple police station run by *gendarmes*; changing at the start of the Second World War and just before independence to a *Direction de Service*; and transforming yet again in 1969 to a *Delégation Générale*. Simply put, the GDNS (police) is a product of the fusion of the West Cameroon Police Force, fashioned after Britain (in language, recruitment and training), and the police of *La République du Cameroun,* fashioned after France.

In the book *Police Corruption in Cameroon and Uganda: A comparative analysis* (Ngufor Forkum 2012b), police corruption is situated within the broader context of corruption. The author proposes a sector-specific approach with priority given to the police due to the important role they are called upon to play in the fight against corruption. The book contends that a sane police force can successfully fight corruption, learning from examples where police officers either request or accept bribes during their involvement in the fight against corruption (Zwart 2003).

 The article 'HIV/AIDS in Cameroon: The policy response of the police' (Ngufor Forkum 2012a), analyses the scourge of HIV/Aids in the Cameroon police force, and 'Cameroon: Police corruption and the police reforms imperative' (Ngufor Forkum 2016), examines the extent and nature of police corruption and misconduct in Cameroon, as well as the measures that have been implemented or are still necessary to control and mitigate the deleterious effects of this corruption and misconduct among the police corps. 'Boko Haram and Rights-based Policing in Cameroon' (Ngufor Forkum 2018)*,* explores the human rights challenges posed by the militarisation of counter-terrorism measures against Boko Haram in Cameroon. To mitigate these violations of which the Cameroonian forces are accused, the comprehensive training of security personnel on human rights has been proposed (Alemika et al. 2018).

A series of unpublished works have analysed specific aspects of the Cameroon police force. The present study has a precise geographical focus – the Yaoundé urban municipality. As Otwin Marenin (2009: 6) puts it in 'The futures of policing African states', what is lacking is:

> A scholarly literature of the police, a view of policing from
> the 'inside out' … that is how the police actually work, make
> decisions on the use of force, implement community policing
> visions, think about their job, including why they engage in

corruption, or what conditions are like within the police as experienced by different rank levels. There is little in the way of a systematic literature on how the police think and work: e.g., the values and priorities of their occupational culture; kind and quality of training; how they are deployed; how rank and file are rewarded and sanctioned; the gender, ethnic, career or age composition of personnel; what impact police work has on crime or order; or how managers control and guide their forces. Even the most basic information and analyses, which are the bread and butter issues and products of police studies elsewhere, are missing.

This paucity of research on the Cameroon police force can be explained by the practical difficulties of trying to do research on the police. Access is not only difficult, but almost impossible if not criminal. Everything about the police, their work and their mindset is clouded an ethos of 'state secret, state security'. It is a serious offence to take a picture of a police station or car, and a serious internal violation for a police officer to reveal any information to an outsider (Decree No. 2012/539, Art. 21(3)). In addition, criminology as an academic discipline has not been developed at Cameroon universities. Only a few academics venture into studying the police or other aspects of the criminal justice system since it is seen as prohibited and a dangerous subject (Marenin 2009).

Methodology

This chapter posits that, from the humble beginnings of the Cameroon police force in the monolithic colonial era, to this pluralistic era of democracy, there have been more setbacks than advances. This needs to be addressed to get the country's police to correspond to the 'advanced democracy' claimed by the leaders. This research is desk-based and informed by focus group discussions, interviews, a questionnaire administered to 1 000 residents of Yaoundé, including police officers of various ranks and seniority, and direct observation by the author, who has lived in the Yaoundé municipality for 30 years. The questionnaire of 65 questions was administered by the author and two assistants to residents of all genders, age groups, social classes and tribes between 15 July and 20 August 2018. To ease analysis, multiple-choice, direct questions were asked. The topics included police recruitment, corruption, perceptions of corruption by the public, police requests for bribes and other gratuities, payment of these bribes, sexual harassment, police brutality, and oversight of police misconduct. The results here are preliminary as the data are yet to be analysed with specialised software, and will be published elsewhere at a later date. However, the data depict the trend of the issues addressed. The police reform legislation of 2012 is therefore an effort in the right direction, but, it is questionable how long the respective beneficiaries will wait for the reforms to be implemented.

Policing Yaoundé

An examination of globally acclaimed theories of policing shows that the model used in policing Yaoundé is a blend of policing types. As some theoreticians put it:

> Criminal Justice covers every aspect of our legal system; from the police, through the courts on to correctional facilities, even covering probation and parole. Being the operational arm of the Judicial System, a police department may use … a combination [of methodologies], to perform their specialist role in enforcing Law and Order. (Saint nd: 1)

First, there is **reactive (traditional) policing** (Saint nd). The *Équipes Spéciales d'Intervention Rapide* (ESIR) (Decree No. 2012/540 Arts. 169, 171) respond when a call comes in reporting a crime. The headquarters receiving this call relays it to the nearest patrol vehicle. Upon arrival, the patrol service takes a report, then passes the investigation over to the nearest regular police station for investigation. At this point, the patrol service officer(s) return to their patrol vehicle, awaiting their next callout. ESIR has the capacity to deploy six vehicles at any one time to various spots in Yaoundé. Given these parameters attempts at times by ESIR to carry out investigations were beyond the realm of their responsibility.

Secondly, there is **predictive policing**, carried out by the plain-clothes special branch police services (Decree No. 2012/540 Art. 164, 201–205). They use predictive and analytical techniques in law enforcement to identify potential offenders. Yaoundé has seven special branch police stations corresponding to the seven sub-divisions.

Thirdly, **problem-oriented policing** (Newburn & Neyroud 2008), which is purely proactive, focuses on trying to prevent crime from happening. This policing model has detectives watching for patterns in crimes to help understand when and how crimes are committed. Once they have a pattern, they search for ways to help prevent crimes from continuing in those areas (Saint nd). This is the model used by the *Groupement Spécial d'Opérations* and public security police stations (Decree No. 2012/540 Art. 9, 17–22). Yaoundé has 21 public security police stations and 4 central public security police stations.

Fourthly, **community-oriented policing** (Saint nd) represents a new approach to modern law enforcement, emphasising communication and cooperation with citizens as well as informal problem solving. This method creates a relationship and engenders an element of trust (Saint nd). This, approximated as 'proximity policing', is much talked about in Yaoundé, but has so far remained a mere slogan because, according to the results of the focus group discussions and questionnaire, it is not reflected on the ground.

Furthermore, there is **reassurance policing** (Newburn & Neyroud 2008), which is an accessible and responsive approach to policing that targets visible crime

and disorder with the aim of improving public confidence in the police, not only by making people safer, but also by making them *feel* safer. Thus, in Yaoundé, when the respective public security police stations go out either on foot or vehicle patrol, they are doing reassurance policing.

Finally, **colonial policing** (Newburn & Neyroud 2008) is an armed rather than a civilian-orientated form of policing that evolved throughout the British Empire. It operates within a framework of 'policing by strangers' and is imperialistic and elitist in nature, with the notion of policing by coercion overshadowing policing by consent. This in the Cameroon context is done by the Mobile Wing (*Groupement Mobile d'Intervention*).

Yaoundé is policed thus by a blend of the models of reactive (traditional), predictive, problem-oriented, community-oriented, reassurance and colonial policing. These six models are mainstreamed into the following branches for the comprehensive and practical day-to-day policing of Yaoundé:

- public security;[1]
- Interpol (Decree No. 2012/540 Art. 9, 23–27);
- the ESIR;
- the Mobile Wing (Decree No. 2012/540 Art. 9, 16, 183–186);
- special branch;[2]
- railway (Decree No. 2012/540 Art. 199);
- emigration (Decree No. 2012/540 Art. 206);
- airport (Decree No. 2012/540 Art. 207);
- special police service for diplomats, schools and universities (Decree No. 2012/540 Art. 9, 16(3));
- service control (Decree No. 2012/540 Art. 12(2), 161, 181);
- territorial surveillance (Decree No. 2012/540 Art. 211);
- the Directorate General for External Research; and
- police posts (Decree No. 2012/540 Art. 212).

Challenges for police and policing

Yaoundé counts about 60 police services. It is the political capital of Cameroon as well as the capital of the Centre Region and the Mfoundi Division. The Centre Region is made up of ten divisions. The division of interest to this chapter (Yaoundé urban municipality) is in Mfoundi, which is one of the ten divisions of the Centre Region. Yaoundé consists of seven sub-divisions amongst the 70 sub-divisions of the region, corresponding thus to seven *communes d'arrondissements.* It hosts the presidency of the republic, ministries, army/police headquarters, diplomatic services, an international airport and universities. It has a population of about 2.5 million

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1   As per Article 189(1) of Decree No. 2012/540, public security police stations are created in an urban municipality with a population of at least 10 000. With a population of more than 50 000, a central public security police station with at least two public security police stations (Art. 191(2)) can be created.

2   As per Article 201 of Decree No. 2012/540, special branch police stations are created at divisional headquarters and, as exceptions, at sub-divisional headquarters.

(Wikipedia nd). Of the about 20 000 police officers in Cameroon, close to 8 000 (around 40%) are in Yaoundé. The generally accepted police to civilian ratio is 1:450 or approximately 225 police officers for every 100 000 people (World Atlas nd).

The authorities responsible for policing in Cameroon and the Yaoundé urban municipality include the police of the GDNS (Decree No. 2012/539 of 19 November 2012 on the special status of employees of the National Security), *gendarmes* (Decree No. 2002/002 of 4 January 2002, Decree No. 2004/178 of 1 July 2004 amending certain articles of Decree No. 2001/177 of 25 July 2001 portant organisation of the Ministry of Defence, Decree No. 2001/181 of 25 July 2001 portamending the structure of the *gendarmerie nationale*), council police (Law No. 2004–18 of 22 July 2004 determining the rules applicable to *communes*, and organising the municipal police), and other administrations performing specific policing duties as per special statutes, such as forest guards (Law No. 94/01 of 20 January 1994 on the Regime of Forestry, Wildlife and Fisheries), customs, and the services of price and quality control. The army is responsible for external security, and the national police and *gendarmerie* have primary responsibility for law enforcement, with the latter having responsibility in rural areas. This chapter is limited to policing by elements of the GDNS.

Police corruption

The greatest challenge in policing Yaoundé is corruption. According to Transparency International Cameroon, the police force is the most corrupt government agency in Cameroon, with the police school seen as a training ground for these practices (Pefok 2009). This has been generally addressed in earlier works (see the literature review above). In the questionnaire administered to 1 000 residents of Yaoundé, 99% perceived the police to be corrupt, 95% professed to having been asked for a bribe within the past three months, and 90% admitted having paid the bribe at checkpoints, to register a case (see Ngufor Forkum 2016) or to secure their freedom after arrest (see Marais 2010).

Poor infrastructure/logistics

This challenge manifests at two levels. First, at the level of the police, inadequate infrastructure in terms of office space and residences for personnel impacts negatively on their productivity and image. Many of the units created in 2012 are yet to have structures that will permit the police to fulfil their missions. Existing structures are not maintained. Indeed, most have not been painted since colonialism and have no functional toilets. The plumbing systems are either outdated or the soak-away tank is full, resulting in a pungent smell. This is even the case at the police head office. Most offices have manual typewriters and seldom have paper. Those that have computers do not have an internet connection. Additionally, it is an open secret that police vehicles seldom have fuel.

Secondly, at the level of society, haphazard urbanisation, leading to residences without formal addresses, makes it difficult for the police to respond to calls. With a few exceptions, the roads of the Yaoundé urban municipality are generally

untarred. Where they are tarred, they are very narrow and full of potholes. This is the case with the road leading to the Nsimalen International Airport. An aerial view of the Yaoundé urban municipality shows that there is no plan to the area, hence no streets. Houses are haphazardly positioned. Efforts to demolish houses to put some order to the structures have not helped. From the interviews we carried out, 80% believed there is no point in calling the police if there are problems because they will not come due to a lack of fuel for their vehicles or because of the bad roads. One interviewee mockingly said, 'The police have been given bicycles, so they should no longer complain of a lack of fuel.' Of the police interviewed, 90% blamed the lack of fuel and other logistic problems on top management. Earlier analyses on the high-level embezzlement of police funds (Ngufor Forkum 2016) remain valid.

Human rights violations

In Cameroon, the following is expected of police officers:

- show respect for the human and his/her property at all times and in all places (Decree No. 2012/546 Art. 8);
- defend and protect fundamental human rights (Decree No. 2012/546 Art. 17);
- respect and protect the rights of each and every one (Decree No. 2012/546 Art. 27);
- do not use force, save in the cases provided for by the law (Decree No. 2012/546 Art. 34);
- do not use firearms, save in the case of absolute necessity, self-defence or to free someone from imminent threat of death or serious injury, or to prevent a major offence that threatens human life, under conditions laid down by law (Decree No. 2012/546 Art. 35);
- refrain from arbitrary arrests as well as treat arrested persons in a dignified and humane manner (Decree No. 2012/546 Art. 40(2));
- under no circumstances submit persons in custody to torture, physical or moral violence and to inhumane and degrading treatment (Decree No. 2012/546 Art. 41(2)).

The tenth commandment of *The Ten Commandments of a Police Officer*, as noted in the Cameroon Code of Ethics handbook for police, states that: 'The police officer shall be the foremost defender of human rights and, as such, shall respect the human person and abstain from inflicting any inhuman or degrading treatment on anyone' (Mbarga Nguele nd: 22). This notwithstanding, the police of Yaoundé manifest a consistent pattern of human rights violations.

Common violations include: torture and other cruel, inhuman or degrading (TCID) treatment or punishment; excessive use of force; arbitrary arrest or detention; denial of a fair public trial; violation of the rights of vulnerable groups (women, children); arbitrary or unlawful interference with privacy, family, home or correspondence; and profiling in policing. The resultant effect of this is the growth

of mob justice. Furthermore, according to the US Department of State (2017: 7), Cameroon 'police remained ineffective, poorly trained, and corrupt. Impunity continued to be a problem'.

TCID treatment or punishment and the excessive use of force

In Cameroon, the right to life, physical and moral integrity, and the prohibition of TCID is guaranteed in the Preamble to the Constitution, which states that 'every person has a right to life, to physical and moral integrity and to humane treatment in all circumstances. Under no circumstances shall any person be subjected to torture, to cruel, inhumane or degrading treatment'. Additionally, the Penal Code (PC) of 2016 deals with the following: Sections 132 (torture), 228 (dangerous activities), 275 (murder), 276 (capital murder), 278 (assault occasioning death), 340 (infanticide), 351 (assault on ascendant); 337, 279, 280, 281, 289 (manslaughter), 296, 338, 350, 370–371, 296, 337 (abortion). The criminal procedure code (CPC), and, lastly, Law No. 2011/24 of 14 December 2011 relates to the fight against the trafficking and slavery of persons (Ministry of Justice 2016: 16). Despite these lofty provisions, the government, credible non-governmental organisations and 98% of those we interviewed decry the persistent acts of TCID in prisons and police stations, and the lack of a national mechanism for the prevention of torture (Ministry of Justice 2016). Furthermore, 95% of those interviewed claimed to having personally been the victim of, or having a close family member or friend that has been a victim of, excessive use of force by the police within the past three months. Thus, though the government's rhetoric remains one of non-tolerance, this has not been matched with action. The government denies all accusations (Ndi 2018) and, as such, perpetrators are seldom punished and there is no compensation for the victims or their families.

The most emblematic figure of torture in Cameroon history is Jean Forchivé, a career police officer of over 40 years who advanced to the rank of minister of police, whose list of victims is enumerated in the article 'Forchivé a l'heure du bilan' (Dorce & Blaise-Pascal 1997). The victims include Dr Kamga Victor, former minister of finance, killed by the police in Yaoundé by electrocution for an alleged coup d'état; Felix Moumie, poisoned by special services while in Switzerland; Momo Paul, independence fighter who disappeared; Pierre Niyem Kamdem, former paramount chief of the Baham, tortured before being shot; Ernest Ouandie, a nationalist who sacrificed his life to obtain the independence of Cameroon as the commander in chief of the *l'Armée de libération nationale du Kameroun,* before falling into Forchivé's dragnet; Ossende Afana, killed in Djoum Forest; Reverend Father Albert Ndongmo, detained and abused for five years for supposedly plotting a coup d'état, without even a weapon; and Christian men, women and children, freely living in Douala, arrested and detained simply because they were associated with Father Ndongmo. The latter included Takala Celestin, owner of a renowned hotel at Bonapriso (Douala) who, at more than 70 years of age, died in custody after several years in detention (Dorce & Blaise-Pascal 1997). To Albert Mukong (1989: 125), 'Forchivé was a *Director of Torture* and nothing else.'

The most frequently used methods of torture by the police in Yaoundé include systematic beatings with various objects, sexual torture, electrical torture, suffocation, burning, holding people in painful stress positions for hours or even days, various forms of suspension, drowning, mutilations and dental torture. Victims reported that some methods of torture were often used in combination, for example holding a stress position while being tied up, blindfolded, beaten or subjected to psychological torture, often with increasing levels of pain (Amnesty International 2017).

Mukong (1989: 26–27) described the *balançoire*, a torture instrument designed by the French in Algeria, like this:

> It consists of two tripods of wood about 90cm high … placed at a distance apart equal to the length of the metal bar. The victim who has to undergo this type of test is made to sit on the floor on his buttocks. His two legs are bent upwards and made to grip the metal bar against the laps. The arms of the victim are bent to hold the bar by the sides of the legs. The legs and hands are then tied up, ensuring a firm grip on the bar.

