From National Security to Citizen Security
Civil Society and the Evolution of Public Order Debates

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In the late 1990s, both governments and non-governmental organizations (NGOs) in Latin America have coined the term " citizen security" to describe their concerns with improving public safety. Broadly speaking, this term encompasses a movement away from security debates whose primary concern was threats to the state or regime toward a concern with threats to public, social and political order posed by rising common crime and public fear of crime. Across Latin America -- and in many other nations of the developing world -- fear of crime and perceptions of increasing social disorder are widespread. Anxiety about personal security is crossing boundaries of class and ideology. The failure of the state and its public order and criminal justice institutions to respond adequately and provide some protection of basic security needs is glaringly apparent. The new " citizen security debates" in Latin America, South Africa, and elsewhere, grapple with these dynamics.

During the Cold War, superpower competition for influence in the developing world supported the development of public order policies and institutions designed to protect regimes rather than their citizens. Latin America's " National Security" doctrines and Asia's " National Security" laws provided the legal framework for such " regime policing."   Under these arrangements, police and military abused human rights with impunity. Regime policing distorted the skills and practices of the police and criminal justice system, leaving institutions with little aptitude for fighting crime in a manner that respects human rights principles.

Despite democratic transitions in countries throughout Latin America, Africa and Asia, police and judicial processes in much of the developing world remain abusive, corrupt and ineffective. Continued abuse under democratic governments, and the failure of the state to provide large social sectors with basic protections and services are a central facet of the phenomenon that is described as " low intensity democracy" or " uncivil democracy." This situation is politically acceptable for governments as long as crime remains primarily confined to the poor. When crime increases and starts to affect middle and upper classes, the ineffectiveness of public order and criminal justice policies

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becomes increasingly apparent and public outcry forces a renewed examination of public order institutions and policies.

As governments seek to improve public security and crime fighting measures, they often resort to repressive measures that further restrict rights. In a number of countries, the response to police weakness has been to re-engage the military in internal security and public order tasks, undermining hard-won restrictions on military mandates that limit them to external defense tasks. While it appears that some targeted anti-crime efforts can be effective, in other cases these measures tend to escalate rather than reduce violence. Today, through much of Africa and Latin America, crime rates appear to be increasing despite policing tactics that face relatively few legal restrictions and operate under extremely weak accountability mechanisms. In the face of governments' inability to stem crime, private responses in the form of booming private security businesses and vigilantism by those who cannot afford to purchase security are increasing in many countries.

When governments do try to improve the performance of their criminal justice system, they confront the legacies of authoritarianism. Few criminal cases advance very far without some level of public cooperation – in denouncing the crime to the police and providing witness testimony. Police detect few crimes without public complaints and, when they cannot obtain public assistance with their investigations, are all too likely to fall back on repressive methods such as the torture of suspects to extract confessions and " fire force" policing. Yet the very record of authoritarian policing that built up social control and repressive functions at the expense of criminal investigation and crime prevention has generated the existing high levels of public mistrust. There is a real danger of a vicious circle in which a failure to act against crime reinforces public perceptions that government is weak, while overreaction with repressive policing measures leaves the impression that little has changed and contributes to a further erosion of confidence in the justice system.

For political and social sectors seeking to deepen democracy and respect for human rights, both the impact of crime and social violence, and the impact of the various private and governmental responses to crime pose a major threat to the rule of law and democratic consolidation in countries with weak democratic cultures and histories of human rights abuse. When crime and social violence start to disrupt social order, democratic political order may too easily become the next victim. In environments of extreme public anxiety about crime, repressive " war on crime" measures are frequently popular, even when they undermine basic legal guarantees. Debates often posit a trade-off between guarantees of rights and a social order whose

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maintenance requires the abrogation of those rights. Human rights groups continuing to document and denounce police abuse are easily accused of " coddling criminals" and of showing no consideration for the right of ordinary citizens to live in a secure environment.

A Latin American human rights activist wrote that police and judges can seem more timid and cautious under the critical spotlight of the human rights community. The broader impact among the population is that human rights discourse appears very abstract and of little use in confronting crime. What happens to rights of citizens, and their right to the state's protection, when confronted by pervasive private violence? How do we incorporate popular concerns with crime and insecurity into the human rights discourse and, in turn, incorporate the human rights discourse into anti-crime policy? A principal challenge for the human rights community in coming years, he concluded, is to develop an answer to this question.[1]

THE EVOLUTION OF PUBLIC ORDER DOCTRINES AND PRACTICES

Past and present realities of regime policing

For people across the globe, their most frequent contact with the state is through the police. The police are a primary tool the state uses to control and protect citizens while also being a primary tool to protect regimes in certain countries. In either role, police are directly involved in the protection or violation of fundamental human rights.

In Africa, post-colonial states were weak and under-resourced with inherited authoritarian and paternalistic state institutions, and paramilitary police agencies. The ensuing governments frequently depended on the same institutions to maintain themselves in power or were overthrown by military coups. Either way, most regimes have tended to put more resources into the military than the police.[2] In Latin America, U.S.-supported authoritarian regimes developed " National Security Doctrines" which explicitly included in the mandate of the region's military forces the mission of protecting the state against <u>internal</u> ideological enemies. Under the authoritarian governments and during the civil conflicts of the 1970s and 1980s, national security doctrines guided military and police actions and cost the lives of tens of thousands of citizens. Here also, police received few resources compared to the armed forces.