> The victim is then lifted and suspended from the bar on the two tripods. In this condition, circulation is very difficult at the points where the victim is tied to the bar. In the suspended position you are pushed so that you execute swinging movements round the metal bar. At the point where your buttocks are raised highest, the operating gorille lands a solid stroke on you. An average man in good health cannot stand up to 30 minutes on this instrument and if you keep up to those 30 minutes on it you may be maimed for life. Most victims break down at this stage and, after having remained suspended there for five minutes, beg to be brought down ready to sign their death warrants.

> If you can resist this beyond 10 minutes, then the 'courant' method is added to it. You may just be suspended on the balançoire. This is sufficiently excruciating to break down a highly stubborn will. You may be suspended and rocked on the balançoire, which is still worse as the bar grinds into the flesh around the elbows and knees. The rocking may be accompanied by strokes of the cane. Then finally the last addition is the 'courant' which is applied to delicate parts of your body while you are suspended on this balançoire. The parts preferred are around the eyes, the genital organs, the armpits, the rectum, etc. Both men and women undergo these processes. These are the dreaded methods of physical torture by the [police].

As per allegations from Amnesty International (2016a), thanks to multiple accounts from victims, corroborated by satellite imagery and other photographic and video evidence, and witness testimonies, researchers identified 20 sites where Boko Haram suspects were subjected to torture. The Amnesty International (2017)

report adds that incommunicado detention and torture were reported by over a quarter of detainees in 18 other detention sites, including police stations in a variety of locations, and especially at the Judicial Police Headquarters (*Direction de la Police Judiciaire*) at Elig Essono and the base of the Presidential Guard in Yaoundé.[3]

Arbitrary arrest, detention and denial of fair public trial

In Cameroon, arrest and detention are regulated by sections 24, 26, 27, 28, 29, 61 and 132 of the penal code (PC); sections 119, 122, 221(1, 2), 236 and 237 of the CPC; and Decree No. 92/52 of 27 March 1992 on the prison system in Cameroon, amongst others (Ministry of Justice 2016). Police custody (see Koszeg 2001) rests on the legal obligation of judicial police officers (JPOs) to retain a given person for 48 hours 'for the necessity of preliminary inquiry' (p 127). This measure is equally possible during a procedure of flagrancy and during the execution of rogatory commissions. Placing a suspect in custody can only be decided upon by a JPO and never by a judicial police agent. Custody is for 48 hours, renewable once and, in exceptional cases, twice, upon the written instruction of the State Counsel (Section 119(2) CPC). However, the period of remand in police custody can be extended (where applicable, by 24 hours for every 50km distance between the place of arrest and the police station where such remand has to be effected (Section 120(1, 2) CPC). However, these timeframes are not respected, as the average custody period in practice in Yaoundé is 12 days (HRCB 2016). Except in cases of felonies or misdemeanours committed flagrante delicto, remand in police custody should not be ordered on Saturdays, Sundays or public holidays (Section 119(4) CPC). 'Friday arrests' abound in Yaoundé, a phenomenon that makes the suspect pass the weekend in detention. People held in police custody should normally be detained in the police station, but never in a prison. This too is not respected. The law further permits detention without charge for renewable periods of 15 days by administrative authorities such as governors and civilian government officials serving in territorial command. This measure is abused by both the administrative authority and the police. Focus group discussions revealed that, in non-flagrant investigations, when the JPO wants to keep the suspect beyond 48 hours, either because of workload or other for other reasons, the officer simply solicits from the administrative authority an administrative detention of 15 days renewable, which permits him/her to work at his/her own pace. The law provides for access to legal counsel and family members, but police frequently deny detainees access to both. The law permits bail, allows citizens the right to appeal and provides the right to sue for unlawful arrest, but these rights are seldom respected (US Department of State 2017). Bail, for example, is sold for cash.

Non-respect of these provisions by the police in our area of study abounds. It is possible to be locked up by a police officer because of a 'conflict … over a girl in a beer parlour' (Mukong 1989: 56). It is equally possible to throw a person into police officer cell just in the hope that he will bribe himself to liberty (Mukong 1989).

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3   All of these are official detention sites, apart from the base of the Presidential Guard.

In some cases, journalists covering events in Anglophone regions were arrested, transferred to Yaoundé and held for long periods without being notified of the charges against them (Amnesty International 2018). Government places at 965 the number of people arrested from the beginning of the Anglophone Crisis in 2016 to the end of June 2018 (Government of Cameroon nd).

The US Department of State (2017: 9) captures the lawlessness of policing the Yaoundé urban municipality as far as arbitrary arrest and detention are concerned in this example:

> On January 21, unidentified individuals in civilian clothing arrested Ayah Paul Abine, advocate general at the Supreme Court. The men took Ayah from his private home to the SED (Secretariat of State for defence in Charge of the Gendarmerie), where they held him without charge. In March, Ayah's lawyers filed an application for immediate release with the Mfoundi High Court in Yaoundé. On March 16, Ayah learned the charges against him. Lawyers believed Ayah's detention was arbitrary because it happened over a weekend, he did not learn about the charges until several weeks later, and the arrest was in violation of the provisions of the criminal procedure code applicable to magistrates. On August 30, President Biya ordered the discontinuance of proceedings pending before the Military Court against Ayah, Nkongho Felix Agbor Balla, Fontem Aforteka'a Neba, and 52 others arrested in relation to the Anglophone Crisis.

The law provides for a maximum of 18 months' detention before trial, but, according to the administrator at the Yaoundé Central Prison in Kodengui, many detainees wait for years to appear in court. There are no comprehensive statistics on pre-trial detainees in the prison. An international humanitarian organisation claimed some alleged terrorists in detention had been in prison for so long that they no longer knew the addresses of their relatives (US Department of State 2017).

In Cameroon, constitutional provisions (Articles 26(c)(5), (6) and 37–42) guarantee the right to a fair trial, supplemented by a series of laws, notably Decree No. 95/48 of 8 March 1995, amended by Decree No. 2004/80 of 13 April 2004, laying down the rules and regulations governing the judicial and legal services (Ministry of Justice 2016). The relevant provisions in the PC and the CPC are seldom respected. The court system is subordinate to the minister of justice. The Constitution designates the president as 'first magistrate', thus 'chief' of the judiciary, making him the legal arbiter of any sanctions against the judiciary. He appoints all judges, with the advice of the higher judicial council (Decree No. 2012/389 of 18 September 2012, Art. 17). The military code of justice gives him powers to arbitrate in any case. No doubt he invoked the latter in 2017 when he ordered the discontinuance of proceedings pending before military courts against Anglophone activists, including those for whom the court had previously denied bail. The president appoints all members of the bench and legal department of the judicial branch, including the president of

the Supreme Court, and may dismiss them at will. Military courts have in practice been used to punish dissidents.

The failure of the justice system to render justice to the inhabitants of Yaoundé, and to Cameroon in general, was confirmed by 95% of those interviewed, and this view is corroborated by the government. It admits the difficulty that citizens have in accessing justice; the high cost of justice; the inability to match the judicial map to the administrative map; difficulty in the execution of court judgments, especially those delivered against the state; judicial delays; inadequate training of judicial stakeholders, especially in implementing international conventions; ineffective legal aid; and poor understanding of enforceable instruments, amongst others issues (Ministry of Justice 2016).

Violation of the rights of women, children and other vulnerable groups

This issue can be approached from the viewpoint of women as victims of crime, as perpetrators and as police officers. This is an integral part of the national plan of action which requires the holistic integration of a human rights-based approach in all sectors of life, including 'gender promotion through capacity building, information, awareness-raising, gender equality and advocacy' (Ministry of Justice 2016: 6). Women's rights in Cameroon are protected in the Preamble to the Constitution, which provides that 'the Nation … shall protect women ... [and] the State shall guarantee all citizens of either sex the rights and freedoms set forth in the Preamble of the Constitution'. This ethos is further articulated in the Labour Code, the PC, the CPC, and Decree No. 94/199 of 7 October 1994 on the general rules and regulations governing the public service, as amended and supplemented by Decree No. 2000/287 of 12 October 2000 (Ministry of Justice 2016: 96–97).

Contrary to these texts, the police in Yaoundé manifest a total lack of professionalism in handling cases of female victims or perpetrators of violent crime. Domestic violence (see Pelser et al. 2005), which in its widest definition includes criminal, controlling and other harmful behaviour committed by intimates against intimates, and which commonly threatens other family members too, especially children (Newburn & Neyroud 2008), is not considered a crime in the area of study. With the number of women in the police force meeting only the strict minimum, the effectiveness, legitimacy and acceptability of general police functions and activities, especially when dealing with victims, is questionable.

The 15 legislative texts of 2012 that were to reform the police are totally silent on gender. Hence, gender considerations during recruitment, training, deployment and daily task assignment are left to the whims of the commanding officer. In Cameroon as a whole, women constitute 5% of the police force and about 7% in Yaoundé, far below the global average of 9% (Rao 2015). Of the 21 public security police stations

in Yaoundé, only three[4] are headed by women. Of the four central police stations,[5] one is headed by a woman (this is the fourth central police station based at Ekounou). At the central administration, 13 directors, only one, the director of public security, is a woman. Besides, there is no in-house rule against sexual harassment. Eighty per cent of female respondents as opposed to 0.3% of male respondents claimed to either having recently been a victim or having witnessed sexual harassment from the opposite sex. Other problems faced by female officers include lack of child-care provision, selection criteria not being gender-neutral enough, and selectors not being women or being untrained in the need for female representation. According to Lonsway et al. (2003), an advantage for law enforcement agencies that hire and retain more women is that female officers are less likely than males to use excessive force.

In study, 94% of respondents, corroborated by the government, admitted the following violations of women's rights: maintenance of some discriminatory provisions against women in legal instruments; inadequate harmonisation of national legislation with international legal instruments specific to the protection of women's rights; lack of strict implementation of conventional and legal regulatory provisions in force; persistent practices and stereotypes detrimental to women; under-representation of women in public and political life; low schooling rate of girls as compared to boys; persistent high maternal mortality rate; lack of accommodation centres for women in distress; and inadequate training of women in rural areas and in the informal sector (Ministry of Justice 2016: 97–98). Police managers in this study forget that the test of a modern, professional police force concerns not only how police deal with women who might have been victims of crime or may have themselves committed a crime, but also how police agencies treat female police officers (Bienert 2014).

Regarding the situation of children in Cameroon, orphans, street children, children in conflict with the law and children born out of wedlock, amongst others (HRCB 2016), remain vulnerable to rape, kidnapping, forceful detention and other crimes perpetrated by members of sects and black magic groups. Recent reports of cases of kidnapping, murder and mutilation of young children in Yaoundé abound.[6] Children are exposed to all kinds of risks and are sometimes also perpetrators of thefts, assaults, robberies, murders and so forth, leading to their arrest by police.

Legislation in Cameroon has a series of safeguards for children in conflict with the law. The Preamble to the Constitution provides that 'the State shall guarantee the child's right to education. Primary education shall be compulsory. The organization and supervision of education at all levels shall be the bounden duty of the State' (Ministry of Justice 2016: 102). Other protections include sections 29 and 80(4) of the PC; sections 700 to 743 of the CPC; and Law No. 2005/15 of

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4   Arrêté No 093/CB/PR du 28 janvier 2014 portant Nomination des responsables dans les services extérieurs de la Délégation Général à la Sureté National.

5   Arrêté No 093/CB/PR du 28 janvier 2014 portant Nomination des responsables dans les services extérieurs de la Délégation Général à la Sureté National.

6   Cameroun – Mimboman : Les faits viols, meurtres et enlèvements se succèdent in http://camerounenmouvement.blogspot.com/2013/01/cameroun-mimboman-les-faits-viols.html (Accessed 04 April 2019).

29 December 2005 against child slavery and trafficking. The CPC devotes the entire Part XV to the prosecution and trial of juveniles.

Despite these safeguards, the government joins 85% of this study's respondents in confirming the violation of children's rights in the absence of specialised courts and staff for minors, and the non-effectiveness of separating of minor detainees from adults in some prisons (HRCB 2016). Juveniles aged below 14 are found in prisons despite the benevolent measures provided by law. Assessors are not always present at hearings when a matter involves a juvenile and, as a result, the majority of decisions are rendered in their absence (HRCB 2016). Hearings in camera are not automatic and furthermore selectively pursued (HRCB 2016). The measures of child custody, monitoring and education provided for in sections 702(1) and 724 of the CPC are not always complied with (HRCB 2016). Many children live on the streets of Yaoundé, although, of late, their number has apparently declined because of stringent security measures against Boko Haram and the amended PC that criminalises vagrancy (US Department of State 2017).

The police in Yaoundé must understand that children who are involved in crime have often been subjected to violence and abuse, particularly within the family environment, or have been neglected (emotional or physical, especially during infancy) or abandoned. This leads to children being involved in crimes such as prostitution, the sale and possession of drugs, theft and acts of violence. Hence, these children are victims, not perpetrators.

Profiling in policing

The police in Yaoundé use profiling extensively as a short-cut that often leads to the miscarriage of justice. This profiling is based on various factors, including tribe, language or occupation. The Bamun tribes, for example, are victims of tribal profiling when it comes to taxi theft. Equally, police attribute a pattern of behaviour to university students and Anglophones. Policing with prejudice can only lead to condemning and acquitting the wrong persons. Due to the influx of internally displaced people from the two Anglophone regions as a result of the Anglophone Crisis (International Crisis Group 2017a), regular raids are carried out in highly populated Anglophone quarters like Obili, Biyem Assi and generally in Yaoundé. Anglophones, who are easily identified by their accent, are targeted as suspected 'amba terrorists'. This is enough reason for the police to extort bribes from these displaced people. This crisis has led to a large movement of the population, both within and from Cameroon. Refugees that left for Nigeria have mostly been accounted for by the United Nations High Commissioner for Refugees. However, internally displaced people, for example in Yaoundé, have not been accounted for. One can make an estimate from school registers of new students, showing about 5 000 newly registered students from the two Anglophone regions. To this can be added those people in the informal sector. The UN Office for the Coordination of Humanitarian Affairs states that, since December 2017, the violence has resulted in the internal displacement of over 160 000 people, while a private paper puts it at 400 000 (The Post 2018); the

government figure is 75 000 (Human Rights Watch 2018). Estimates place the influx of Anglophones into Yaoundé alone at close to 20 000 people.

Mob justice

Public frustration over police ineffectiveness and the release without charge of many individuals arrested for serious crimes contributes to mob violence. In Yaoundé, it is common to see mob justice applied in the presence of police officers – many of whom are either in favour of the practice or are powerless in the face of an angry crowd. In many instances, mob justice is served to 'suspects' long before the police arrive on the crime scene. There have been shocking instances where criminals in police custody have been seized by an angry crowd and beaten to death (Zuzeeko 2010). As noted earlier, the police are perceived as highly corrupt and seem unable to 'protect' their citizens from violent crime. The widespread sense of anxiety over various forms of violent crime and the state's failure to guarantee protection for citizens generates a quest for alternative practices of safety-making that, in turn, evoke serious concerns over state power and sovereignty, with the resultant effect being mob violence. Despite the appeal of Chief Justice Daniel Mekobe Sone during the opening ceremony of the judicial year of the Supreme Court on 22 February 2017, calling on citizens to bring all actions before the courts rather than taking the law into their own hands through violence (Mbonteh 2017), mob justice persists.

Hope on the horizon

Within the broader framework of police reforms, much is being done in terms of improving the conditions and welfare of the police. The legislative texts of 2012:

- reduced the number of years of service needed in order to qualify for promotion to a higher grade;
- instituted a monthly allowance for uniforms of approximately USD 10 for all grades;
- increased the risk allowance by 5%;
- confirmed the freedom to resign from the force;
- increased the retirement age for employees of the rank of constable, inspector, assistant superintendent and superintendent of police (there is also the possibility for an employee who attains the age limit for retirement to be offered an extension, maintained on a contract basis, as a consultant, or raised to an honorary rank);
- instituted a bonus for those who on retirement have children over 21; and
- instituted a special bonus for each five years of continuous service.

For a genuine way forward, the series of texts of 2012 must be put into practice. These texts detail not only improving the working conditions and welfare of the

police, as illustrated above, but also training and capacity building, creating new police stations and services, terminating routine road controls, implementing zero tolerance for corruption and police brutality, and enabling democratic policing initiatives like community policing, community engagement and coordination with civil society organisations. This should be accompanied by parallel reforms in partner sectors, such as the judiciary.

Conclusion

In Yaoundé, members of government and politicians abuse the police for their own agendas: recruitment is corrupt and politicised, and oversight bodies are partisan. The police force is generally understaffed, and communication and transport infrastructures are inadequate, impacting on the quality of police work. Evidence handling and forensic capacities also fall short. Moreover, recruits are not well-educated on intake, and training does not address all elements required, while human rights violations persist. Community policing is frustrated by a lack of trust in the police, and the public perception of the police is largely negative. Poor pay and conditions of service lead officers to take bribes, and efforts to address corruption and human rights violations are inadequate and inconsistent. At the same time, oversight remains limited or insufficiently independent. With the said frustration of the population at police failures, the lone safety valve remains mob justice. In Yaoundé, mob justice is an insurgent mode of social control or securitisation, as well as a contextual expression of contested sovereignty directed at the state's unwillingness or incapacity to contain dangerous forms of violent crime (Orock 2014). For a way forward and to get out of this dungeon, while acknowledging the ongoing police reforms, there is an urgent need to action the reforms announced in 2012 to bring the police back on track.

Bibliography

Alemika EEO, Ruteere M & Howell S (2018) *Policing Reform in Africa: Moving towards a rights-based approach in a climate of terrorism, insurgency and serious violent crime.* Cape Town: APCOF

Amnesty International (2016a) *Human Rights under Fire: Attacks and violations in Cameroon's struggle with Boko Haram*. London: Amnesty International

Amnesty International (2016b) *Right Cause, Wrong Means: Human rights violated, and justice denied in Cameroon's fight against Boko Haram* (Index: AFR 17/4260/2016). Available at https://reliefweb.int/sites/reliefweb.int/files/resources/AFR1767632017ENGLISH.PDF [accessed 4 April 2019]

Amnesty International (2017) *Cameroon's Secret Torture Chambers: Human rights violations and war crimes in the fight against Boko Haram*. London: Amnesty International. Available at https://reliefweb.int/sites/reliefweb.int/files/resources/AFR1767632017ENGLISH.PDF [accessed 15 July 2018]

Amnesty International (2018) *Cameroon: A turn for the worse: Violence and human rights violations in anglophone Cameroon*. London: Amnesty International

Asong TL (1997) *The Akroma File*. Bamenda: Patron Publishing House

Bienert A (2014) *To Serve and to Protect: Human rights and humanitarian law for police and security forces*. Geneva: ICRC

Dorce F & Blaise-Pascal T (1997) Forchivé a l'heure du bilan. In *Jeune Afrique Économie* 240: 55

HRCB (Human Rights Commission of the Cameroon Bar) (2016) *Report on Human Rights in Cameroon Year 2015.* Yaoundé: HRCB

Human Rights Watch (2013) *Guilty by Association: Human rights violations in the enforcement of Cameroon's anti-homosexuality law*. Available at www.hrw.org/sites/default/files/reports/cameroon0313_ForUpload.pdf [accessed 21 February 2019]

Human Rights Watch (2018) '*These Killings Can Be Stopped': Abuses by government and separatist groups in Cameroon's anglophone regions.* Available at www.hrw.org/report/2018/07/19/these-killings-can-be-stopped/abuses-government-and-separatist-groups-cameroons [accessed 28 August 2018]

Institut National de la Statistique (2015) *Annuaire Statistique du Cameroun*. Yaoundé: Institut National de la Statistique

International Crisis Group (2017a) *Cameroon's Anglophone Crisis at the Crossroads.* Africa Report No. 250, 2 August. Brussels: International Crisis Group

International Crisis Group (2017b) *Watchmen of Lake Chad: Vigilante groups fighting Boko Haram.* Africa Report No. 244, 23 February. Brussels: International Crisis Group

Koszeg F (2001) Monitoring police detention: Experiences with civilian oversight of law enforcement agencies. In A Kadar (ed.) *Police in Transition: Essays on the police forces in transition countries.* Hungary: CEU Press. pp. 197–201

Lonsway K, Moore M, Harrington P, Smeal E & Spillar K (2003) *Hiring & Retaining More Women: The advantages to law enforcement agencies*. National Center for Women & Policing, a division of the Feminist Majority Foundation. Available at http://womenandpolicing.com/pdf/newadvantagesreport.pdf [accessed 7 April 2016]

Marais J (2010) *Time Bomb: A policeman's true story*. Cape Town: NB Publishers

Marenin O (2009) The futures of policing African states. *Police Practice and Research* 10(4): 349–363

Mbarga Nguele M (nd) *Code of Ethics for the National Security Personnel*. Yaoundé

Mbonteh R (2017) Cameroon: Supreme Court denounces mob justice. *AllAfrica*, 23 February. Available at https://allafrica.com/stories/201702240122.html [accessed 28 August 2018]

Ministry of Justice (2016) *National Plan of Action for the Promotion and Protection of Human Rights in Cameroon (2015–2019).* Yaoundé: Ministry of Justice

Mukong A (1989) *Prisoner without a Crime*. Paris: NUBIA Press

Ndi NE (2018) Cameroon faults Amnesty International rights abuse report. *Daily Nation*, 17 June. Available at www.nation.co.ke/news/africa/Cameroon-denies-Amnesty-report-claims/1066-4617408-1346erc/index.html [accessed 26 August 2018]

Newburn T & Neyroud P (eds) (2008) *Dictionary of Policing*. Devon: Willan Publishing

Ngufor Forkum P (2012a) HIV/AIDS in Cameroon: The policy response of the police. In O Aginam & MR Rupiya (eds) *HIV/AIDS and the Security Sector in Africa*. Tokyo: United Nations University Press. pp. 166–184

Ngufor Forkum P (2012b) *Police Corruption in Cameroon and Uganda: A comparative analysis.* Saarbrucken: Lambert Akademic Publishing

Ngufor Forkum P (2016) Cameroon: Police corruption and the police reforms imperative. In RH Kempe (ed.) *Police Corruption and Police Reforms in Developing Societies.* London/New York: CRC Press, Taylor & Francis Group. pp. 125–139

Ngufor Forkum P (2018) Boko Haram and rights-based policing in Cameroon. In EOA Etannibi, M Ruteere & S Howell (eds) *Policing Reform in Africa: Moving towards a rights-based approach in a climate of terrorism, insurgency and serious violent crime*. Cape Town: APCOF. pp. 147–162

Orock RTE (2014) Crime, in/security and mob justice: The micropolitics of sovereignty in Cameroon. *Social Dynamics: A Journal of African Studies* 40(2): 408–428

Pefok JD (2009) Police schools are corruption nurseries in Cameroon-TI. *Cameroon Postline.* Available at www.cameroonpostline.com/police-schools-are-corruption-nurseries-in-came roon-ti/

Pelser E, Gondwe L, Mayamba C, Mhango T, Phiri W & Burton P (2005) *Intimate Partner Violence: Results from a national gender-based violence study in Malawi*. Pretoria: Institute for Security Studies

Pondi P (1988) *La Police au Cameroun (Naissance et évolution)*. Yaoundé: Edition CLE

Rao B (2015) Women in the police force – numbers & beyond. *Factly*. Available at https://factly. in/women-in-the-police-force-numbers-beyond/ [accessed 7 July 2018]

Republic of Cameroon (nd) *Government's Response to the Report on the Human Rights' Situation in the North West and South West Regions by Human Rights Watch.* Available at www.hrw. org/sites/default/files/report_pdf/cameroon0718_annex.pdf [accessed 16 July 2018]

SAINT (nd) Policing models. *SAINT*. Available at http://saint-claire.org/wp-content/uploads/ 2016/01/Policing-Models.pdf [accessed 16 July 2018]

The Post No 0321 of August 04, 2018

US Department of State (2017) Cameroon: Country Reports on Human Rights Practices for 2017

Wikipedia (nd) *Yaoundé*. Available at https://en.wikipedia.org/wiki/Yaound%C3%A9 [accessed 25 August 2018]

World Atlas (nd) *Countries with the Most Police Officers per Capita*. Available at www.worldatlas. com/articles/countries-with-the-most-police-officers-per-capita.html [accessed 25 August 2018]

Zuzeeko (2010) Jungle justice in Cameroon. *Zuzeeko.com*. Available at www.zuzeeko.com/ 2010/05/jungle-justice-in-cameroon.html [accessed 28 August 2018]

Chapter 5

Policing informal settlements in South Africa: Lessons from a Cape Town station

Kelly Stone and Simon Howell

In 2014, three police stations in Khayelitsha became the focus of national headlines when the premier of the Western Cape initiated a Commission of Inquiry into allegations of inefficiencies in police performance, and a breakdown in the relationship between community members and officials from the South African Police Service (SAPS) (KCOI 2014). While its scope was limited to Khayelitsha – one of South Africa's largest and most violent townships (Super 2015) – the Khayelitsha Commission of Inquiry (KCOI) shed light on broader and more systemic issues regarding the unequal distribution of police resources in black and coloured townships, and on challenges in the policing of informal settlements due to high levels of overcrowding and the absence of formal infrastructure and basic services, such as paved roads and street lighting. In many ways, the KCOI reflected weaknesses in South Africa's commitment to democratic governance, including the failures of intergovernmental and multisectoral planning; ruling and oppositional parties' preference to polarise the actions of the 'other' rather than uphold their constitutional promise to cooperate in mutual trust and good faith; and the rendering invisible of the people of Khayelitsha and the police officers responsible for protecting them.

Although the KCOI examined all three police stations in Khayelitsha in great detail (Site B, Lingelethu West and Harare), the performance of two in particular faced a higher level of scrutiny[1] given their continued placement in the top ten most dangerous policing precincts in the country (BusinessTech 2015). During the KCOI, residents of one specific area shared disturbing stories of officers failing to respond to calls for assistance after a stabbing had taken place at 'a secondary school'; of SAPS taking more than two hours to respond to a murder, which consequently allowed the suspect, who had been identified by witnesses, to escape; and of investigating officers failing to appear in court to present evidence against the

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1   In conversation with SAPS officials, it was requested that specific localities and individuals remain anonymous. We thus do not provide the names of specific places or individuals.

accused, who was then released and allowed to target the family of his victim (Legal Resource Centre 2014). In response, the past and present station commanders testified that these precincts were 'very demanding' (KCOI 2014: 232) due to the vastness of the area they covered and the fact that almost 40% of its residents lived in informal settlements. The station commanders also stated that the station was severely understaffed; that detectives were extremely overburdened, which resulted in high levels of absenteeism;[2] and that conducting investigations in the community was an almost impossible task because people did not want to be perceived as 'associating with the police' (KCOI 2014: 231–234).

Recognising that the stations are, indeed, some of the most under-resourced in the country (Legal Resource Centre 2014), despite having one of the highest rates of violent crime, the KCOI proposed 20 recommendations, some of which addressed the specific needs of the precincts, including: (1) the construction of a new police station in Makhaza; (2) the installation of additional CCTV cameras and street lighting in hotspot areas to improve the detection and investigation of crime and violence; and (3) the development of guidelines for policing informal settlements to ensure these areas do not remain 'neglected' by the police (KCOI 2014: 439–465).

While most recommendations from the KCOI have still not been implemented (Peterson 2018),[3] there nevertheless seems to be reason to hope. In 2018, all categories of violent crime in the station precinct dropped by 12.6%, with murders decreasing by the most significant margin at 18% (174 to 142) (Crime Stats SA 2018; see also Palm 2018). The police attribute this success to concerted efforts initiated at the station level to build stronger relationships with the community, who they see as critical partners in efforts to reduce violent crime.[4] Accordingly, the purpose of this chapter is to identify best practices in strengthening community policing relations by examining the case of the police stations in the area, highlighting some of the novel means by which they have engaged the communities so as to further decrease violent crimes. The chapter explores the context of policing in Khayelitsha, including some of the obstacles to building strong relationships with residents of informal settlements, and unpacks the literature discussing community policing principles to identify those that resonate in real practice. The chapter then moves on to discuss specific interventions initiated in the police precincts to strengthen community–police relations in an effort to bridge the gap between theory and practice. The chapter concludes by demonstrating that change is, indeed, possible when guided by the right leadership.

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2   On average, each detective at the police station in question was carrying 133 dockets during the time of the KCOI (Legal Resource Centre 2014).

3   Reports allege that plans for the Makhaza Police Station have been approved, but construction has yet to start. Furthermore, only eight additional high-mast CCTV cameras have been installed, increasing the total number of functioning CCTV cameras in Khayelitsha to a mere 24, while areas like Sea Point (which is smaller in area and population) have approximately 80 functioning devices. Furthermore, according to recent reports, only 12 additional law enforcement officers have been deployed to Khayelitsha since the conclusion of the KCOI, and the provincial commissioner of police has still not developed guidelines for the policing of informal settlements.

4   Personal interview at Harare Police Station, 15 November 2018.

Context of policing in Khayelitsha

Khayelitsha is one of the largest and most violent townships in South Africa, with approximately half of its 118 810 households situated in informal settlements (SERI 2018, citing O'Regan & Pikoli 2014). The policing precinct, which is located on the east side of Khayelitsha, spans one of the largest areas of the township, covering the entire southern edge as well as a portion of the northern border along the N2. According to recent estimates, there are a total of 172 475 people living in the precinct, most of whom reside in informal settlements, with only 239 police officers, placing the police-to-person ratio at 1:722 (Daily Maverick 2018).[5]

During the KCOI, the commission identified one of the stations as the most under-resourced police station in the country (Legal Resource Centre 2014) despite being in the top ten precincts for most murders, ranking sixth overall nationally (Ntongana 2018). In 2014, at the time the KCOI drew to an end, there were 164 murders reported at just one of the police stations alone, followed by 236 sexual offences, 605 assaults with intent to inflict grievous bodily harm, 805 common assaults and 842 robberies with aggravating circumstances (Crime Stats SA 2014).[6] Accordingly, the KCOI insisted that an additional station be built in Makhaza to help ease the burden on the current stations, the lack of capacity of which was undermining service delivery. Although reports suggest that plans for the Makhaza Police Station have gone through the various stages of approval, to date construction has yet to start.

Policing informal settlements

As mentioned, a significant portion of the policing precinct consists of informal settlements, which are areas where groups of dwellings have been constructed on land that occupants have no legal claim or entitlement to, and thus occupy illegally (OECD 2001). Given that most people who reside in informal settlements are, or were, there unlawfully in terms of both land occupation and the construction of dwellings, informal settlements have become criminalised spaces, with the people who live there also becoming criminalised by way of association (Meth 2016). In fact, South Africa's Informal Settlements Upgrading Programme uses rather provocative language when describing informal settlements, and identifies such areas on the basis of the following characteristics:

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5   According to recent statements by Premier Helen Zille, the police-to-population ratio in Khayelitsha is 1:521, which is lower than the national average. In Sea Point, it is 1:154, and in Cape Town Central, it is 1:58. Figures relating to the police-to-person ratio in certain precincts suggest that areas with the highest levels of violence receive the least in terms of police resources, which not only means that people will incur delays in getting access to justice, but that the police themselves will be overwhelmed, under prepared and out numbered when it comes to responding to incidents of crime and violent crime in the area, which contributes to levels of mistrust amongst community members. For futher details, see Western Cape Cabinet Resolution on Police Under-resourcing.

6   It is important to note, however, that the number related to sexual offences is likely to be much higher, as crimes committed within this category are notoriously under-reported.

- Illegality and informality;
- Inappropriate locations;
- Restricted public and private sector investment;
- Poverty and vulnerability; and
- Social stress (Department of Human Settlements 2009: 16).

Experts have noted that the discourse of illegality surrounding informal settlements has been used not only to justify a poorer standard of living, but has further entrenched residents' marginalisation from formal spaces and isolation from basic services (Meth 2016).

As a consequence, informal settlements are under-served in many ways, not only in terms of simple security measures, but also in terms of basic infrastructure, which is integral to effective policing and necessary to meet any humane standard of living conditions. These areas are often marked by long rows of shacks lying adjacent to or on top of one another, with no visible numbers or other signifiers, or any clear means of accessing such spaces. There are often no roads, no houses, no street names, no running water, no electricity, no toilets, no CCTV cameras and no street lights (SERI 2018). In addition, informal settlements experience high levels of population density, which threatens the health and safety of residents, particularly when there are fires and floods, and consequently imposes significant challenges when responding to emergencies in these areas. In addition, risks to safety are further complicated by service delivery protests, which happen more frequently in informal settlements than in areas with formal infrastructure (SAPS 2017).

In addition to living in a permanent state of scarcity, residents of informal settlements are also more vulnerable to violence than people who stay in more formal areas, not only because of the hyper-permeability of their homes – dwellings are usually made from materials like scrap metal, loose wood, cardboard, mud and plastic, and are often not built upon steady foundations (Meth 2016) – but also because the physical characteristics of these spaces create an environment that is conducive to violence. Some people claim that the location of informal settlements on areas of vacant or undeveloped land can create hotpots for sexual assaults, physical attacks and murders, particularly at night when people try to access a communal toilet or collect water from a standpipe (SERI 2018). Evidence would suggest that such claims are true, given that while the murder rate in South Africa is quite high (32.2 murders per 100 000 persons), the murder rate in informal settlements is significantly higher, ranging from 150 to 200 murders per 100 000 persons (SERI 2018, citing O'Regan & Pikoli 2014).

Policing informal settlements is, as a consequence, considerably more difficult than policing areas that have basic services and formal infrastructure. Members of SAPS have argued that visible policing (i.e. street-level patrolling and becoming familiar with areas as well as with community members) is nearly impossible due to the narrow pathways and high levels of overcrowding, which exposes officers

to an array of security risks (SAPS 2017).[7] The police further contend that, in order for their crime and violence prevention efforts to be effective, officers must be able to conduct visible policing, patrols, roadblocks and raids in these areas, which is almost impossible to do in areas where accessibility is significantly limited. Accordingly, some community leaders believe that the inability of the police to effectively respond to crime and violence has allowed gang members to use informal areas as their personal 'playgrounds', because they can engage in criminal activities without repercussions from the police (SAPS 2017). Their perceptions are valid, and have compelled many community members, who feel an additional level of risk, to take the law into their own hands by committing acts of vigilante violence against those suspected of committing acts of crime and violence (SERI 2018).

Despite the fact that the challenges of policing informal settlements are well known and have been the subject of national debate since 2013, the Western Cape provincial commissioner of police has yet to develop a set of guidelines for policing in these areas, in accordance with recommendations emanating from the KCOI (Peterson 2018).

Breakdown in community–police relations

A serious consequence of ineffective policing in informal settlements is that it can either lead to, or further exacerbate, a breakdown in community–police relations, with community members often feeling as though they have been abandoned by the police, and police officers often conceding this. This was the case in the policing precinct, where a former station commander testified during the KCOI hearings that informal areas were often 'neglected' because it was almost impossible to patrol them given the shortage of police personnel (KCOI 2014: 232).