The following definition of <u>regime policing</u> lays out characteristics that are typical of authoritarian approach to policing in many countries of Africa, Asia and Latin America:

- The mission of the police is to support the political regime or a particular government;
- Police do not require public legitimacy to be effective;
- Police have few, if any, accountability mechanisms;
- Criminal detection capabilities are weak and concentrated in limited areas/constituencies (whites, wealthy neighborhoods or business elite);
- Intelligence gathering structures are focused on enemies of the regime rather than gathering criminal intelligence;
- Concentration on policing for political control means that the understanding and practice of crime prevention are poorly developed (little tradition of visible or community policing on which to build).[3]

The region where regime policing appears most prevalent today is Asia, particularly in South-East Asia. Police forces in the region vary widely from highly professional institutions as in Singapore to the chaotic and militarized situation in Cambodia. This illustrates the fact that, while regime policing will distort the skills and resource allocation of police away from "normal" law enforcement and crime prevention functions conducted by police in developed democracies, regime policing can be conducted by professional and efficient institutions. Authoritarian police forces are frequently, but not necessarily corrupt and inefficient.

Asian government leaders developed the thesis of "Asian values" under which restrictions on civil and political rights were justified as a trade-off for greater social order, political stability and economic prosperity. Asian values have been enforced through the continued application of national security laws originally developed by colonial powers to ensure their suzerainty. The Asia Pacific Human Rights Alliance observes that:

> In the post independence nation states, Asian governments have incorporated national security concepts into legal frameworks and continued to manipulate such laws as a means of suppressing opposition and ensuring the power of the state and ruling elites. Of most concern, is the lack of distinction between "internal" and "external" threats to national security and the use of these laws to curb fundamental rights and freedoms of citizens to repress legitimate actions and dissent.[4]

With this legal mandate, police continue to repress political dissidents even as the recent economic collapse and subsequent political and social turmoil in the region have opened up the space for debates about democracy and principles of good governance. Asia's economic woes may have exposed Asian values

" as mere excuses for rulers to maintain their grip on power," [5] but regimes are continuing to use these security mechanisms in their efforts to resist pressures for far-reaching reforms and maintain a semblance of social order in the face of increasing political opposition and social discontent. In Malaysia, for example, authorities warned that the police will apply tough measures to suppress domestic disturbances, including applying the Sedition Act (ISA) and the Printing Presses and Publications Act (PPPA) against people spreading false information aimed at worsening the country's economic problems.[6]

Regime policing is not only a legacy of military or authoritarian rule. Regime policing or a steady degradation of public order and criminal justice functions can also result from violent internal conflict and sectarian differences. In Peru and Colombia, police have become another element in protracted and bloody internal conflicts. At times, they have been " displaced" by the military as counter-insurgency campaigns authorized military control of large areas of the country under states of emergency.   Police actions become a complement to military counter-insurgency operations while at the same time, police budgets are squeezed and, in profile and prestige, they become the poor second-cousins of the military. In Sri Lanka a relatively professional police force was profoundly undermined through its involvement in a bloody and protracted counter-insurgency campaign in which emergency regulations . . . removed the limitations from the powers of law enforcement officers and they were encouraged " to engage in illegal arrests and detention, torture and killings." [7]

The steady degradation of the quality of policing in India has not produced regime policing at the national level in the service of a government or political regime, but has produced policing that is corrupt, unprofessional, abusive and politicized. Post-colonial India kept the police system established by the British in 1861 in which political ministers at the state level have power over the police.[8] Policies of the Indira Gandhi government and the growth of regional and sectarian political differences have fed into increasing politicization of the police. Politicians and bureaucrats control and manipulate the police through policies of ad-hoc arbitrary appointments, transfers, postings, promotions, rewards and punishments.[9]

Whether police were designed for regime policing or corrupted or marginalized through engagement in counter-insurgency or increasing politicization, the outcomes are similar. Police are brutal, ineffective and lack the trust of the population. In multi-ethnic or multi-religious nations or countries with large marginalized indigenous populations, the ethnic and religious make-up of the police frequently comes to reflect the broader pattern of social dominance.[10]

The various combinations of regime policing, politicization and institutional underdevelopment have left policing and criminal justice systems in a sorry state across most of the developing world. Police spy on and harass political opponents and social activists. Mistreatment of criminal suspects and violations of due process rights are standard fare, while conviction rates are abysmal. Criminal investigations are often instigated to harass opponents or they are undermined to maintain impunity by political, business and even criminal sectors.[11] Police corruption is institutionalized in many countries with applicants bribing recruiters to enter the academy, bribing trainers to graduate, and expected to provide kickbacks to supervisors for the best assignments and other "benefits."[12] Criminal justice systems are antiquated, inefficient, overburdened, and corrupt. Jails are bursting with prisoners in pre-trial detention. Meanwhile, judicial proceedings too often "re-victimize" the victims of crime through callous treatment, loss of privacy, lack of victim services, lengthy and obscure legal processes, failures to inform victims of developments and outcomes and lack of protection and reparation.

Unsurprisingly, confidence in the justice system and police-public relations are extremely poor as a result. In almost every country examined, people see the police as brutal, corrupt and unprofessional. Public cooperation with police is very limited as a result. Even in Chile, the only country in Latin America where most citizens approve of the performance of their police, as many as 50 percent of burglaries and thefts go unreported.[13] In El Salvador – after a major police reform process – only 25 percent of crimes are reported to the police.[14] In Asia, Africa and Latin American nations, many citizens fear that police cannot protect them against revenge attacks if they cooperate with criminal investigations.[15]

In addition to dismal public relations, conditions within police forces are frequently bad. Malaysian police have a poor self-image and joining the police force has been a last resort because of low salaries and poor working conditions. The common attitude is that good students get better jobs in the private sector (indeed, police personnel often leave for the private sector).[16] In Nigeria, the lower ranks of the police are predominantly illiterate and some have criminal records. Police often work in appalling conditions with poor equipment and few resources, and live in squalid and crowded barracks.[17] Police across Latin America and Africa lack adequate uniforms, equipment and logistical resources and in some countries rarely get to crime scenes unless someone gives them a ride. Haitian police have to buy their own bullets. In Brazil, police commanders can earn as much as 22 times more than beat cops who have to work second jobs to support their families.[18] Discipline within police forces is often brutal and arbitrary.[19] In some countries, police-military relations are tense. A Nigerian police officer once accused military administrations of deliberately undermining and running down the police so that they would never be able to prevent a military coup.[20]

Democratic transitions and the failure to reform public order

Why have many transitions to democracy not brought increased attention more rapidly to the need for reform of public order institutions and practices? Reasons include the partial nature of many " democratization" processes, an " instrumental" view of police institutions, and the police role in maintaining order in societies characterized by deep social injustice.

Many democratization processes are limited. " [I]n some African countries, political transition has involved a reconfiguration of political, economic and military elites, rather than an opening up of the political system and broadening of participation." [21] Some " new democrats" in Africa are themselves from military backgrounds, and continue to rely on regime policing to maintain control.[22] In other nations in Africa and Latin America initial transitional governments lack the power and authority to initiate institutional reforms that may be perceived as challenging the prerogatives of still-powerful military sectors. In other cases, political actors and elite sectors have a deeply vested interest in controlling the police and assuring the continued impunity of themselves and business and even criminal cronies. For their part, left-wing political sectors have often had little interest in law and order issues and have criticized conservatives' focus on law enforcement as discriminatory and repressive and for its failure to address the social conditions giving rise to crime.[23]

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In other cases, with many issues competing for government attention, police are rarely at the top of political agendas. Police are not generally decisive actors in coups or democratic transitions and are rarely in a position to overthrow a government. An instrumentalist theory of policing assumes that police reflect regimes and their behavior will come to reflect the new values of democracy once the legal framework has been reformed to incorporate those values.

Police violence and abuse of authority in Africa, Asia and Latin America frequently fails to decline following democratic transitions. In fact, in some countries – for example, Brazil -- widespread violence against citizens has actually grown following the institutionalization of democratic rule. Across these regions, police continue to use repressive security practices such as summary execution of presumed criminals, torture of suspects in detention either to obtain confessions or to preemptively punish individuals, and the fabrication of evidence to build cases. Police are among the main perpetrators of "social cleansing killings" of street children, prostitutes and homosexuals (in Colombia, these individuals came to be termed "*desechables*" – throwaway people; in the Philippines, the killing of suspects is termed "salvaging"). In most cases, police continue to enjoy impunity.[24] The change in police abuse following transitions is that it comes to focus more on alleged criminals than political dissidents (although social activists often continue to be repressed). While governments do not always explicitly order continued abuse, they appear unable or unwilling to take steps to prevent or punish it.

Paul Chevigny argues in the *Edge of the Knife; Police Violence in the Americas* that police work reproduces social order.[25] Too often, the removal of the military from government does not change the underlying social order which police practice continues to reflect. Although the perpetrators and the majority of victims of violent crime tend to be of the same social class -- poor and marginalized -- middle and upper classes perceive crime as a problem that predominantly affects them. Police become the key instruments of "socially-rooted authoritarianism" that targets the "dangerous classes."[26] The poor see the law as an instrument of oppression at the service of the state and the elite interests it serves.

Analysts are noting the emergence of a model of constrained or uncivil democracy (coined *democradura* in Latin America) in which electoral democracies continue to violate human rights systematically despite considerable success in democratizing political institutions.

In such uncivil democracies, violence, injustice, and impunity are norms. As a result, uncivil electoral democracies share certain significant features of citizenship. Their institutions of law and justice undergo delegitimization; violent crime and police abuse escalate; the poor and the ethnically other are criminalized, dehumanized, and attacked; civility and civil protection in public space decline; people abandon the public to retreat behind private security; and illegal measures of control receive massive popular support. Across the nation-state, the civil components of citizenship are unevenly and irregularly distributed among citizens.[27]

The failure to deepen democracy and the rule of law and extend citizenship rights across all social sectors shakes public confidence in the police and judicial system, weakens the rule of law and increasingly undermines support for democracy. As long as this skepticism is confined to poor and marginal social sectors, the political consequences to governments remain limited even as the institutions of criminal justice may continue to degenerate. When crime rates increase and produce broader social and economic effects, the attention of middle and upper classes focuses on the failings of the police and criminal justice system. People feel unprotected or even further victimized by the system that is meant to protect them. At this point, governments experience a sharp rise in the political price they pay for ineffective, brutal and corrupt law enforcement.

Crime and the transformation of public order

Crime rates in much of the developing world have grown significantly in recent years. Analysts relate this trend to factors including economic policies that increase unemployment, inequality and urbanization; legacies of conflict; the loosening of authoritarian controls; and demographic factors. In South Africa crime rates started to rise in 1985 and only stabilized -- at very high levels -- in 1996 (94?). The South African government's 1996 National Crime Prevention Strategy identifies numerous causes of crime including gender inequality; access to firearms; social-psychological factors; vigilantism; inadequate support to victims of crime; youth marginalization; economic underdevelopment and inequality; poverty and unemployment; institutionalized violence in society; and the encroachment of international criminal groups (trading in drugs, arms and stolen vehicles and committing armed robbery).[28]

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One of the problems in analyzing causes and patterns of crime in most of the developing world is the lack of good data. Police weakness extends to the development of basic data, as well as geographical or statistical analyses of crime trends. The data police do manage to generate also has to be questioned in many countries because of very low rates of crime reporting, frequently linked to popular mistrust of police and sparse police presence or total lack of police in many rural areas. There is often a correlation between the credibility of the police and the reliability of crime data.