As a result of the limitations in police capacity, the residents of Khayelitsha experienced high levels of distrust in the police force due to perceptions of its lack of responsiveness and its failure to conduct proper investigations, as well as growing suspicions that some officers were corrupt and involved in criminal activities and syndicates (KCOI 2014). The KCOI confirmed that many of these perceptions were widely held amongst community residents. Although neither necessarily true nor entirely false, they nevertheless added another layer of complexity to safety challenges in informal areas and contributed to the growing number of vigilante attacks, which were becoming more and more of a problem. Experts note that acts of vigilante violence are often used by residents who have high levels of mistrust and poor perceptions of the police as methods for crime management, especially when there is a shared belief that no meaningful system of justice exists within their reach (see, for example, Baker 2002). Therefore, in order to repair relations with the community, the police need to

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7   In response to the challenges associated with policing informal settlements, the former national police commissioner, Riah Phiyega, numerously referred to formal infrastructure as necessary 'prerequisites' for proper policing. While the presence of such infrastructure certainly makes policing easier, the absence thereof does not negate the constitutional obligation of the police to protect and secure the people of South Africa.

understand that violence – specifically forms of community violence (i.e. not gang-related violence) – is often a function of both frustration over poor living conditions and grievance over a lack of security (Meth 2016).

Beyond the increase in vigilante violence, the breakdown in community–police relations created additional limitations in the capacity of the police to respond to crimes and to conduct proper investigations due to the fact that many community residents were unwilling to cooperate with them (KCOI 2014). Some residents alleged that they did not want to be associated with the police because the police had failed to provide adequate support to witnesses and protection to informants.

> [T]he police have not been good at protecting witnesses. People are scared of being intimidated. Detectives say witnesses don't want to come forward. When they ask, 'Who killed who?' people are going to think about their own families. If I get killed [for speaking to the police], who's going to look after my family? This is why police must think differently when policing different areas. If you know people are scared of talking to detectives, why visit them in your police car at their house? Can't they make an arrangement to meet somewhere else? Small things like that. People see you speak to detectives and they will think you are a witness and they will try to silence you. (Faull 2016: 50)

Accordingly, when officers enter informal areas to conduct investigations and interview witnesses, people are often unwilling to share information or render any form of assistance to the officers, such as offering them protection or securing their vehicles while they walk on foot to secure a crime scene.[8] This sense of collective resistance from community members inflicted a series of additional frustrations on detectives, even though many of them did not take the time to understand the extent to which residents were suffering or the reasons why members of the community were unwilling to cooperate with the police.

In light of the above, recommendations emanating from the KCOI (2014) emphasised the importance of community–police relations in Khayelitsha and instructed the police to take a series of actions to rectify these relationships. The KCOI called on the police to:

- circulate 'community scorecards' to residents in each police precinct to develop a better understanding of community perceptions of the police (KCOI 2014: 327);
- research the failure of the community policing forums;
- publish station-level crime statistics;
- introduce a system of community-based mediation to resolve disputes; and
- recruit police reservists from Khayelitsha to allow for a better understanding of the community and its people (KCOI 2014: 451–452).

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8   Interview, 15 November 2018.

The KCOI report contended that, if community–police relations were strengthened, efforts to reduce crime and violence throughout Khayelitsha would be improved. Pointing to international literature on community policing and testimony from experts, the report claimed that stronger relationships with the residents of Khayelitsha would make it easier for members of SAPS to police informal areas because people would be more willing to cooperate if they felt their safety was prioritised (KCOI 2014). Also, by restoring these relationships, community members and the police could work in partnership with one another, which would make it difficult for crime and violence to thrive in their areas due to the strengthening of social cohesion.

Exploring best practices in community policing

When it comes to gauging levels of safety in a particular community, the significance of the relationship between residents and the police cannot be overstated. This is especially true in South Africa, where the police under apartheid were fundamental to securing the government's system of control, and were used to target, detain and execute political opponents or anyone suspected of challenging the legitimacy of the state, the vast majority of whom resided in black and coloured townships (Van der Spuy & Rauch 2006). During this time, relationships between the police and communities were significantly strained, which is one of the reasons transformation of the police became a top priority for the country's transition into democracy.

The framework for these reform efforts was grounded in principles of democratic policing and framed around five key strategic areas, one of which was improving community–police relations. As a result, initial reform efforts focused on transforming the police 'force' into a police 'service', in an effort to demilitarise the police into a service-oriented organ of state that prioritised the needs of citizens over the interests of the state (Stone & Ward 2000; also see Rauch 2000). Demilitarisation efforts focused on ensuring civilian control over the police, and moving towards a more community-based style of policing in which individual officers and the institution itself would be directly accountable to the South African people. In addition, as a newly established democratic police service, police officials would need to be representative of the community they serve and committed to protecting and supporting the principles of democracy and human rights, and well as being held independently accountable to all branches of government and to civil society (Newham 2005).

Despite the legislative imperative to establish a democratic police force and the existence of various policy instruments that aim to institutionalise community-based approaches to policing, the complexity of the South African context often makes it difficult to integrate these principles into practice. Accordingly, the following section reviews the foundational elements of community policing found in both international and national sources of literature, in an effort to

identify those which resonate with the practical experiences of police officers in South Africa.

Promising practices in strengthening community–police relations

The value of strong community–police partnerships has been at the centre of national, regional and international discussions around safety and crime and violence prevention for quite some time, with policing experts and practitioners grappling with some of the more pragmatic steps involved in building such relations. Central to these discussions has been a recognition that the role of the police is broader than 'fighting crime', and that community policing must be grounded in cooperative strategies that engage with a wide range of stakeholders.

Recognising the need for building consensus around the meaning of 'community policing' in 2008, the Organization for Security and Co-operation in Europe (OSCE) commissioned a report entitled *Good Practices in Building Police-Public Partnerships*, which aimed to consolidate the principles and characteristics of effective community policing partnerships into a framework that could be used to implement community policing in different country-specific contexts (OSCE 2008).[9] The report also provided a broad definition of community policing, which it defines as the following:

> A philosophy and organizational strategy that promotes a partnership-based, collaborative effort between the police and the community to more effectively and efficiently identify, prevent and solve problems of crime, the fear of crime, physical and social disorder, and neighbourhood decay in order to improve the quality of life for everyone. (OSCE 2008: 5)

However, before communities can commit to assisting the police in responding to and controlling violence, they first need to trust the police, which can be achieved using a variety of different tactics that help police officers become more integrated into communities.

Accordingly, the OSCE (2008: 13) report suggests that members of the police:

- be visible and accessible to the public;
- know, and be known by, the public;
- respond to the communities' needs;
- listen to the communities' concerns;
- engage and mobilise the communities; and
- be accountable for their activities and the outcome of these activities.

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9   This report is informed by the collective input of distinguished policing experts, human rights institutions and independent research organisations, as well as the findings of an in-depth review of academic literature, documentation on field operations, and relevant reports from international organisations involved in community policing.

In addition, the OSCE (2008: 13) report also identifies key strategies for how to apply these principles in practice, including:

- creating fixed geographical areas with permanently assigned police officers;
- introducing visible policing with accessible police officers and police facilities;
- restructuring patrol activities to focus on non-emergency servicing;
- engaging communities in efforts to reduce crime and violence;
- introducing a proactive problem-solving approach by building relationships with community leaders;
- involving all government agencies and services; and
- involving all branches of the police.

The OSCE (2008: 65) report concludes by identifying three basic principles that must be adhered to in order to ensure the legitimacy of any community policing partnership: (1) transparency of the police organisation to the community (including minority and vulnerable groups), and accessibility and responsiveness to their needs, concerns and demands; (2) commitment to crime and violence prevention and proactive problem solving in order to address underlying risks and develop sustainable solutions; and (3) facilitating active participation of different sectors within the community and other government agencies in the crime and violence prevention efforts to ensure their needs and perspectives are met equally.

Principles of community policing are embedded throughout in the governance framework for safety in South Africa, namely through the National Development Plan, the 2016 White Paper on Safety and Security and the 2016 White Paper on Police, each of which emphasises the importance of community–police relations in building safer communities. While the policing policy framework is quite clear in its articulation of the values and aspirations that it holds via community policing, its explanation of how to build these relationships is far less clear. The next section of the chapter thus explores specific interventions taken in the precinct in an effort to bridge the gap between policy and practice.

Lessons from Khayelitsha

Although the KCOI did not immediately effect a change in leadership, the command structures in Khayelitsha understood that something needed to be done and that they could not wait for the recommendations relating to infrastructure and an additional police station and officers to be implemented. In the middle of a highly politicised debate, the SAPS command focused on what really mattered to effect of better policing in the precinct – relations with the community. As such, there was a specific aim to not engage with community members as agitators or the enemy, but rather as allies in the effort to reduce violent crime and build safer communities, and as resources that could meet the shortfall in the number of officers in policing structures. Of specific concern were the vigilante killings, and it was recognised that, if these could be mitigated

through trusting relationships with the police, the murder rate could be brought down. As such, specific projects were undertaken to understand the people in the precinct and develop relationships with them. Officials met with community leaders and had discussions with them about the challenges of policing in these areas and the lack of security that existed, for both residents and police officers, when responding to calls.

As a result, the police leadership worked to develop relationships with parents and school governing bodies, and interacted directly with shebeen owners and other business owners to help them understand the nature of crime and violence, the correlation between alcohol consumption and violence, and how it was bad for business. Police officers were held accountable and were supported and mentored by people in administrative roles. As one police officer stated,

> In here, we are a family. If you are an hour late to work, there will be five messages on your phone asking where you are. We care about each other and we care about the work that we do, and the community understands that.

Another officer noted,

> We had the community recognise that we were severely understaffed and had one of the hardest areas to cover, and not to use that as an excuse, but rather as a way for them to see the situation from our perspective and ask them for their help.

This was a direct response to the recommendations put forth in the KCOI without waiting for bureaucratic processes to stop their politicking.

These kinds of proactive responses are frequently mentioned in theory, but see little practical adoption on the ground in policing measures to enforce of law. The efforts mentioned above have, however, begun to pay dividends, with a station in Khayelitsha listed as having the highest murder rate seeing a drop in this rate. Indeed, with the exception of this station, murder rates amongst the top ten stations increased. The station commander explains that building stronger relationships with the community was the key factor in bringing down the murder rate. The precinct also saw a decrease in all categories of contact crimes – violent crimes against persons – which have been rapidly increasing in South Africa as a whole. According to the most recently released crime statistics, the Khayelitsha precinct and select stations saw the following decreases:

- 174 to 142 (murders);
- 204 to 192 (sexual offences);
- 83 to 82 (attempted murder);
- 547 to 455 (assault, grievous bodily harm);
- 811 to 801 (common assault); and
- 902 to 709 (robbery with aggravating circumstances).

Practical steps for substantive change

In conversation with the police leadership in the precinct, the following projects and efforts stand out as critical in the ongoing efforts to reduce crime through fostering substantive relationships with the community. Foremost have been efforts to build partnerships with key stakeholders and open up lines of communication to better understand their needs and frustrations. At the centre of these relationships is developing a mutual understanding and recognising a common goal to build a safer community, and how working together could be more effective. Such efforts span both traditional areas of policing, such as responding to crime events, but also areas not always seen as of core concern to the police in South Africa. These include:

- Parents and schools: Police aim to protect young people as they go to and from school premises, but also present educational events at schools and work with parents. Parents and police work hand in hand to prevent young people from committing crime, and to find supportive mechanisms for dealing with those that have, beyond the default punitive paradigm.
- Business owners (formal and informal): Police deal with business crimes and crimes against businesses specifically, as it is recognised that local businesses are a critical source of employment for individuals in the community. They also work towards ensuring fair and competitive practices for businesses by policing illegal shebeens, working with legitimate businesses to identify illegal undertakings, and providing information relating to illegal business practices to the relevant government authorities.
- Community leaders: These efforts include empowering community leaders to play a role in the prevention of crime by providing direct communication channels, protecting responding officers in specific areas, and using community leaders as a voice through which police officials can communicate safety plans, and through which intelligence can be gathered in communities without external intervention or disruption.

Internally, the police have also focused on service delivery to the community, which means prioritising violent crime and explaining why investigations into certain types of crimes may be delayed. Such efforts require renewed emphasis on the discipline and procedural knowledge of police officers, including, for instance:

- increasing accountability of individual officers by reducing absenteeism, ensuring police discipline and opening up lines of communication with the community;
- strengthening social cohesion between station personnel and placing emphasis on creating a caring and 'family-like' environment, which is of particular importance considering the dangerous nature of policing in South Africa;
- implementing ongoing training and mentoring, specifically in relation to evidence-led policing and the development and mentoring of new recruits.

In terms of policing efforts, there was a sustained focus on the use of evidence-led policing models and practices to develop strong and clear case files that would

stand scrutiny in a court of law. This is in contrast to the low conviction rates that occurred prior to the KCOI. Further efforts also included increasing operations over the weekend (when most crime occurs), awareness-raising campaigns around rape and sexual offences, and taking time to understand the community, specifically the people who live there and what their values are in relation to crime and punishment. Ultimately, then, efforts have aimed to empower communities to facilitate safety and security, and prevent violence by using relationships as a powerful resource that harnesses the knowledge of individuals and the powers of the police to respond effectively, efficiently and caringly to the needs of those who live in some of the poorest areas of the country.

Conclusion

While Khayelitsha remains a peripheral urban space, plagued by the complexities of informal settlements and high levels of crime and violence, the example of the station discussed in this chapter demonstrates that contested environments can nevertheless serve as a site of innovation for best policing practices. Under the SAPS leadership in the area, officers at the stations were encouraged to invest in building strong partnerships with community structures, to prioritise delivering a high quality of service over meeting performance targets, and to strengthen their capacity for evidence-led policing by taking the time to understand the nuances of crime and violence in communities and priority areas for response. In turn, relations with the community were improved, with newly formed community–police partnerships based upon a mutual sense of trust and support, as well as a greater understanding of, and appreciation for, the challenges that arise in the policing of informal areas. As a consequence, the rates of violent crime in the policing precinct dropped significantly, bridging the gap between theories of community policing and examples of best practice, and demonstrating that, even in the midst of extreme resource and capacity constraints, change is indeed possible when guided by the right leadership.

Bibliography

Baker B (2002) Living with non-state policing in South Africa: The issues and dilemmas. *The Journal of Modern African Studies* 40(1): 29-53. DOI http://dx.doi.org/10.1017/S0022278X01003809

BusinessTech (2015) The worst crime hot spots in South Africa. *BusinessTech*, 15 July. Available at https://businesstech.co.za/news/general/93294/the-worst-crime-hot-spots-in-south-africa/ [accessed 24 November 2018]

Crime Stats SA (2014) Crime statistics for Harare policing precinct for 2014. Data generated from www.crimestatssa.com/precinct.php?id=1082 [accessed 24 November 2018]

Crime Stats SA (2018) Crime statistics for Harare policing precinct for 2018. Data generated from www.crimestatssa.com/precinct.php?id=1082 [accessed 24 November 2018]

Daily Maverick (2018) GroundUp: Here's how unfairly police resources are distributed. *Daily Maverick*, 17 January. Available at www.dailymaverick.co.za/article/2018-01-17-groundup-heres-how-unfairly-police-are-distributed/ [accessed 22 November 2018]

Department of Human Settlements (2009) *The National Housing Code: Upgrading informal settlements*. Pretoria: Department of Human Settlements. Available at www.dhs.gov.za/sites/default/files/documents/national_housing_2009/4_Incremental_Interventions/5%20Volume%204%20Upgrading%20Infromal%20Settlement.pdf [accessed 22 November 2018]

Faull A (2016) On the record: Interview with Phumeza Mlungwana, Social Justice Coalition. *South Africa Crime Quarterly* 56: 47–51. Available at https://journals.assaf.org.za/sacq/article/view/1289 [accessed 28 November 2018]

KCOI (Khayelitsha Commission of Inquiry) (2014) *Towards a Safer Khayelitsha: Report of the commission of inquiry into allegations of police inefficiency and a breakdown in relations between SAPS and the community of Khayelitsha*. Cape Town: KCOI. Available at www.khayelitshacommission.org.za/images/towards_khaye_docs/Khayelitsha_Commission_Report_WEB_FULL_TEXT_C.pdf [accessed 12 November 2018]

Legal Resource Centre (2014) *Complainant Organisations' Heads of Argument: Commission of inquiry into allegations of police inefficiency in Khayelitsha and a breakdown in relations between the community and police in Khayelitsha*. Cape Town: Legal Resource Centre. Available at www.khayelitshacommission.org.za/2013-11-10-19-36-33/closing-legal-argument/closing-legal-argument.html [accessed 12 November 2018]

Meth P (2016) Informal housing, gender, crime and violence: The role of design in urban South Africa. *The British Journal of Criminology* 57(2): 402–421. DOI https://doi.org/10.1093/bjc/azv125 [accessed 24 November 2018]

Newham G (2005) Strengthening democratic policing in South Africa through internal systems for officer control. *South African Review of Sociology* 36(2): 160–177. Available at www.csvr.org.za/docs/policing/strengthening.pdf [accessed 23 November 2018]

Ntongana T (2018) Areas with most murders in country will wait until 2023 for another police station. *GroundUp*, 16 May. Available at www.groundup.org.za/article/area-most-murders-country-must-wait-until-2023-another-police-station/ [accessed 22 November 2018]

OECD (Organisation for Economic Cooperation and Development) (2001) *Glossary of Statistical Terms: Definition of 'informal settlement'*. Available at https://stats.oecd.org/glossary/detail.asp?ID=1351 [accessed 23 November 2018]

OSCE (Organization for Security and Co-operation in Europe) (2008) *Good Practices in Building Police-Public Partnerships*. Vienna: OSCE Secretariat

Palm K (2018) Harare Police Station in Khayelitsha sees drop in contact crimes. *Eyewitness News*, August. Available at https://ewn.co.za/2018/09/14/harare-police-station-in-khayelitsha-sees-drop-in-contact-crimes [accessed 18 November 2018]

Peterson T (2018) Khayelitsha Commission of Inquiry: Four years later, what has changed? *News 24*, 29 August. Available at https://www.news24.com/SouthAfrica/News/khayelitsha-commission-of-inquiry-four-years-later-what-has-changed-20180829 [accessed 24 November 2018]

Rauch J (2000) *Police Reform and South Africa's Transition*. Paper presented at the South African Institute for International Affairs conference in Pretoria. Johannesburg: Centre for the Study of Violence and Reconciliation

SAPS (South African Police Service) (2017) *Influence of Environmental Design and Effective Policing in the South African Context*. Presentation by Major General SC Mfazi, SAPS Research Colloquium, 7–9 February. Available at: https://www.saps.gov.za/resource_centre/publications/research_colloquium_maj_gen_mfazi_amended3.pdf [accessed 23 November 2018]

SERI (Socio-Economic Rights Institute of South Africa) (2018) *Informal Settlements and Human Rights in South Africa Submission to the United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living*. Johannesburg: SERI. Available at https://www.ohchr.org/Documents/Issues/Housing/InformalSettlements/SERI.pdf [accessed 24 November 2018]

Stone C & Ward H (2000) Democratic policing: A framework for action. *Policing and Society* 10(1): 11–45. DOI 10.1080/10439463.2000.9964829

Super G (2015) Violence and democracy in Khayelitsha, governing crime through the 'community'. *Stability: International Journal of Security and Development* 4(1): Art. 31. DOI http://doi.org/10.5334/sta.ft

Van der Spuy E & Rauch J (2006) *Recent Experiments in Police Reform in Post-conflict Africa: A review*. Unpublished report submitted to IDASA and the Japan International Cooperation Agency (JICA)

Western Cape Government (2018) Western Cape Cabinet resolution on police under-resourcing. Cape Town: WC Government. Available at https://www.gov.za/speeches/western-cape-government-police-under-resourcing-16-oct-2018-0000

Chapter 6
Plural and hybrid policing in Nigeria

Etannibi Alemika

Policing is a critical activity in all societies. It involves preventive and reactive activities to guarantee the safety and well-being of society's members and reproduce the values, relations, roles and statuses that are embedded in its dominant cultures, institutions, politics and economy. The primary purpose of policing is to guarantee the safety of persons and the security of property, and the preservation of social solidarity by promoting conformity to the cardinal values that sustain the prevailing social order. Policing is a society's safeguard against deviance and criminality, which are considered threats to its survival, especially by dominant groups.

While policing is universal, it is undertaken for different purposes and by diverse means and actors across societies and over time. Prior to the emergence of police forces in states and centralised polities characterised by cleavages and inequalities, policing was integrated into socio-cultural, economic and political norms and relations. However, the contradictions and conflicts that are endemic in modern states and economies, coupled with the heterogeneity of populations, conflicting values and interests, led to the establishment of police forces by governments. Over time, police forces became the dominant instrument for the exercise and symbolic representation of the coercive powers of the state, and the dominant means of policing in most countries. Policing consequently shifted from being citizen-centred to state-centric social control activities.

Plural policing is a feature of all societies. However, there are differences in the variety or diversity of policing in terms of structure, means, scope and actors. This chapter explores the growing phenomena of plural and hybrid policing. It distinguishes between police and policing; discusses the features of plural and hybrid policing; examines plural and hybrid policing in Africa and Nigeria; examines vigilantism, state and non-state policing structures in Nigeria; highlights the factors propelling hybrid policing, and examines the role of terrorism in fostering hybrid policing in Nigeria. It also examines the challenges of coordination, accountability, oversight and human rights posed by hybrid policing in a democratic society.

Police and policing

The terms 'police' and 'policing' are not synonymous. The term 'police' has dual meanings. First, broadly, it refers to the agencies established by government for the purposes of enforcing laws; preventing crimes and disorder; and apprehending, prosecuting and punishing or correcting offenders. Second, it refers to an official employed by agencies vested with the powers of enforcing laws, maintaining public order, and apprehending and sanctioning offenders. Police forces are not the only organisations responsible for policing. Several community-based and commercial enterprises are also involved in policing or providing security in society.

The term 'policing', broadly, refers to measures and actions taken by a variety of institutions and groups to regulate social relations and practices to secure the safety of the members of a community, as well as conformity to the norms and values of society. The police, in the dual meaning of both an organisation and an official of government, are dominant actors in the policing field. By virtue of being government agencies and officials, they play dominant roles in policing.

Policing has been defined as 'any organised activity, whether by the state or non-state groups, that seeks to ensure the maintenance of communal order, security and peace through elements of prevention, deterrence, investigation of breaches, and punishment' (Baker 2008: 5). It has also been described as:

> ... the diverse mechanisms or measures (consciously) employed by the community to enforce its values, norms, and rules through protective devices (target hardening), surveillance, detection, and apprehension of suspects ... Policing includes, but transcends, the work of the police. The modern police are agents of the state, constituted into an occupational group and charged with the responsibility for the preservation of public order and the enforcement of state laws. (Alemika 2009: 483–484)

Reiner (2000) has also distinguished between police and policing. He argues that policing is found in every society while the police institution is a recent invention. According to him:

> It is important to distinguish between the ideas of 'police' and 'policing'. 'Police' refers to a particular kind of social institution, while 'policing' implies a set of processes with specific social functions. 'Police' are not found in every society, and police organizations and personnel can have a variety of shifting forms. 'Policing', however, is arguably a necessity in any social order, which may be carried out by several different processes and institutional arrangements. A state-organized specialist police organization ... is only one example. (2000: 2–3)

The various descriptions of police and policing point to the essential role of policing as a set of functions, while the police organisation and personnel perform policing functions along with other groups and agencies in society.

Plural and hybrid policing

Plural policing refers to the existence of a plurality of institutions, organisations and groups delivering security and safety services in a country or society. Hybrid policing implies the collaboration, integration and coordination of security service providers to render security and safety services.

Hybrid policing entails vertical and horizontal integration and coordination of public, commercial and community-based agencies and groups for delivery of security and safety services. In Africa, there is an increasing purposive attempt to encourage mobilisation and coordination of public, commercial and community policing agencies to address the challenges of crime, conflict and disorder at national and local levels. The emergence of hybrid policing in policy and practice can be attributed to several factors, including the popularity of community policing rhetoric over the past four decades, the quest for efficiency in delivering security and safety services, and the growing complexity of threats to political, economic and social stability within and across countries in the era of thriving insurgency, transnational terrorism and organised crime.

Hybrid policing entails and enhances collaboration among state, commercial and community non-state policing structures. However, it also entails fragmentation, dissembling and demystification, and, sometimes, an expansion of police functions and powers, which may have both desirable and undesirable effects on the safety and rights of citizens, depending on the form and effectiveness of regulation, coordination and oversight for managing the framework.

Plural and hybrid policing in Africa

Policing has become increasingly complex (plural and hybrid) in response to socio-political and economic changes and challenges within and across national borders. Policing now involves plurality and layers of actors at local, national and transnational levels as well as across the public and private spheres (Shearing & Stenning 1983; Bayley & Shearing 2001; Johnston & Shearing 2003), and in Africa (Baker 2008; Alemika 2009).

Shearing (1992: 402) observed that plural policing is not a new development. According to him, 'ever since the social world has been constituted through a political consciousness that recognized a public and a private sphere, policing has had a public and a private face'. However, there is a growing involvement of commercial organisations in the provision of security service delivery in

different countries (Shearing & Stenning 1983). In Africa, there is an expansion of commercial security companies in many countries, like Nigeria, South Africa, Kenya and Uganda (Berg 2010). Community-based voluntary policing groups have also increased in number in several African countries (Baker 2006, 2008; Alemika 2009; Hills 2009) due to conflicts, inadequate state capacity, and an increased demand for participatory policing of neighbourhoods as a form of civic activism and efficacy.

Plural policing is historically a feature of African societies, including Nigeria. Several and different actors and mechanisms were and are employed to prevent, detect and investigate deviance and crimes in pre-colonial, colonial and post-colonial African societies (Tamuno 1970, 1993; Onoge 1993; Baker 2005, 2006, 2007, 2008, 2013; Alemika 2009; Laurency 2017). However, until recently, there was no considerable attempt to develop a coordinated policing architecture in which diverse agencies were integrated to enhance social control, personal safety and public security. The diverse policing systems and actors in Africa were often alternatives or designated for specific forms of dispute resolution or for the prevention, detection, investigation and adjudication of different types of deviance. In traditional and contemporary Africa, policing was and is undertaken through family and kinship structures, community elder councils, age grades, hunter guilds, gender-based associations, friendship networks, religious organisations, divination, cults and fraternities.

Hybrid policing is growing across the globe, including in Africa. It represents the integration of services provided by organisations in the public and private sectors as well as by community voluntary safety service providers, such as crime watch and neighbourhood policing groups. Both plural and hybrid forms of policing have extended into the war front where national armies, private armies and militias are deployed. This has been the case with the fight against Boko Haram terrorism in Nigeria, and the use of private contractors to render services to American forces deployed in Iraq and other countries.

Loader (2000: 342, emphasis in original) observed that there is a growing trend of diversity in policing architecture. There are now:

> … policing forms secured *through* government; to transnational police arrangements taking place *above* government; to markets in policing and security services unfolding *beyond* government; and to policing activities engaged in by citizens *below* government.

In South Africa, there is a significant level of collaboration between public police and private security companies to guarantee the safety of business premises and public spaces, a form of hybrid policing. The installation of electronic monitoring technologies in commercial premises has offered both the police and private security companies the latitude for collaboration and efficiency in resource management.

Plural and hybrid policing in Nigeria

Nigeria is the most populous African country, with an estimated population of more than 190 million in 2017. It is an ethnically diverse country, with nearly 400 ethnic nationalities. Its land size is 923 768km^2. Nigeria has a national police force, the Nigeria Police Force, with about 300 000 officers, including those in specialised support services. The use of diverse policing mechanisms is widespread in Nigeria. Different types of disputes are resolved through culturally prescribed institutions and channels like the family, kinship and clan systems, community political structures, age-grade and gender-based associations, friendship networks, and religious groups and practices, including divinations and oath-taking.

Traditional societies in Nigeria employed multiple agencies and mechanisms to guarantee safety, detect crime and adjudicate disputes (Tamuno 1993). According to Tamuno (1970: 83), residents of precolonial villages in Africa 'were responsible for their own police matters'. Policing was undertaken through 'certain "native restraints" upon anti-social behaviour. Among such restraints were the fear of retaliation by injured persons, the sanctions of gossip and public opinion, customary law and belief, and considerations of esteem and similar institutional, economic and moral pressures' (Tamuno 1970: 71).

It has been observed that traditional Africa societies policed themselves without organised police forces. Instead:

> ... cultural ideals, morality and religious beliefs passed from generation to generation coupled with the multiplex social relations among members, minimized social deviance and enhanced capacity for conflict resolution aimed at restoring relationships between disputants and reintegrating the offender into society. (Alemika 2009: 489–490)

Policing in traditional Nigerian societies employs ritual practices such as oath-taking and divination, as well as ritual symbols like tying objects such as snails, feathers and cowries to items of property as a warning to anyone who may intend to steal them. A renowned African social anthropologist underscored the multidimensional features of policing in traditional precolonial Nigerian societies as follows:

> They were societies which did not need houses secured with heavy doors with secure locks, or compounds with high walled enclosures to prevent a thief from gaining entrance. They were societies which did not need to organize vigilante groups to watch over farm crops. A simple bundle of short sticks, hanging from a cross-bar placed across the path of the farm, was sufficient notice that the owner would not entertain trespass in his absence. A snail shell tied to the trunk of a fruit tree was enough deterrent to any who would have wanted to

> pick the fruit without permission. But if one was under pressing need, one could pick a fruit or two in ritual safety, provided that he later reported this to the owner. (Onoge 1993: 168)

Punishments for deviance and criminality in traditional African societies were restitution, ostracism, shaming and banishment. Conformity was encouraged through values, norms, mores and actions that demonstrated 'sympathy, sociability and a sense of justice as social ideals' (Tamuno 1970: 71). The ultimate goals of policing were to prevent crime, and swiftly detect and justly punish and restore offenders. These diverse practices persist to varying degrees in urban and rural Nigerian societies (Fourchard 2008; Alemika 2009).

Plural policing is not restricted to traditional and precolonial societies in Nigeria. On the contrary, the pluralism of policing actors and mechanisms is expanding, with the persistence of old forms and emergence of new forms associated with modern political and economic systems. In a national criminal victimisation survey conducted in Nigeria in 2007, respondents were asked about which mechanisms were adopted for resolving disputes in 2006. Their responses illustrate the plurality of state and non-state dispute resolution mechanisms employed by the respondents. The dispute resolution mechanisms used by them were:

> ... family members and friends (47.8%); police (19.6%); traditional leaders (11.9%); courts of law (5%); religious leaders (4.8%); political leaders (2.9%); community associations and group leaders (2.0%); vigilante groups (0.5%); non-governmental and community-based organisations (0.3%); professional associations (0.4%); armed forces (0.1%) and others (4.6%). Analysis of the responses of the respondents reveals substantial satisfaction with the handling of the dispute by the respective mechanisms that they employed. (Alemika & Chukwuma 2007: 14)

The pattern of distribution above reflects greater reliance on informal and non-state dispute resolution mechanisms. However, the dispute resolution channel utilised will be determined by primordial affinities, the nature and seriousness of disputes and the relational distance between disputants (Alemika 2009).

There is increasing cooperation among state policing agencies, private security companies and security guards employed by individuals to secure their premises. The collaboration is beneficial to all parties. Police can gather information through community-based guards and vigilantes, while community-based security providers are able to call on the police for support when in distress. The collaboration has paradoxical effects on human rights. Increasing cooperation between the police and private security providers promotes the referral of suspects to police by the latter. However, the collaboration also produces tolerance of human rights violations by vigilantes.

Vigilantism in Nigeria

Significant attention has been given to the resurgence of vigilante groups in many countries, including in Nigeria (Abrahams 1987; Anderson 2002; Baker 2002; Meagher 2007; Higazi 2008; Lar 2017). Two major explanations have been offered for this development. The first explanation, which is popular in the literature, views the growth of non-state policing services in less developed economies as a consequence of the constrained capacity or failure of the state to effectively guarantee security (Abrahams 1987; Scharf 2000; Shaw 2000, 2002; Sekhonyane 2002; Baker 2005, 2006, 2007; Hills 2009). Thus, from this perspective, the growing number of vigilantes in Nigeria is viewed as a result of weak state policing capacity. However, the association between the growth of vigilantism and state failure is overstated and ignores similar growth in private security companies in developed economies. The growth of private security is observed in formal economies, while in countries with large informal economies and habitations, the growth of informal policing structures is witnessed.

Data from a national crime victimisation study for 2012 conducted by the CLEEN Foundation in early 2013 offered insight into the use of corporate security services, vigilantes and night guards for protection against crime in neighbourhoods across the country. In the national representative sample of 11 518 respondents, 58.88% (6 781) reported engaging the services of corporate security services, vigilantes and night guards for protection against crime in their neighbourhoods. Those utilised by the 6 781 respondents included corporate security companies (8.9%), neighbourhood crime watch groups (7.4%), night guards (11.3%) and vigilantes (26.7%). The majority (59.8%) of the respondents remunerated the service providers, nearly half (46.8%) witnessed the non-state security providers apprehending suspects and 58.4% observed them administering physical punishment on suspects (CLEEN Foundation 2013).

The responses raise concerns about the protection of the rights of citizens, especially in terms of the presumption of innocence until proven guilty, and the right to protection from inhumane and degrading punishment. While there is a growing demand for the services of traditional forms of policing, such as vigilantes, the trend cannot be attributed solely to the weakness of the state or an increase in crime rates (Alemika 2009; Meagher 2012). The latter contributed to the rise in demand for traditional forms of policing, but were not the sole determinants. Traditional forms of security never ceased to exist, despite attempts during colonial rule to suppress some forms of precolonial cultural and social control practices (Alemika 1993).

The second explanation for the increasing role of commercial and community-based entities in policing attributes the development to the changes in the composition of society in terms of the role of the state in the context of dynamic political, social and economic conditions and structures within and across communities, societies and countries. From this perspective, involvement of non-state actors in policing is not new. The rapid growth and changing relationships between the diverse forms of policing reflect changing socio-economic and political structures and mentalities rather than being a consequence of a failing and/or failed state. This explanation

is appealing in that the rapid growth of non-state policing services in developed economies manifests in the form of commercial security services. In contrast, in less developed economies with dense informal structures, the development manifests as community-based voluntary policing structures.

In both developed and developing economies, relationships between state and non-state policing structures are dynamic and fluid (Loader & Walker 2001), often fluctuating between cooperation and conflict, depending on the extent, pattern, types and severity of threats to the dominant socio-political and economic order of societies. Relations of co-optation, cooperation and conflict between state and non-state policing structures are experienced in Nigeria (Meagher 2007; Alemika 2009; Lar 2017). The two explanations are not necessarily contradictory. They both explain realities in different countries at different times. More importantly, both factors identified by the explanations often complement each other in fostering the growth of non-state policing services.

Contemporary policing structures in Nigeria

Policing structures in Nigeria can be classified into two categories – state structures, and informal policing structures and mechanisms (corporate or commercial and community self-policing entities). They are discussed below.