Many analysts use homicide rates as the hardest data available. In 1990, the last year in which comparable homicide data are available for regions of the world, sub-Saharan Africa had a rate of 40.1 homicides per 100,000 population and in Latin America and the Caribbean it was 22.9/100,000. No other region of the world had a homicide rate in excess of 9/100,000. According to the Pan American Health Organization, in 1994 the homicide rate for the Latin America reached 28.4/100,000.[29] The most violent countries of Africa and Latin America have extraordinarily high homicide rates: South Africa's murder rate peaked in 1994 at an estimated 45/100,000; Guatemala may be as high as 150/100,000; while Salvadoran authorities documented 117.4/100,000 homicides in 1996.[30]

The only region in this study where crime was not a significant and growing problem was South-East Asia (there are notable exceptions including the Philippines and Indonesia).[31] A recent analysis of crime in Asia noted that unemployment and illegal migration contribute to street crime, but found no significant correlation between political and legal systems and crime rates. In countries such as Taiwan, Malaysia, Korea and Thailand the primary threats are pickpockets and burglars, but violent crimes such as mugging and robbery are less of a concern.

Given that regime policing appears more predominant in Asia than the other areas examined in this paper, this raises the question of whether effective regime policing may lead to lower crime. However, Asia has also experienced high levels of economic growth in much of the region, relatively good delivery of social services compared to Africa or Latin America and many countries have not experienced the rapid and massive urbanization of Latin America. These are all factors that influence crime rates, as is political culture. In Asia, the traditions of Confucianism are also sometimes offered as an explanation for high levels of social cohesion that tend to limit crime. Given that many police forces in Asia appear to suffer institutional shortcomings similar to their counterparts in Latin America and Africa, it may be that while Asian police have been fairly effective at enforcing National Security Laws, low crime rates are attributable to other influences. A more detailed study would be required to determine the relative weight of these different factors on Asia's crime rates.

Authoritarian regimes frequently control information, including crime statistics, making comparisons with previous crime levels difficult. Political transitions generally end press censorship and the new, often lurid reporting of violence and crime contributes to increasing public perceptions and fears of crime. While the perception and reality of crime rates may differ, crime has clearly increased across Africa, Latin America and elsewhere after democratic transitions. Sometimes, however, as in Argentina or Brazil, crime has become a top political issue only a decade or more after the transition from military rule. Given the state of the available data, it is extremely difficult to know how far to attribute increases in crime to the loosening of authoritarian controls as compared to the impact of the economic adjustment policies that have often accompanied or followed transitions.

Conflict and Crime

Increases in crime are particularly dramatic in post-conflict contexts. A comparison of homicide rates in a large number of countries before and after they had participated in wars found a significant increase in homicide rates, regardless of whether nations were victorious or not, and whether their postwar economies improved or worsened.[32] At the most extreme level, the legacies of conflict combined to produce the collapse of weak states in Africa.

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Disarmament and demobilization of combatants are two of the most pressing post-conflict tasks. In much of sub-Saharan Africa, analyses of crime and social violence focus largely on the dynamics of conflict, including tribal and ethnic conflict,[33] and its legacies. In particular the rampant arms trade, particularly in small arms, has fueled rising crime rates and added to the blurring of boundaries between political and criminal violence. In East Africa, guns left over from earlier conflicts in other countries are being used for criminal activities ranging from cattle rustling, banditry and violent crime to ethnic violence.[34] The counties of West Africa have appealed to the United Nations to help them develop regional regulations and systems to control arms trafficking. Criminal gangs in South Africa and elsewhere nations find it easy to arm themselves, often from external sources. Arms also are increasingly accessible throughout Latin America and Asia.

Just as political and criminal interests mingle in the arms trade, the dynamics of sectarian and religious violence and crime are also close and complex. In South Asia, sectarian violence is an increasing problem. Pakistan is wracked by sectarian and religious violence at the same time that common crime is rising with increases in gang wars and vehicle theft in Karachi.[35] Large numbers of arms are smuggled across Pakistan's borders with Afghanistan and in the North-East. Political and criminal sectors are indistinguishable in the conduct of this trade.[36] This blurring of boundaries can also be seen in the " sobel" phenomenon; this term was coined to describe soldiers who become rebels by night in some parts of West Africa. In Guinea, soldiers and police are known to rent their weapons and uniforms out for the night and collect a percentage of the " takings" in the morning in payment.[37]

The dynamics of crime in the developing world are not yet well-studied or understood. For many national governments, serious crime rates are a relatively recent phenomenon. International actors have largely focused on trans-national crime as an increasingly important post-Cold War international security threat and on post-conflict settings where their interests are engaged. As the political and economic costs of crime become increasingly apparent, international actors are starting to develop analyses of the dimensions and costs of crime. For example, the Inter-American Development Bank (IADB) has published studies analyzing the perpetrators, victims and dynamics of violence. One paper strongly supports the thesis that violence is a learned behavior, emphasizing the need for prevention programs aimed at the young and at parents. [38] Other analyses find strong regional and local differences in the rates and dynamics of crime.[39] It is clear that such analyses have major implications for policymakers and that, without this understanding, policies are unlikely to be very efficient or effective.