State structures

Federal agencies

Nigeria has national armed forces and police and prisons services in addition to customs, immigration and other regulatory bodies. The key federal policing agencies are:

- Armed forces (army, navy and air force): In recent years, the military was deployed for internal security operations in many states of the federation to combat insurgency; terrorism; banditry; oil pipeline vandalisation; violent conflict between ethnic, religious and political groups; and maritime piracy and robbery on the seas.
- Nigeria Police Force: The force is the country's primary internal security organisation.
- State Security Service: The service acts as the country's internal or domestic intelligence agency.
- Nigeria Security and Civil Defence Corps: The corps was established in 2004 and vested with broad police powers. It also registers and regulates private security companies.
- Federal Road Safety Commission: The commission oversees highway safety and enforces road safety laws.
- Nigeria Immigration Service: The service administers the immigration laws of the country.

- Nigeria Customs Service: The service enforces the country's custom and excise laws, and laws and regulations governing import, export and smuggling.
- National Drug Law Enforcement Agency: The agency implements laws against illicit drug enterprises, including cultivation, processing, trafficking, distribution and possession.
- Independent Corrupt Practices Commission: The commission executes laws pertaining to the prevention and control of public-sector corruption.
- Economic and Financial Crimes Commission: The commission combats financial and economic crimes, including corruption and money laundering.
- National Agency for the Prohibition of Trafficking in Persons: The agency confronts human trafficking.

Sub-national state agencies

States in the country have established several policing, essentially regulatory, agencies to aid public security and safety. Among them are:

- traffic management agencies responsible for the enforcement of traffic laws;
- waste management sanitation agencies tasked with the management and enforcement of laws concerning public hygiene and sanitation; and
- vigilance and neighbourhood crime-watch groups, many of which share government-established vigilance services to assist in curbing crime and disorder, and work with the police to apprehend suspects.

Local government

Many local governments maintain task forces for environmental sanitation and revenue collection.

Informal policing structures and mechanisms

There are several corporate and community-based policing and order maintenance mechanisms. Some of them are:

- Private security companies: These have a diverse clientele, including foreign embassies, government departments, corporate organisations and wealthy individuals.
- Traditional leadership structures: Traditional leaders and mechanisms of social control and policing exist in different communities. Traditional authorities utilise traditional agencies and mechanisms for the resolution of disputes between parties or local vigilante groups. The traditional mechanisms are more accessible to poor people who are usually reluctant to invoke formal criminal justice processes due to limited resources as well as a distrust in the police and courts.
- Vigilante groups: These groups exist and operate on streets and in neighbourhoods. There are two types of vigilante groups: volunteer and remunerated groups. Volunteer groups consist of residents on the streets or within neighbourhoods, while remunerated ones operate like informal police and are paid from levies imposed on residents within the neighbourhood.

The waves of insecurity in the country, combined with inadequate personnel and resources, are catalysing collaboration between government security agencies (horizontal hybridisation) and between state and non-state groups involved in providing security services (vertical hybridisation).

Factors influencing hybrid policing

Hybrid policing is gaining significance because of certain economic, political, technological and social developments. In the economic sphere, globalisation has promoted licit transnational economic transactions, as well as criminal markets. Tackling financial fraud and money laundering requires the expertise of forensic accountants and other specialists, many of whom are not employees of public police. Collaboration between financial investigators in the private sector and the police is essential in tracing laundered assets, and this approach is often adopted, especially in tracing transnational money laundering.

Technological developments involving the advancement of surveillance and the acquisition of intelligence through digital and electronic signals and imaging have also promoted hybrid policing. In many countries, commercial security agencies and individual firms instal surveillance gadgets operated by their employees in properties which are linked to police operation control centres, making provision of security a shared responsibility. This is beneficial to both parties, as police do not have to deploy employees to those firms or properties, and the private organisations enjoy a measure of freedom over the governance of security for their property and premises.

The emphasis on efficiency and value for money by governments in several countries has resulted from tight budgetary allocations to the police. This has encouraged collaboration among the police, industries, organisations and communities to devise approaches for effective policing. Further, the popularity of the community policing model since the late 1980s has also engendered a shift from state-centric policing to the co-production of safety and security by stakeholders within government, corporate organisations and community residents. In countries like South Africa and Kenya, corporate organisations invest in improving business districts to make them safer. In Nigeria, corporate organisations and communities procure and donate vehicles, buildings and other facilities to the police to enhance effective policing.

Since 1999, when civil rule was restored, Nigeria has witnessed widespread insecurity associated with violent crime (especially robbery, kidnapping and assassination), violent conflicts among ethnic and religious groups, political and electoral competition, and insurgency and terrorism. Military operations are ongoing in many states of the federation to tackle insurgency, terrorism, banditry and economic sabotage (oil pipeline vandalisation, oil theft and illegal bunkering, maritime robbery and piracy). Although the rich and powerful in the country purchase security in the form of protective and defensive technologies, and employ commercial security protection and public police personnel,

many of them still endure kidnapping, robbery and assassination. Widespread insecurity in the country fostered consensus on the need for a multidimensional approach to policing involving stakeholders from different sectors of society. Efforts towards tackling insecurity in the country have thus engendered hybrid policing.

Terrorism and complex hybrid policing in Nigeria

The Boko Haram terrorism, which started in 2009 and is still ongoing, has engendered complex hybrid policing in Nigeria. The terror campaign started with sporadic attacks on the barracks and offices of security personnel, especially the Nigeria Police Force. From late 2010, the group extended its attacks to assassinations of politicians in Borno State in the north-eastern part of Nigeria. Between 2012 and 2014, Boko Haram intensified its operations and gained control of at least 17 of the 27 local government areas in Borno State. It was also able to carry out attacks in seven local government areas of Adamawa State and many local government areas in Yobe State. Although the terrorist group has been significantly weakened by Nigerian forces and is unable to control any significant territory beyond camps, it still poses a serious threat as it continues to carry out attacks that result in high casualty rates among security personnel and unarmed citizens.

The Boko Haram insurgency has altered the architecture, doctrine and mentality of security service delivery in the country. Before the insurgency, if citizens suggested to police a more efficient way for accomplishing any law enforcement objective, the response of the police would be: 'Do you want to teach me my job?' If the suggestion was given to military personnel, the response would be: 'What do you, a civilian, know about a security job?' However, this mentality has changed, at least in the areas targeted by Boko Haram, where the military and other security agencies are fighting side by side with civilian vigilantes, hunters and other local community non-state security groups. A major partner in the fight against terrorism in the north-eastern part of Nigeria is a group called Civilian Joint Task Force (CJTF), coined to reflect the nomenclature of the military joint task force engaged in the battle against Boko Haram.

The CJTF comprises young men and women. The group emerged in reaction to both Boko Haram atrocities and the collective punishment inflicted on community residents, particularly the youth, by the security agencies, especially the army deployed to fight the terrorists. While the attacks by the terrorists claimed many lives, the military arrested young persons, especially males, labelling them terrorists and subjecting many of them to detention, torture and extrajudicial killing. In response, the youth formed the anti-terrorist and self-defence group. Because of their local knowledge of members of Boko Haram and their hideouts, many residents of Maiduguri, the state capital, which was initially the theatre of terrorism, believed that they were more effective than the military. The group demonstrated to the security agencies that collective punishment inflicted on the youth in the communities was unjustified and unwarranted.

The government and the security agencies acknowledged the effectiveness of the non-state policing groups in fighting terrorism and proceeded to collaborate with them. The current relationship between the security forces and the non-state groups in the three states of Borno, Yobe and Adamawa can be described as one of co-optation of the latter into the war against terrorism. The fight against terrorism led to the emergence of a complex hybrid security architecture involving networking among state security agencies and between state and non-state policing groups. This evolving architecture is not yet duly articulated and legalised.

Challenges of plural and hybrid policing

Johnston and Shearing (2003) offer a rigorous analysis of emerging nodal policing structures. They propose how this type of security service delivery system should be governed. According to them, the governance of security involving many nodes requires the state policing authorities not to be privileged as the superintendents of other nodal security providers. Loader (2000), as well as Loader and Walker (2001), offer a contrary governance structure. According to them, policing is a public good and the state should play a leading role in its provision and governance.

Plural and hybrid forms of policing can be dysfunctional if they are not properly regulated, coordinated and subjected to effective accountability and oversight mechanisms. In a study of hybrid policing in Mexico, Laurency (2017: 5) observed the evolution of 'hybridized policing systems that are increasingly marked by an undifferentiated deployment of actors of different origin (military, paramilitary, police) for public security tasks'. Such deployment by the state involves 'collaborative arrangements among different public police forces at the federal, state and municipal levels and between the police and non-commercially operating private actors, like local vigilante groups as well as [being] reliant upon the deployment of military forces for fighting criminal activities' (Laurency 2017: 5). This arrangement, according to Laurency, has aggravated insecurity in Mexico. Plural and hybrid policing can also affect the ethics and professionalism of participating entities.

Some of the major challenges of hybrid policing include differences in the organisational characteristics of participating security providers, such as mandate; training; operating procedure and rules of engagement; capacity and competence; legal powers; legitimacy; oversight and accountability. Integration and coordination of agencies with diversity in these areas pose serious challenges, which, if not effectively managed, may negatively impact on sustainable collaboration among the entities. Further, given varying levels of accountability and oversight of the state security and non-state security providers, hybrid policing can have contagious positive and negative effects. For instance, non-state security providers may begin to behave more like the security forces, while the security forces may become civilianised and deprofessionalised.

Conclusion

Plural policing and hybrid policing are interrelated but distinguishable in conception and practice. Plural policing is a precondition for hybrid policing. Plural policing refers to the existence of multiple structures of policing in the community or country, while hybrid policing is the integration and coordination of diverse policing structures for security and safety services.

Policing across the globe is becoming less state-centric and assuming plural and hybrid forms (Johnston & Shearing 2000; Loader 2000; Baker 2008; Alemika 2009; Hills 2009). This trend is explained by several political, economic, technological and social developments, such as globalisation; shrinking budgetary allocations to social and security services due to the adoption of a neoliberal economic rationalisation of government business, including policing; incidences of transnational fraud, corruption, money laundering and other organised crimes; advances in surveillance and imaging technologies; crime trends within national jurisdictions; and an increasing demand for democratic and participatory security governance. These developments call for more efficient use of resources to achieve goals. Although collaboration among diverse actors offers opportunity for collective action, its management can be daunting. Therefore, the challenges of coordination, oversight, accountability and sustainability should be recognised and efforts made to maintain rules and processes that guide such forms of policing, lest these key values of democratic policing and protection of human rights be eroded.

Bibliography

Abrahams R (1987) Sungusungu: Village vigilante groups in Tanzania. *African Affairs* 86: 176–196

Alemika EEO (1993) Colonialism, state and policing in Nigeria. *Crime, Law and Social Change* 20: 187–219

Alemika EEO (2009) Police practice and police research in Africa. *Police Practice and Research* 10(5–6): 483–502

Alemika EEO & Chukwuma IC (2007) Criminal victimization, safety and policing in Nigeria: 2006. Monograph Series of the Centre for Law Enforcement Education Foundation (CLEEN)

Anderson DM (2002) Vigilantes, violence and the politics of public order in Kenya. *African Affairs* 101: 531–555

Baker B (2002) When the Bakassi Boys came: Eastern Nigeria confronts vigilantism. *Journal of Contemporary African Studies* 20(2): 223–244

Baker B (2005) Who do people turn to for policing in Sierra Leone? *Journal of Contemporary African Studies* 23(3): 371–390

Baker B (2006) Beyond the state police in urban Uganda and Sierra Leone. *Conflict, Security and Development* 6(1): 25–50

Baker B (2007) Post-war policing by communities in Sierra Leone, Liberia, and Rwanda. *Democracy and Security* 3(2): 215–236

Baker B (2008) *Multi-choice Policing in Africa.* Uppsala: Nordiska Afrikainstitutet

Baker B (2013) Hybridity in policing: The case of Ethiopia. *Journal of Legal Pluralism and Unofficial Law* 45(3): 296–313

Bayley DH & Shearing CD (2001) *The New Structure of Policing: Description, conceptualization, and research agenda*. National Institute of Justice

Berg J (2010) Seeing like private security: Evolving mentalities of public space protection in South Africa. *Criminology and Criminal Justice* 10(3): 287–301

CLEEN Foundation (2013) *National Crime Victimization and Safety Survey*. Lagos: CLEEN Foundation

Fourchard L (2008) A new name for an old practice: Vigilantes in south-western Nigeria. *Africa* 78(1): 16–40

Higazi A (2008) Social mobilization and collective violence: Vigilantes and militias in the lowlands of Plateau State, Central Nigeria. *Africa* 78(1): 108–135

Hills A (2009) *Policing Post-conflict Cities.* London: Zed Books

Johnston L & Shearing C (2003) *Governing Security: Explorations in policing and justice*. London: Routledge

Lar J (2017) Historicising vigilante policing in Plateau State, Nigeria. In: J Beek, M Goppert, O Owen & J Steinberg (eds) *Police in Africa: The street level view.* Oxford: Oxford University Press. pp. 79–99

Laurency P (2017) *Hybrid Police Work and Insecurity in the Mexican Federal State*. Centre for Security Governance Papers 17, September

Loader I (2000) Plural policing and democratic governance. *Social and Legal Studies* 9: 323–345

Loader I & Walker N (2001) Policing as public good: Reconfiguring the connection between policing and the state. *Theoretical Criminology* 5(1): 9–35

Meagher K (2007) Hijacking civil society: The inside story of Bakassi Boys vigilante group of south eastern Nigeria. *Journal of Modern African Studies* 45(1): 89–115

Meagher K (2012) The strength of weak states? Non-state security forces and hybrid governance in Africa. *Development and Change* 34(5): 1073–1101

Onoge OF (1993) Social conflicts and crime control in colonial Nigeria. In: TN Tamuno, IL Bashir, EEO Alemika & AO Akano (eds) *Policing Nigeria: Past, present and future*. Lagos: Malthouse Press . pp. 151–186

Reiner R (2000) *The Politics of the Police*. Oxford: Oxford University Press

Scharf W (2000) *Community Justice and Community Policing in Post-apartheid South Africa: How appropriate are the justice systems of Africa?* Paper delivered at the International Workshop on the Rule of Law and Development: Citizen Security, Rights and Life Choices in Low and Middle Income Countries, 1–3 June. Institute for Development Studies, University of Sussex

Sekhonyane M (2002) Violent justice, vigilantism and the state's response. Monograph Series of the Institute for Security Studies 45

Shaw M (2000) *Crime and Policing in Transitions: Comparative perspectives*. Johannesburg: South African Institute of International Affairs

Shearing CD (1992) The relation between public and private policing. *Crime and Justice* 15: 399–434

Shearing CD & Stenning PC (1981) Modern private security: Its growth and implications. *Crime and Justice: An Annual Review of Research* 3: 193–245

Shearing CD & Stenning PC (1983) Private security: Implications for social control. *Journal of Social Problems* 30(5): 493–506

Tamuno TN (1970) *The Police in Modern Nigeria: 1861–1965.* Ibadan: University of Ibadan Press

Tamuno TN (1993) Crime and security in pre-colonial Nigeria. In: TN Tamuno, IL Bashir, EEO Alemika & A Akano (eds) *Policing Nigeria: Past, present and future.* Lagos: Malthouse Press pp. 123–150

Chapter 7
The policing of communities of displaced peoples and refugees

Mark Waine

Policing at a domestic level tends to emerge over time as a gradual process reflecting the national and local context. Policing numbers, resources, training, policies and procedures (formal and informal) are all normally developed in accordance with the norms and expectations of the society in which they operate. Even in contexts where law enforcement could be considered lacking in terms of effectiveness or compliance with human rights requirements, or where some law enforcement functions are routinely carried out by other agencies, this still represents a response to societal demands or at least expectations.

Where peripheral communities emerge over time alongside populations, the gradual appearance, growth and entrenchment of these communities would see a parallel gradual development of a policing approach to ensure that a response, if not a mechanism of engagement, is developed. The purpose of this chapter is to consider policing issues around peripheral communities that arrive suddenly and on a significant scale, necessitating an immediate response, rather than allowing for the gradual emergence of law enforcement policies towards such communities. Specifically, it looks at challenges for local police agencies facing large and sudden influxes of refugee populations. It seeks to identify what the specific challenges for law enforcement agencies are in meeting state obligations to serve and protect such communities, and how this may differ from the policing of the indigenous communities from which the police are drawn.

Consideration is given to how policing approaches develop over time in conjunction with the communities they serve, highlighting that sudden and rapidly increasing refugee communities represent an alien situation for law enforcement, presenting significant challenges for police and refugee communities alike. The chapter specifically considers the fundamental principles of policing and law enforcement before identifying some of the notable challenges to both police and refugee communities as a result of the arrival of these peripheral communities.

To illustrate this, the example of Gambella in Ethiopia, where refugee communities dramatically outnumber the local population, is drawn on. This has brought about

challenges for the local police, whose resources have remained unchanged, and points to the need to adapt to best serve the needs of host and refugee communities. Consideration is also given to the means that the Ethiopian authorities have adopted to engage with the refugee communities and empower them to deal with certain situations, bringing about a collaborative response.

Methodology

Interviews were conducted with senior police officials in the Gambella Regional Police Commission, who shared their experiences of policing refugee communities. This was further developed through a workshop on sexual and gender-based violence conducted with Gambella police investigators, incorporating discussions around the challenges faced in policing large-scale and long-standing refugee communities.

Supporting interviews were conducted with the Ethiopian government's Administration for Refugee and Returnee Affairs (ARRA), which oversees the refugee camps in Gambella and is the lead agency in refugee affairs. Further to this, interviews took place with humanitarian agencies in Gambella, inside and outside camps, for their perspectives on security and policing matters.

Roles and functions of law enforcement

Police and law enforcement are recognised as providing services to, and meeting the needs of, the communities they serve. There is a general recognition that certain functions are carried out by law enforcement officials on behalf of the state and the community to facilitate daily life. The *United Nations Code of Conduct for Law Enforcement Officials* (UN 1979) summarises law enforcement officials' core functions and responsibilities as:

- the maintenance and restoration of public order and security;
- the prevention and detection of crime; and
- the provision of help and assistance to those in need.