The costs of and reactions to rising crime and violence

Despite the weakness of data, the high and varied costs of rising crime and violence are increasingly apparent. Violence takes a large toll on individual physical and economic well-being. A 1997 study of urban Jamaica found that " violence restricts people's movements outside their communities, restricts their access to existing jobs, reduces the incentive for business to invest, keeps children from regularly attending school, and prevents the communities from investing in housing and community infrastructure." [40] Crime and social violence also affect community and social relations and levels of organization. Research conducted in Guayaquil, Ecuador, metropolitan Manila, Philippines and Lusaka, Zambia finds that increasing levels of violence erode social capital and participation in community-based organizations.[41]

High levels of violence deter investment, reduce economic output and can come to have a major impact on the national economy. Businesses and global economic actors are increasingly concerned at the costs of crime and violence and the absence of effective state protection. The World Bank's 1997 World Development Report notes that markets cannot develop without property rights. Three conditions need to be fulfilled to protect property rights: protection from theft, violence and other acts of predation; protection from arbitrary government action; and a fair and predictable judiciary.[42] A 1996-1997 World Bank survey of the private sector in more than three-fourths of the CSIS countries, and half of Latin America and Africa, found concerns with corruption, crime and an unpredictable judiciary in twenty-seven of the sixty-nine countries surveyed.[43] Recent polls in Argentina found that 85 percent of the population does not feel protected from crime, and mistrust in the judicial system has grown from 42 percent in 1984 to 89 percent in 1996.[44]

In this context, the weakness of the rule of law is evident. In much of the developing world, states are Janus-faced: as instruments of coercion and control they are supremely powerful; as agents of protection and development they are profoundly weak.

Private responses to social insecurity

The growth of private security and "popular justice" is an immediate consequence of public loss of confidence in the criminal justice system. This takes two main forms: the purchasing of security by wealthier social and economic sectors and vigilantism among the poor who cannot afford to hire private security guards.

Across the world, private security is a booming business. In many countries, private security companies out-man and out-gun the police. Examining this phenomenon in South Africa, one analyst argues that private policing cannot be understood as a neat complement to public security:

> The private company seeks to protect the interests of its client, while the police theoretically defend the rights of citizens. [P]rivate companies are more concerned with the prevention of loss than the detection of offenders. In particular, the exercise of discretion by such private security personnel will often be far more influenced by their perceptions of their immediate employer, than any generalized concept of the public interest. Thus, offenders will only be handed over to the justice system if this is in the perceived interest of the client.[45]

It is common to hear concerns expressed in Latin America that these companies are becoming "mini armies" and pose a considerable political threat. This is unclear. Private security firms do not train or deploy their agents in the same manner as state security agencies, nor do they have the command and control structures or resources and equipment required for military-style actions. On the other hand, many employees of these firms are former military and off-duty police and, in many countries, they engage in contract-style and social-cleansing killings.[46]

In Peru, a new form of security arrangement blurs the lines between state, local and private security. Confronting the abysmal performance of the Peruvian police (a congressional poll found that as many as 90.6 percent of crimes go unreported because of popular mistrust of police[47]), an increasing number of middle-class neighborhoods in Lima are levying an additional local tax to pay for *serenazgos* or municipal security patrols. Typically, municipal authorities hire off-duty police for duty in the *serenazgos.* The structure of police shifts, which alternate twenty-four hours on and twenty-four hours off duty, facilitates their working off-duty hours in *serenazgos*. These are reportedly quite successful and have now spread to more than a dozen of Lima's neighborhoods although they have also generated tensions between national and local authorities.

While business and the wealthier sections of society seek to buy safety, the less fortunate confront the problem more directly. The lynching of criminals caught in the act or suspected of particularly heinous crimes is not uncommon and appears to be increasing in many countries in direct relation to the weakness of formal justice mechanisms. Vigilantism is a well-documented phenomenon in Jamaica,[48] and appears to have increased in the post-conflict settings of Haiti and Guatemala.[49] South Africa, Uganda, Zimbabwe, Mozambique and other African countries have also witnessed vigilante responses to crime.[50]

Vigilante actions against criminals are a response to state ineffectiveness combined with a culture of violence. Vigilantism is both a response to and is encouraged or permitted by the state's incapacity to act. If the state cannot apprehend or deter criminals whose acts give rise to vigilante responses, it also lacks the capacity (and often the will) to deter the vigilantes. States sometimes seek to co-opt rather than to confront vigilantism raising concerns about the regulation and accountability of such arrangements. South African Police Commissioner George Fivaz, for example, while not condoning vigilante violence, asserted that the police wish to work in "partnership" in the Western Cape with vigilante groups.[51]

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Community-based security and traditional law systems

Vigilantism tends to further weaken and undermine official criminal justice channels and creates alternative centers of coercion outside of the state security apparatus. However, there are community-based responses to insecurity and state absence that, while they have often been coopted by authoritarian or colonial regimes, may offer some potential in a democratic setting for enhancing community participation in local security in a responsive and accountable fashion.

The *rondas campesinas* or peasant patrols in Peru exemplify some of the complexities of community security arrangements and their relations with the state. The *rondas* began in the north of Peru as a peasant response to cattle rustling and other crime, and evolved to assist in dispute settlement and sometimes supervise small local public works projects.[52] By the early 1990s, there were some 3,500 *rondas* in Peru. This growth was partly related to their role in counter-insurgency efforts against *Sendero Luminoso* (the terrorist Shining Path) in the southern Andes. In conflictive areas, the military created *rondas* (termed *comités de autodefensa*) to fight *Sendero*, or sought to coopt *rondas* created by peasants to resist *Sendero*. There were also cases where *rondas* appeared to be able to fend off *Sendero* and helped bring about a fragile peace. The *rondas* were both the victims and sometimes the perpetrators of human rights abuses.

Today, in the aftermath of Peru's brutal conflict, although many of the southern *rondas* are no longer active, there is a growing debate about the potential role of the *rondas*. The National Forum for the Displaced, which is working with the internally displaced who are trying to return to their communities, believes that *rondas* could be " converted" from a counter-insurgency model to a model that is accountable to local elected authorities and works with the police to improve police response to local security needs.[53] The Forum notes that the Peruvian police are so discredited that working with the *rondas* could improve their public credibility in these areas. In the north, where *Sendero*'s presence has been less significant, the *rondas* continue to fight crime. *Rondas* sometimes clash with police and are not free of corruption or political opportunism.

In Africa, a recent meeting on access to justice and penal reform noted the continued prevalence and evolution of traditional systems of justice.[54] Traditional chiefs are incorporated into national administrative systems in a dualist state hierarchy of courts and legislation that delineates and restricts their powers. Colonial powers often coopted these traditional systems to support indirect colonial rule. A second modality occurs when traditional justice is democratized and judicial authorities are elected by the local community. The laws they apply are circumscribed by legislation, including a requirement that courts not practice traditional gender biases. In Mozambique and Uganda, these courts are descendants of socialist anti-colonial initiatives and still bear traces of those structures, procedures and values.[55] The third modality involves structures that emerged as urbanization gathered momentum in Southern Africa. Urban settlements set up problem-solving structures based on traditional law structures and procedures to compensate for the uncaring, abusive and inappropriate state administrative and legal system.

A final form of informal justice emerging in several countries comes from the NGO sector which sets up conflict resolution and/or arbitration systems for a wide range of users. The users vary from corporate institutions (arbitration run by lawyers) through the average person who does not wish to, or cannot afford to, go to court (the Community Dispute Resolution Trust, South Africa) to the poor in slums (a highly successful project in Bangladesh). The meeting points out the weakness of state capacity and, indicating that " improvements in access to justice are more likely to come from the civil society sector," asserts that " there should be a strategic partnership between state and non-state justice mechanisms in a new form of pluralism in which they complement each other." [56]

Governments undermine rights waging " war on crime"

Just as some private responses to crime pose troubling issues for democracy and human rights, many state responses to rising and violent crime also violate principles of accountability and due process. After a period of democratization in which many governments sought to rein in and redefine the roles of the militaries, governmental responses to crime and violence today often threaten human rights in the name of more effective crime fighting.

In Latin America, governments have not hesitated to resort to authoritarian practices in response to crime waves. In the face of police ineffectiveness, governments have authorized the military to conduct policing activities in Brazil, Bolivia, Honduras, El Salvador and Mexico among others. Military responses to public security repress large scale social disorder but do little to prevent crime and nothing to guarantee citizen's rights.[57] The (re)militarization of law-enforcement threatens the fragile achievements of the effort to remove the military from internal security tasks.

Extreme measures are particularly common in efforts to confront organized crime such as drug-trafficking or terrorism. In Pakistan, anti-terrorism legislation permits the use of lethal force to prevent acts of terrorism. Police are allowed to enter and search premises to seize sectarian materials. In addition to extraordinary police powers, a parallel judicial system has been created with special courts for summary trials and convictions in terrorism cases.[58] Similar measures were initiated in Colombia, with U.S.-support, with the creation of " faceless courts" to try drug traffickers that in fact were used extensively to harass trade unionists and other social activists.[59]

Anti-crime measures frequently undermine accountability and due process rights. Governments and police often react to rising crime by creating special police units which typically operate with limited accountability outside the normal chain of command and have a high risk of politicization. This is a common response to crimes such as kidnapping or drug trafficking with its high incidence of corruption.[60] U.S. antinarcotics tactics in Latin America frequently encourage the creation of such units and/or militarization of the " war on drugs." [61] Special units and targeted initiatives have had some success against narcotics traffickers in Colombia and Mexico. Nonetheless, all measures which reduce accountability are cause for concern in countries with long histories of political espionage and repression.

Due process rights fare little better. In Mexico, reforms proposed at the end of 1997 may make it " easier for suspects to be jailed on weaker evidence and without certainty that a crime had ever been committed." [62] Mexico's president has also announced that he proposes to seek increased penalties for the most frequent and serious crimes. While certain clearly targeted anti-crime measures may be effective as noted above, there is little evidence that broad repressive law enforcement measures will improve the overall crime-fighting record of Mexico's corrupt and incompetent police. (In 1995, only 2.5 percent of crimes reported in Mexico City resulted in the indictment of a suspect.[63]) Such realities frequently make government " reforms" of this sort a political tool which may satisfy some popular demand for retribution but will probably have no effect on crime and may seriously undermine rights.

In many countries, media coverage of crime is intense and feeds public fears. There is considerable popular support for increasing penalties for violent crime, including the death penalty, and for police brutality as long as it is perceived to be targeted against " criminal elements."   A Mexican criminologist stated that " Mexicans think it is less unjust for an innocent person to be in jail than for a guilty person to be in the street." [64] A survey in India found that 84 percent of people agreed that criminals deserved harsh treatment from police.[65] This is often true of the poor who are the most frequent victims of crime despite the fact that they are also the principal victims of discriminatory and abusive police operations.