The authority vested in law enforcement officials and the powers granted to them are intended to serve the state and the community through the provision of these services. The mechanics of how these services are provided depend on the local context, and significant variations in approach and the relationships between the police and the public are fully understandable. National approaches towards security, intelligence and law and order, the relationship between the state and the public, and government approaches to funding, training, education and equipment all influence the way in which the police carry out their duties and can, among other factors, account for variances in approach.

Despite these predictable variances, Article 1 of the *Code of Conduct* states that:

> Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession. (UN 1979: 1)

It then specifically highlights that 'Service to the community is intended to include particularly the rendition of services of assistance to those members of the community who by reason of personal, economic, social or other emergencies are in need of immediate aid' (UN 1979: 1). There is an expectation, therefore, that the fundamental services of law enforcement should be extended to all persons falling within the purview of the law enforcement agency. This includes refugees, in respect of whom receiving host states have statutory obligations.

Policing of communities

> Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.[1]

The development of policing and the provision of security for and on behalf of the population suggest that this ideal, voiced almost two centuries ago, is one that should epitomise modern community policing. It recognises that the police and the community are one and the same; its officers are drawn from among the community it serves to meet that community's needs.

The key factor here is that the police are a part of the community they serve. This brings about a shared identity and a commonality through the various factors that make a population a community.

In his essay *Defining the 'Community' in Community Policing*, Flynn (1998) identified some common factors used by police departments in identifying and defining communities for the purpose of community policing, including:

- geography and the premise that living and working together in a particular place is fundamental;
- shared character or identity – going beyond geographic proximity to say that other factors such as ethnicity, economics, age or religion must cause them to identify with one another; and
- common concerns or problems that cause people to agree, join and act in partnership with the police.

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1   Attributed to Sir Robert Peel as one of his nine Principles of Policing (1829), although others attribute some or all of these principles to by the first commissioners of London's Metropolitan Police.

Where the police and community have co-existed for a significant period and where the police clearly share characteristics with the community they serve, a symbiosis is achieved. Even where the police can objectively be considered in some way deficient, for example where there is well-known and widespread corruption, there at least exists a relationship between the police and the public whereby the public knows the mechanics and intuitively understands how to engage with law enforcement.

The factors that enable a group to be identified as a community automatically set refugee communities apart, both from indigenous communities and from the indigenous police. Refugee communities share common factors among themselves but not with the community they arrive into. This creates challenges for the police and the arriving communities in terms of understanding, engagement and cooperation.

It further raises the question of legitimacy, or at least the perception thereof. Where law enforcement functions develop in the context of social development over time, the public will accept the legitimacy of the bodies, agencies and individuals charged with the provision of policing functions. They will recognise their authority and understand their functions in their communities, as well as their reasons for being there and how they can approach the police for help or service. A refugee community will not necessarily understand these roles and the interrelations between the police and the community, and therefore may view an alien law enforcement agency as outside of their community and irrelevant in providing service or assistance.

Cultural and practical challenges for refugee communities

Where the police and the community co-exist and have developed together, there are certain fundamental advantages that come from this proximity, including shared language, culture and understanding of social norms, as well as an appreciation of local laws and an awareness of how law enforcement tends to interpret and act upon these laws. Even in contexts where relations between the police and communities are more antagonistic, mutually suspicious or confrontational, there is at least a shared appreciation of how things are done and therefore how the police and public can operate; a legitimacy of authority in the eyes of the community. This is the understanding that comes from being of and from that community.

Refugees are by definition outsiders and therefore peripheral to host communities. They are not necessarily culturally attuned to the host community and have not had time and opportunity to assimilate. Obvious challenges for refugees could therefore be:

- language;
- awareness of host community laws and social norms;
- lack of shared religion, particularly in communities where religion heavily influences laws, interpretation and implementation of criminal justice processes or social norms;

- absence of confidence in, and understanding of, host community law enforcement; and
- mutual lack of trust.

In addition, there is often a degree of resentment and suspicion between host and refugee communities, sometimes exacerbated by a perception among host communities of assistance and benefits granted to refugee communities, or of the threat they believe refugees pose. There can then be rivalry in various forms and for various reasons between different refugee communities.

Given these obvious challenges, it can be anticipated that refugees are likely to find more reasons to identify with others who share the same background, values, norms, customs and situation than with a host community. It can equally be anticipated that law enforcement will be regarded as being of and for the host community rather than refugee communities, given that the police wil almost certainly share more similarities with the host community than with the refugee community.

Cultural and practical challenges for police

Given that the host state agrees to or at least assumes responsibility for the provision of security and services for refugees, as well as accepts them in the first place (UN 1951), law enforcement officers, as representatives of the state, assume duties towards refugees. Just as there are challenges for refugee communities in engaging with host community police, there are also challenges for law enforcement officials in their dealings with the new communities:

- language;
- awareness of refugee community customs and social norms;
- absence of shared religion; and
- mutual lack of trust.

Policing and the conduct of policing functions require a level of mutual understanding between officials and the community that is not overtly appreciated until circumstances emerge where that understanding is absent. In other words, where the community does not know how the policing works and police do not understand the community they serve, there is a disconnect that makes policing by consent more difficult. Questions also arise as to the legitimacy of the police exercising authority over that community. In addition to these cultural challenges, which affect policing at the level of engagement and cooperation, there are certain practical challenges for police agencies faced with an influx of refugees.

Resource challenges

Even if the indigenous population might be considered overpoliced, resources that were in place to service a population of limited scale are now expected to cope with far greater numbers of people. The host authorities may therefore

consider providing additional resources to assist local police, but this in turn raises considerations around logistics, finance and to what extent any surge in capacity can be maintained.

Examples of such situations include large-scale public events such as sporting, cultural and political events that see a sudden and dramatic increase in population, possibly incorporating visitors from other areas. A key facet of police planning and command is being able to service these events through the provision of resources, equipment and the delivery of a policing plan or operational order. Such events are viewed as extraordinary but foreseeable, and the police therefore most likely have the capability to respond, but this is a short-term response to increased demand and comes at significant expense. If such situations were to become the norm, lasting for over a period of weeks or months, then finite resources may be stretched beyond a reasonable capacity.

Criminality

Criminality among or between refugee communities, as well as between refugee and host communities, can be significant, and includes violent, sexual and acquisitive crimes. The level of criminality in such situations is likely to heavily influenced by the circumstances surrounding the emergence of a particular community, whether members of that community are fleeing from conflict or persecution, their lack of possessions or wealth, and even the presence of arms carriers within their numbers – all of these can increase the propensity towards crime. A natural degree of balance in resource planning and allocation develops over time in law enforcement agencies, with policing levels generally matching normal levels of demand. This is not the case when a large community arrives and brings a disproportionately higher level of crime and crime types.

Ethiopian authorities[2] refer to the situation in Gambella in 2016 when the region saw a large and sudden influx of refugees from the Wau area of South Sudan. Many of these refugees were active combatants or people who had witnessed or suffered from severe conflict, coming directly from such situations. As a result, they arrived with the emotions and attitudes of combatants or parties to a conflict and this immediately presented itself as hostility and aggression. This had to be overcome by the authorities through engagement and dialogue. The police retain responsibility for the security and protection of the refugee community with its defined duties of maintenance of order and security, prevention and detection of crime, and the provision of help and assistance.

New communities that come from circumstances far removed from host societal norms can bring with them new crime types or crimes that are far less common in the host community. In Gambella, police and authorities mentioned enormous increases in sexual violence against women and children, necessitating a specialist response on a large scale. They also noted the illicit selling of aid agency food rations outside camps to the host population, and the theft of donated food supplies. Both

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2   Interviews with regional police and local refugee agency, Gambella, 2016.

crime types were exceptional before the arrival of the refugee communities, but have become far more commonplace.

Operational challenges

The peripheral nature of refugee communities means that some of the tools and fundamentals of policing are absent or limited. In indigenous communities, where policing has the opportunity to evolve and develop over time, in parallel and as part of the community it serves, police officers and authorities can adapt and develop techniques and procedures that reflect those communities. Examples of this are the siting of police stations, the use of community groups, and mechanisms and local administrative measures such as identity cards, vehicle registration systems, and housing and address systems.

Non-indigenous communities are likely not to be a part of such system. For example, national identity documents or established community mechanisms may not be available to them, and authorities may need to develop and adapt processes to assist refugees, such as refugee registration processes and the use of refugee documentation for identity.

The prevalence of certain crime types that were previously less common may also test the skills, knowledge and resource prioritisation of the police as they attempt to deal with such situations. Sexual violence among refugee communities in Ethiopia is an example of this, with investigators having to adjust rapidly to an enormous increase in reports of such incidents. In addition, they had to adjust to demands from within the communities to exercise traditional forms of justice as practised within their own communities – forms of justice not necessarily compatible with domestic legislation, but more palatable to the refugee communities.

Time challenges/emergency response

Refugee communities tend to start and grow quickly, particularly when compared to indigenous population growth and development. Such a large and sudden influx of people would ordinarily require a large-scale policing operation. For example, large-scale civil events such as major public or sporting events might necessitate the police responding to significant population changes through upscaling resources, including specialist resources. The understanding in such circumstances is that the increase in population and the corresponding law enforcement presence are temporary and generally short term. In the cases of refugees, it must be considered to what extent police can be expected to plan and prepare for an emergency response to circumstances happening elsewhere, such as in another country.

In general, large-scale police operations are managed on the basis that demand will return quickly to base levels, in turn allowing resource levels to be reduced. This is not the case with displaced populations, which are faced with the challenges of being unable to return to their place of origin for long periods, if at all, and not being able to relocate elsewhere. As such, the emergency police response becomes a

longer-term requirement and the sustainability of being able to manage this situation becomes an issue.

Mistrust of authorities

Refugee communities may arrive with an entrenched mistrust of authority figures. Even if this is not the case, mistrust, suspicion, hostility and even fear may emerge. Language and cultural barriers may be among the reasons for this, as well as the nature of the conflict or situation they are fleeing. In addition, the nature of refugee camps and communities may contribute to such negativity. Camps provide a measure of security, shelter and basic services, but they also serve as a means of control and containment. Within these environments, those in positions of authority are able to exploit others.

Furthermore, even well-intentioned policing efforts may contribute to mistrust due to limitations in the ability of the police and refugee communities to communicate and operate effectively in partnership due to various factors, including the scale, alien nature, attitudes and behaviour of the respective communities. This mutual mistrust, if not overcome, can easily lead to a 'them and us' situation that impedes integration and security.

Refugee communities, often fleeing intolerable situations, bring with them their own cultural values and systems. Even where host authorities respond positively and responsibly in receiving refugees, there are demands to exercise control, including recording, documenting and often locating an area suitable for mass, temporary accommodation. This naturally places some restrictions on refugees and risks exacerbating issues of mistrust. It is imperative, therefore, that authorities seek to engage in dialogue, incorporating the rights and responsibilities of refugees and host communities. The overall objective is to develop a collaborative approach and to help refugee communities accept and appreciate the legitimacy of the laws that they are now accountable to.

Police responses

Hanno Brankamp (2016) highlighted the community policing response in dealing with a refugee population of over 192 000 from South Sudan, Somalia, the Democratic Republic of Congo, Burundi and Ethiopia. He emphasised the role of state agencies in ensuring the safety of refugee communities but also that '… the (physical) protection of camp refugees is meaningless without refugees' own active participation' (2016: 51).

This led to the creation of auxiliary police from among the refugee population 'that operate under special agreements and a Community Policing framework' and which came about as a response to acknowledged criminality and violence within the camp, and the need to bridge mistrust between host authorities and the refugee communities (Brankamp 2016: 51). The rationale was to ensure security and protection by using refugees with linguistic, cultural and normative understanding of the communities and their traditional mechanisms of leadership. As the professional

element to the relationship, the police and host authorities have the responsibility to seek means to overcome the challenges presented and develop ways to promote security and allow the refugee community to co-exist safely.

In sum, the arrival of large, sudden and diverse refugee populations presents significant challenges and few host countries are able to manage this effectively in the long term due to the resource and budgetary impact. It is therefore imperative to develop mechanisms for engagement and cooperation.

The Gambella context

Gambella Regional State in Ethiopia hosts an indigenous population of around 307 000. The Gambella Police Commission has 2 000 officers.[3] This equates to around 660 police officers per 100 000 inhabitants. The 2006 United Nations analysis of global policing numbers indicated an approximate median of 300 police officers per 100 000 inhabitants (UN 2010). In Gambella, per capita policing thus sits well above median levels and can be considered high. As of July 2018, Ethiopia was host to over 928 000 registered refugees and asylum seekers, over 34 000 of whom arrived in 2018 (UNHCR 2018). South Sudanese refugees have been registered in Ethiopia since 2012 and in significant numbers since 2016. Since September 2016, following another period of violence in South Sudan, Western Gambella has registered a further 125 000 refugees, and by early 2017 the South Sudanese population in Gambella had swelled to over 425 000 arrivals spread across seven camps (UNHCR 2018). Such numbers reduce the proportion of police officers per 100 000 inhabitants to around 285.

Policing context in Ethiopia

Policing in Ethiopia is very much attuned to the social context and close interaction with communities is an important aspect of policing. The Overseas Development Institute's study on community policing in Ethiopia stated that:

> … community policing was developed in 2005 and serves multiple objectives. The police see community policing as a way to reduce crime. Communities speak about community policing as an opportunity to take on policing responsibilities themselves. Both of these objectives are brought together in an overarching rhetoric of community policing as a way of 'mobilising for development' – whereby the community cooperate with the police to reduce crime, which otherwise inhibits development progress. (Denney & Kassaye 2013: iv)

The study recognises the development of community policing in Ethiopia and how policing approaches integrate community, tribal and traditional structures

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3   Interview with Gambella Deputy Commissioner of Police, Oman Olay Cham, August 2018.

to resolve disputes and prevent crime. It highlights how policing begins at the household level, progressing to neighbourhood, woreda (district) and zonal levels, in parallel to community structures (advisory councils) at kebele, woreda, zonal and regional levels. This demonstrates a natural inclination in the Ethiopian policing context to integrate traditional, community and tribal mechanisms of justice and resolution into law enforcement processes. However, this does not come without challenges, including issues around integration with formal criminal justice processes, and the support offered to vulnerable groups. Such openness to recognising traditional justice mechanisms lends itself to utilising community groups and elders in refugee communities, and possibly helps to explain the willingness of authorities to accept dialogue and to a large extent allow self-policing.

Challenges for the police[4]

The Gambella Regional Police Commission operates as part of the Ethiopian Federal Police. As one of the poorer regions of the country, resources are scarce and there is no mechanism to channel other regional police resources into the area. The Ethiopian Federal Police retains a national presence and works in collaboration with the regional forces. However, in terms of additional resources, it provides only around ten officers per camp. As such, police levels have remained the same as before the arrival of a large influx of refugees.

Significant increases in crime, which must ultimately be dealt with by the same police resources, are the biggest challenge for the police. Officers also raised violence and conflict between South Sudanese refugee communities with a notable issue, as conflict and hostility travelling with the refugee populations, as a notable issue. Rape and sexual violence are reported as prevalent within and between refugee communities. Theft, robbery and acquisitive crimes are described as commonplace and the police sentiment is that they have increased still further as aid budgets have impacted on resources. As can be expected, these issues place significant pressure on police resources and the criminal justice system and processes. For example, prisons, which were built in accordance with indigenous population demand, now must accommodate much bigger populations. According to officers, criminality is most prevalent inside the camps where the regional police force does not have a presence.

Police and authorities' response

The ARRA operates within the camps and is the implementing partner of the international community, providing aid and support to refugee communities. One of its functions is to facilitate the reporting of crimes occurring within camps. ARRA acknowledges the importance of reaching some form of accord with refugee communities, recognising those communities' scale in relation to the host population.

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4   This section is based on interviews in Gambella with the deputy commissioner of police, Oman Olay Cham, and local police commanders, August 2018.

With regard to the core functions and responsibilities of the police, the maintenance of security, detection of crime and provision of help and assistance are all unlikely to take place in environments physically and culturally separated from the local police. ARRA thus operates as a kind of clearing house in referring crime reports to the local police. Although more visible to refugee commmunities, ARRA is still a host government agency and, together with the regional police, has developed a capability based in and drawn from the refugee communities. Using the Arabic term, this 'Shurta' comprises around 100 community volunteers in each camp in Gambella. These units are uniformed and therefore recognisable and lightly equipped by ARRA and the local police commission.

Each camp has formed a Refugee Central Committee, comprising community elders and representatives, which is tasked with, among other things, providing local leadership for the refugee communities. These committees are a point of direct liaison with ARRA and are reported to by zonal heads and zonal committees. Each camp is divided into administrative zones. Each zone has a head of security who reports to the refugee security head. The Refugee Central Committee appoints members of the Shurta and oversees their activities. The Shurta members receive training from ARRA and local-level police (woreda) from the Gambella Police Commission. The Shurta is very closely aligned to refugee community structures and at the same time operates under the authority of ARRA and the regional authorities.

In general, the Shurta represents the first line of response for low-level crime, disorder and disputes. Where crimes are deemed more severe or the Shurta is unable to easily resolve the dispute, the Federal Police are asked to intervene, usually after the matter has been referred to ARRA. Otherwise, as a rule, the Ethiopian police do not enter the camps but leave their running to the Shurta under the supervision of the refugee committees.

What can be seen from this is the willingness of Ethiopian authorities to allow a high degree of self-authority from within refugee communities. This is expedient, given limited police resources and capacity to deal with foreign populations of this size. It also recognises that a community will be most effectively policed if there is a common appreciation of values, culture and way of life. There is also an acceptance by the Ethiopian authorities of tribal and community justice operating alongside more formal processes, with the Shurta and community committees able to deal directly with many matters without recourse to the host authorities.

Challenges for the Shurta

Shurta members are unpaid volunteers. Their duties are varied and can include day-to-day camp security and presence, the investigating and dealing with low-level crimes and incidents of disorder and providing of security for aid agencies. Occasionally, a very low payment may be made by aid agencies to provide security for food or resource distribution events (in the region of ETB 35 or USD 1), otherwise Shurta members are unpaid, receiving only modest benefits in terms of accommodation, food and water.

As the main form of physical security presence in the camps, the Shurta members, being unpaid, are susceptible to corruption and misuse of their appointed authority. Examples of this have included thefts and the facilitation of refugees illicitly selling food ration allowances outside the camps in return for a small fee from sellers. Although low-level crime, they represent those issues known to ARRA, usually brought to its attention through complaints from members of refugee communities, community committees or aid agencies. The presence of more significant instances of crime cannot be discounted, however.

ARRA recognises that these issues are likely to arise where volunteers carry out full-time but unpaid roles, the time demands of which preclude them from seeking full-time and paid employment. Such recognition illustrates an appreciation of the fact that position and authority can facilitate corrupt activities, further motivated by a lack of salary. ARRA is therefore seeking a way, in cooperation with aid agencies, to provide financial incentives for members. Further challenges include the capacity of these volunteer units to deal appropriately with the many and varied acts of crime and disorder encountered. Within the camp environments, reports have surfaced of violent punishment for crimes, including public beatings and lashing by Shurta members. These include for trespasses, such as adultery, that are not recognised as crimes in the Ethiopian context. The question then arises on how the community and tribal processes are managed and to what extent they operate without oversight and accountability. Currently, there is a heavy reliance on the committees reporting more serious matters to ARRA, which then refers matters to the police. However, this leaves a risk of abuse of authority due to limited accountability to host laws and norms.

Challenges for the police

Interviews and discussions with the Gambella police revealed challenges for them as well. The ability to properly investigate offences is complicated by a lack of presence in the camps, and a heavy reliance on evidence gathered by the Shurta and communities whose training is limited. In terms of resources, the increased volume of criminal cases, even considering that the majority are dealt with 'in-house', places a severe burden on detention facilities and courts.

The increase in allegations of sexual violence within refugee communities was also highlighted. Specific risk factors were identified, including females having to walk further for water and firewood as communities grow. Although many such crimes are doubtless unreported, the challenges in investigating such cases and meeting the needs of victims, including support and avoiding sending victims back into high-risk environments, are significant. The police also discussed the transient nature of refugee populations, as refugees arrive and leave on a regular basis.

Good practice and ongoing development

ARRA is keen to highlight the excellent relations built between them, as the representative body of the Ethiopian authorities, the regional government and the refugee communities. Notable efforts have been made to establish and maintain the smooth and peaceful running of the camps through empowering communities, and granting respect to traditional forms of community justice and resolution that are recognised among the refugee communities. Through close liaison with the communities, ARRA has overseen the establishment of zonal committees reporting to a central committee, with security heads at each level. Such mechanisms have proved invaluable in preventing the significant refugee community from overwhelming the regional and federal police commissions. The challenges that would otherwise be faced by the Ethiopian authorities in attempting to maintain order and investigate crime in these camp-based communities would be insurmountable based on the limited resources available. These community-led mechanisms thus are a pragmatic and progressive attempt to live and work in harmony. ARRA highlights that in the Dollo Ado camps in Somali Regional State, home to around 245 000 Somali refugees (UNHCR 2017), no such community ownership or security initiatives exist, and, as a result, security and relations with the host state are less harmonious and effective.

It is recognised that this is not a flawless solution, and that refugee communities continue to grow as the conflict in neighbouring South Sudan continues. In response to the challenges faced, further initiatives are being explored. One such is the development of a mobile court system, as already implemented in Dollo Ado. This initiative is in recognition of the impact that such a sizeable peripheral community can place on existing criminal justice organs, particularly the courts. At present, more serious criminal matters that cannot be resolved at the community level – such as allegations of sexual and gender-based violence – are referred to ARRA at camp level. ARRA then transports victims, witnesses and suspects to the woreda-level police for investigation and to be dealt with by local courts. As well as placing a notable burden on courts and the police, in sensitive cases such as sexual and gender-based violence the potential impact on victims as a result of being dealt with outside of their community structures can be adverse. The mobile court initiative aims to see local judicial and prosecutorial personnel and processes brought into the camps to deal with such cases.

Conclusion

The challenges of policing refugee communities are very real in the Gambella context. The coming together of extremely different communities on a large scale and from different circumstances has presented challenges for law enforcement in terms of culture, resources, new criminality levels and operational demands.

The policing of any community is challenging, but where communities are peripheral to the host community and substantial in number, the challenges faced

by the police and the communities to interact and integrate to the extent required are many. From a police perspective, it is difficult to immediately meet the needs of the new communities and the corresponding changes in the needs of host communities. Limited officer numbers and resources, language and cultural barriers, and the importation of criminality all combine to make the job of the police difficult.

In the Gambella context these challenges are recognised, and the willingness to adopt and implement the refugee community's locally understood systems to manage these challenges is notable. This is not a solution without flaws or challenges, however. Where authority is granted with limited resources or training, such challenges in manifest in abuses and misconduct by law enforcement officials. Despite these flaws, there is a credible process in place to share the burden and the responsibilities. It is acknowledged that more could be done to formalise certain aspects and provide greater oversight and accountability beyond traditional tribal grievance mechanisms. However, the overall impact has been that the same number of police officers can cope in spite of the massive influx of people.

Bibliography

Brankamp H (2016) Community policing in Kakuma camp, Kenya. *Forced Migration Review* 53: 51–52. Available at https://www.fmreview.org/community-protection/brankamp [accessed 21 February 2019]

Denney S & Kassaye D (2013) *Securing Communities for Development: Community policing in Ethiopia's Amhara National Regional State*. London: Overseas Development Institute

Flynn DW (1998) *Defining the 'Community' in Community Policing*. Washington: Police Executive Research Forum. Available at https://www.policeforum.org/assets/docs/Free_Online_Documents/Community_Policing/defining%20the%20community%20in%20community%20policing%201998.pdf [accessed 21 February 2019]

UN (United Nations) (1951) *Convention and Protocol Relating to the Status of Refugees*. United Nations

UN (United Nations) (1979) *United Nations Code of Conduct for Law Enforcement Officials*. Adopted by General Assembly Resolution 34/169 of 17 December 1979. United Nations. Available at https://www.ohchr.org/Documents/ProfessionalInterest/codeofconduct.pdf [accessed 21 February 2019]

UN (United Nations) (2010) *Twelfth United Nations Congress on Crime Prevention and Criminal Justice*. Salvador, Brazil, 12–19 April

UNHCR (United Nations High Commissioner for Refugees) (2017) *Somali Situation: Ethiopia update 1 January–8 February 2017*. Geneva: UNHCR. Available at https://data2.unhcr.org/en/documents/download/54180 [accessed 21 February 2019]

UNHCR (United Nations High Commissioner for Refugees) (2018) *Briefing Note: Ethiopia*. Geneva: UNHCR. Available at https://data2.unhcr.org/en/documents/download/65263 [accessed 21 February 2019]

Conclusions and recommendations

Simon Howell

The chapters in this book have provided a diverse range of perspectives, concerns and examples of sites of excellence. It has drawn on a vast number of conceptual tools to provide a holistic account of, and demonstrate the importance of, policing in urban peripheries, in effectively engaging with the contemporary challenges facing large urban areas and cities.

Development and growth may be very different things and may be reflected in complex ways. Such complexity is reflected in the chapters by the contributing authors. Meerkotter opened the book with a compelling examination of the concept of the periphery, and why it designates more than just a spatial demarcation. Diphoorn, Van Stapele and Kimari found this to be the case in Kenya too, where both colonial practices and contemporary concerns with oversight have helped support illegitimate forms of policing which have eroded trust in the public police, and inadvertently made policing more difficult. The same might be said of Malawi, where Chipao and Probert found that the inconsistency in policing standards, efforts and perspectives often led to conflict and the undermining of policing in peripheral spaces. Forkum provided a procedural account of the same processes at work in Cameroon, noting some incredibly violent policing practices that have been utilised in the fulfilment of ulterior or political motives. The authors of the South African chapter, Stone and Howell, found that, despite the difficulties in policing peripheral spaces, there are many pockets of excellent practice and policing knowledge that have applicability in numerous contexts. They discovered that, in some instances, policing can not only be effective, but can help develop and strengthen communities. Alemika, focusing on Nigeria, further advanced a polycentric lens through which to understand and critique policing on the continent. Finally, Waine examined policing in perhaps the most peripheral of contexts, that of displaced peoples' camps, finding that even here there are pockets of excellence and creativity, showing that policing is far more than merely responsive.

With the findings of the contributions in mind, what follows is a brief collation of some of the best practices and most general recommendations that are consistently mentioned in the chapters. Primarily, these recommendations follow two lines of thought. The first, simply put, is that law enforcement can and should be undertaken by numerous agencies far beyond that of the state-sanctioned

police. Simply because the areas being policed may be peripheral does not mean that policing itself should be peripheral. Secondly, communication and relationship building are far more powerful weapons than any firearm, and policing can only really be effective, make communities safe, and help develop these peripheral spaces if there is effective communication between police organisations and communities, and if such communication aims to build long-lasting relationships that help develop communities in positive ways.

In speaking to the first point, city governments can play an expanded role in developing the policing of peripheral spaces, as these spaces are peripheral to such city structures and their development often requires the inclusion of these structures. City governments are also ideal as they have multiple regulatory powers related to crime prevention and control. These are usually administered by specific departments within municipalities but, at times, may not be guided by a larger or more developed plan of action. Despite this, city regulations and policing can help facilitate the integration and development of peripheral spaces through numerous strategies, such as:

- traffic flows, vehicular access and licensing of drivers to ensure the architecture of the city does not exclude those living on the periphery;
- business permits to provide avenues for economic development;
- liquor licences, both because of the link between alcohol use and violence, but also because of the economic potential;
- housing allocations which, while subject to political concerns, can be a means for the development of more inclusionary and organised spaces that are easier to police;
- private transport to increase business activity, but also to facilitate more inclusionary strategies for individuals; and
- building permits and related licensing, which can both shape and make safe peripheral spaces;
- both at a metropolitan and national level, legislators should act decisively to repeal legislation – often inherited from colonialism – which serve to criminalise the poor by making illegal acts such as loitering, sleeping on the streets, urinating in public, and so on. By decriminalising these acts, efforts can be redirected to creating safer spaces for all rather than exclusionary spaces for some.

These are only some examples of the role and functions of city governments, and they may be different depending on context and need. These processes can, however, provide mechanisms to include and develop peripheral spaces, the outcome of which would be more effective policing, but also minimising the need for policing in the first place. Considering the levels of political interference that may occur, however, ensuring the integrity of these processes is an immediate need, so such efforts can be used strategically to provide the structural framework for inclusion, development and security.

Speaking to the second concern, engagement and communication remain one of the most important tools that police organisations and governments have

in fostering inclusive, resilient and law-abiding societies. Too often, however, particularly in the case of marginalised and excluded groups, governments engage and communicate first through the police and not through the provision of essential services, ultimately undermining the effectiveness of such efforts by increasing the levels of distrust and antagonism individuals residing in peripheral spaces may have towards such interventions. Building marginalised groups into decision-making groups that can effectively interface with services such as the police, and ensuring the inclusion of peripheral spaces in the planning and governance of the city more broadly, are critical to ensuring the safety and development of such spaces. Genuine engagement and communication that allows for feedback remains essential, but is challenging in often fragile and fragmented environments. Activities that focus on both objectives include a wide range of work with both individuals and groups of people and communities. Resilience-building activities provide a host of opportunities and ideas for intervention. They can generally be divided into the following broad categories:

- Activities that target vulnerable groups by *removing or placing them at a distance* from socio-economic development and opportunities, however well intentioned, will not serve to include communities in the long term.
- Processes that *draw on the inner resilience of established groups* should be encouraged and fostered. Such groupings offer important avenues by which to foster communication and undertake relationship-building exercises which provide avenues for inclusion and development.
- Interventions that *bolster the capacities of communities*, such as stand-by negotiators, 'peace monitors' or other forms of community responses to violence and security, are important and should work together with police organisations so long-term partnerships are sustained.
- Investments in *employment creation and training to divert* vulnerable groups from criminal or illegitimate enterprises are important, especially in peripheral spaces. Large-scale work and/or vocational training would fit this category, but the emphasis should be on the creation of employment that allows for social advancement, rather than just menial labour.

Resilience programmes work best when conducted across several of these categories at once, reinforcing the overall objective in multiple ways and creating a system of strategic development which builds partnerships and communities. Often, however, government agencies and institutions are poorly placed to develop sustainable strategies of resilience for communities, both as a function of historic position, but also because of inefficiency and lack of legitimacy. Religious groups and organisations, social and local groups, and extended family and ethnic associations may provide more viable opportunities for implementing strategies aimed at developing the safety of peripheral communities and should be used as such.

By way of conclusion, there are ten thematic areas of recommendation which have applicability in numerous local peripheral contexts, and which may be of use in guiding further efforts to ensure the provision of rights-based policing in the most marginal, yet important, of urban contexts.

1. It is not sufficient to simply prioritise local knowledges – the points and people through which such knowledge can be made useful are as important. While there may be a wealth of local knowledge available to those seeking to implement new interventions or programmes, it remains critical to identify the key role players who can facilitate, legitimate and continue to drive such efforts, especially at the interface between the programme and the community.

2. Targeting points at which development can be made positive is important, but so too is engaging with those points which have negative effects. All too often, development is seen simply as growth when it is also important to view it as a decrease of negative aspects or issues. As such, a holistic safety or development plan is one that encourages growth and new projects, but one that also attempts to reduce the impact of negative factors undermining these in a specific area.

3. Similarly, identifying those arenas or places where developmental strategies are forestalled or undermined is as important as identifying those that can enable development. It is not only important to have the right answers, but also to ask the right questions. Understanding why a project failed or was rejected is as important as developing a new one. Strategies that assume that the illegal or criminal networks somehow operate independently of logic or reason, and/or that those involved are slavish 'victims' or 'criminals', are reductionist and simplistic. The illegal economy, conceptually and pragmatically, is driven by factors found in the formal economy. Participants are active citizens who make decisions based on informed choices. Development must be inclusive and encouraged through the repeal of legislation formulated in the past which aimed at creating artificial divides between people and places.

4. Relationships are as important as people and places and need to be strategically managed to encourage the flow of resources and knowledge between different areas and stakeholders. All too often, it is positions that are spoken to and not people. Identifying and building relationships with the people who can facilitate the use or flow of resources on the ground is of critical importance.

5. In some cases, physical intervention may be necessary, but wider support structures both during and after such operations should always be provided. The use of traditional policing structures need not be seen in opposition to the goals of developmental projects, but can be used without the provision of extensive support structures as such interventions are by their nature forceful.

6. 'Soft' interventions are of utility, but can never discount the necessity of physical intervention and must have defined expectations. Much like the above, interventions that lack coercive structures may become prey to organised criminal actors, or simply be exploited. Striking a balance between ensuring that communities own their own development, yet are also held accountable, is critical.

7. Projects must be measured correctly. The collection of statistical data must reflect reality, not funders' intentions. While most projects require measurements to assess their status, these measurements must be attentive to the local conditions in which they are deployed.

8. The dogmatic production of 'results', especially in the short term, may make invisible or prevent better and more sustainable solutions. Results-driven funding programmes are very useful, but must also be realistic in terms of what is measured and expected. This is especially true in terms of time – long-term problems are often expected to produce short-term results, which is an inaccurate measure of their potential. Such strategies must be adaptable yet resilient. Serious developmental and security concerns in many communities are simply too significant for short-term strategies to have a lasting effect.

9. Don't copy and paste. Cities are diverse and locally contingent, and simply because an intervention worked in one place (however structurally similar) does not in any way justify its use in another. Such interventions can only be used in congruence with local knowledge. While successful projects or programmes from other parts of the world may serve as useful examples and inspiration, all too frequently projects are copied wholesale in different regions. This is not to say that such projects cannot be successful, but they run the high risk of alienating the communities in which they are deployed.

10. Consider the context. Cities are shaped by global forces, yet locally sensitive and well-designed interventions need to take both global and local forces into account. It is important to attempt to maintain perspective – local projects will be shaped by larger dynamics and should be attentive to these, while larger projects must consider their effects at the local level, as it is here that they will either be supported or rejected.

Numerous African cities have for the last two decades witnessed exponential expansion in their populations. The vast influx of people into defined areas and spaces raises numerous challenges, both in terms of the governance of city spaces and for those who find themselves in these areas. In Africa, it is frequently the police who are tasked with the day-to-day governance of such spaces, which are also often fluid and unstructured, with the movements of people being a function of the complex interplay of economic opportunity, social relationships and infrastructure. Policing in such contexts is by its nature not only difficult but requires novelty, dynamism and a respect for individuals. Unfortunately, such challenges often lead to policing practices and forms of control which significantly curtail, undermine or prevent the fulfilment of people's human rights.

This book sets out to highlight how the policing of urban peripheries has provided the setting for some of the worst, and some of the best, policing practices on the continent of Africa. The analyses by contributing authors, ranging in profession from academics to police commanders, are necessarily selective and contextual. Their voices and examples are, however, novel and fresh, and collectively give a snapshot of policing the urban periphery in Africa as it stands today.