Governments attack human rights standards as protecting criminals at the expense of law-abiding citizens. Argentine President Carlos Menem recently stated that the answer to crime is an " iron hand" (la mano dura). He went on to remark that " some human rights organizations are going to raise an outcry against this, but I think that we have more guarantees here for criminals than for the police or the people." [66]

For human rights organizations, particularly in Latin America and South Africa, crime and social violence and the various responses to crime and violence are coming to constitute the most significant threat to fundamental liberties, the rule of law and democratic consolidation. When police and private security firms or paramilitary groups commit abuses or target specific sectors, democracy is undermined and further violence is generated. Democratic governments and institutions display little ability to confront growing levels of collective insecurity and crime without resort to undemocratic and abusive policies.

Yet, to focus entirely on issues of accountability without consideration of how to fight crime more effectively risks ignoring the serious threat that crime poses to democracy. The political impact of social violence is important in regions characterized by weak democratic cultures. As a Colombian analyst notes:

> [A]lthough the violence of confrontation between state and citizen today occupies a central place in Colombia, other types of violence - acts that are committed by individuals or groups seeking to protect or restore a social order or by citizens trying to resolve strictly personal conflicts or to assert their positions - occupy a place of equal importance. Neglect of this finding has led to an overemphasizing of human rights and a downplaying of those dimensions - such as safety - that define the citizenry...Private violence is a problem of democracy not only in the field of the exercise of civil rights but also to the extent it makes routine co-existence impossible. There is nothing to guarantee the possibility of a democratic political order if there is no social order of the same nature.[67]

Addressing high and rising rates of crime and social violence in countries where the criminal justice system is ineffective and brutal presents some thorny problems.

> On the one hand, law enforcement initiatives will be weakened if conditions in which they are carried out continue to spawn high levels of criminality, which the police are only able to react to and not pre-empt. On the other hand, international experience has shown that sophisticated crime prevention strategies have only a limited effect when the state institutions of policing and criminal justice are poorly developed, with little deterrent effect.[68]

Most criminologists, and an increasing number of police, agree that the police role in controlling crime will always be limited, and that after-the-fact law enforcement must be completed with both crime prevention initiatives and broader social policies to address the causes of crime. From a development perspective, it makes economic sense to design policies to reduce crime by addressing its root causes. Yet, in contexts of high and rising violent crime, government policies cannot focus solely on crime prevention programs whose effects are medium term at best. Governments will pay a heavy political price if they neglect or appear to neglect the need to improve law enforcement to address the crime that affects their voters now. Public security strategies have little choice but to address two fronts simultaneously. Governments must develop prevention programs to stop the upward trend in crime and reduce levels of societal violence and they must try to improve the effectiveness of law enforcement to respond to popular fear of crime. This dynamic emerged during ongoing discussions between the Inter-American Development Bank and the Salvadoran government about a loan for new public security initiatives, the latter has indicated that it may not accept the loan if the project focuses too exclusively on crime prevention at the expense of law enforcement.

Police reform in and beyond post-conflict settings

Police reform thus emerges as a pressing need in many countries. In countries in Latin America, including Argentina, Chile, and El Salvador, judicial reforms have been initiated (often introducing common law practices such as oral trial testimony into civil law systems) that reduced court backlogs and sped up the trial process somewhat. Some further improvements in the criminal justice system remain limited by extensive police weaknesses, from receiving denunciations of crimes, to excessively feeble investigative techniques.

The countries in which police reform efforts have gone farthest and deepest are those emerging from conflict where the international community supported the peace process and provided assistance to public security reforms. In Panama, El Salvador, Haiti and Guatemala, interventions and peace processes paved the way to major police reforms. These processes integrated demilitarization with total or near-total overhauls of the police force, including doctrine, recruitment, training and internal organization. In each of these cases, the reform efforts received massive international assistance and foreign donors played important roles verifying compliance with human rights standards and democratic practice.[69] Academics and other analysts monitoring post-conflict police reforms have drawn a number of lessons including: the need to separate military and police functions; a range of criteria for the recruitment of former military personnel into new police forces; the development of internal controls; the need for a clear chain of command; and the importance of parallel efforts to improve the functioning of the judicial system.[70]

Police reform in any context presents a formidable challenge. Purging corrupt and abusive personnel and improving police training are often taken as the first steps of reforms. Both of these initiatives are valuable but inadequate unless accompanied by a deeper process of institutional reform. In Mexico and Guatemala (prior to the Peace Agreements), authorities have conducted purges of the police in an effort to respond to public and international criticisms of abuse and corruption. In each case, this step has failed to change the practices of those forces. A 1986 re-organisation of the Nigerian police dismissed 160 police for serious disciplinary and criminal offences, including officers and inspectors.[71] Yet, in a setting of ongoing political turmoil, police continue to harass political opponents and abuse suspected criminals with impunity. Only after General Sani Abacha's death in mid-1998 were some improvements seen.[72]

Police training alone (which often desperately needs improving), will not change police behavior unless other institutional reforms are undertaken to ensure that the values imparted in the academy are reinforced by police leaders through mechanisms such as assignments and promotions. Observing these dynamics, it is common to hear police reformers discuss the challenge of reforming " police institutional culture." One analyst observes that police reform efforts seem to parody the film " Robocop," in which, despite near total physical destruction, the cop is rebuilt and fights on as before (except that in the movie, Robocop was the good guy.)[73]

It is widely recognized that the conditions of police work and police salaries must be improved to address corruption, and improve morale and effectiveness. Yet, to justify such increased benefits, police behavior must be seen to change for the better. Improving police accountability must go beyond personnel purges to strengthen internal disciplinary bodies and external accountability mechanisms.

Despite the difficulties, police reforms can and do advance, though frequently in an erratic and partial fashion. In Uganda, after his accession to power in 1986, President Yoweri Museveni undertook massive police reforms purging personnel until only 3,000 police remained on the force. The Ugandan Police Force (UPF) was then rebuilt to 15,000 strong. Among the reform measures were: the initiation of community policing programs (with assistance from the British government); the institution of regular transfers of all police to prevent corruption; and the creation of human rights training programs. The UPF also created a research and planning unit to develop strategies rather than work in a purely reactive fashion. Despite reform, police morale remains poor due to low salaries and the poor conditions in barracks. Public complaints of police abuse remain frequent. In rural communities where people have little sense of their right to complain of police abuse or demand better police services, it is not uncommon for vigilante groups to " punish" a criminal suspect or attack an abusive police officer if the state does nothing to hold police accountable. Still, a Ugandan human right activist says that she believes the government is committed to reform, and civil society groups are working to support improvements.

Police reforms can also become caught up in political tides. In Argentina, a major reform process launched at the end of 1996 rapidly stalled. An analyst writes that the problem is that:

> Political parties are largely indifferent or incompetent to deal with questions about security policies and the police. The failure to use the institutional fora created by the reform processes and the lack of basic agreements and joint actions on these issues reflects, in reality, a retreat of the political class at the moment when it was taking control of one of the most complex and socially urgent institutional issues it faced. This political weakness represents the most serious obstacle to the effort to conduct and integral reform of the security system and provincial police. The political class must not forget that there is no obedience where there is no leadership.[74]

In South Africa, where the ANC government has undertaken important police reform initiatives, it is struggling to do so in the context of one of the world's highest reported crime rates, analysts note the " gap between policy and delivery." [75] While the ANC has been able to recruit " powerful intellectual capacity for creative and innovative policy making," its implementation capacity has depended on " either inexperienced new recruits … or inherited officials from the old order, who themselves have often been passively or actively resistant to implementing the policies of a new political leadership – or simply incapable of making such a policy shift." [76]

One of the problems confronted by public security reform efforts through much of the developing world is the lack of local civilian expertise in the issues. Particularly in countries with long histories of repressive government and military preeminence, there are few policymakers, academics and other civilians with expertise to develop and implement public security policies. A 1994 comparative conference examining police reform in Central America and Haiti concluded that:

> As military power and influence are curbed, civilian capabilities must be strengthened. Needs range from developing civilian police leadership and providing administrative and technical training to civilian personnel, to educating parliamentarians on budget allocation and oversight mechanisms and supporting greater involvement by civil society sectors in discussions on police issues . . . . [D]espite growing public support for police reform, specific reform proposals are lacking: public discussion remains at a superficial level, with few informed actors in the debate.[77]

African analysts also believe that the lack of effective civilian oversight is perhaps the single most important factor responsible for the demise of the few civilian, democratic governments and the incipient return of military " democrats" under various guises in West Africa. As democracy activists in Africa examine transitions, many perceive the need to reform civil-military relations and are looking ahead to the consequent requirement that they professionalize and improve police forces in order to remove the military from internal order tasks.

A clear danger is that the police themselves rather than civilian policymakers come to control reform processes and limit their reach. In 1993, the Colombian government created a joint police-civilian commission to design a police reform. The reform process implemented a series of measures including the creation of a civilian review board to monitor and investigate police abuse and major purges of police personnel.[78] The police resisted these accountability measures and asserted increasing control over the reform process. In 1996, a new police chief consolidated police control and initiated and anti corruption program that purged over 7,000 police. However, the new chief also took steps that effectively dismantled the civilian review body. While the reform process appears to have reduced levels of corruption and improved public confidence in the force, the Colombian police continue to abuse human rights.

It is clear that the progress and achievements of public security reforms depend on the political will and commitment of the government. It is also clear that these reforms are in themselves difficult and lengthy, and often face significant resistance from a range of sectors including the police themselves, the military, political parties, and elite who see their prerogatives threatened by democratic change. Institutionally, reformed police forces have often been slow to demonstrate greater competence and their skills in criminal investigation frequently remain weak. Even following major reform efforts, governments have turned to the military or to repressive tactics to fight rising crime. In this context, the long-term consolidation of the police as a professional, effective and apolitical institution depends on developing greater citizen understanding of, support for, and involvement in the police reform process. Only if there is a broad domestic constituency that comprehends and supports the concept of responsive and accountable policing will there be political support for continuing and deepening police reform. The popularity of " fire force" policing and repressive anti-crime policies in many countries indicates the challenge of building pro-reform constituencies in contexts of high crime and violence.

Reform trends: civilian oversight and community policing

In wealthy nations, there are strong trends in police reform that seek to increase civilian oversight of and engagement with policing. The two trends that are being exported from wealthy to poorer nations are civilian review boards or police auditors and community policing.

Human rights ombudsman's offices and national human rights commissions that include police oversight in their mandates are being established in countries throughout the developing world. In El Salvador and India, half or more of the public complaints received are about police misconduct. In an increasing number of countries, specialized civilian review of police has been created. South Africa, India, Colombia, Brazil, and Argentina, among others, have all created civilian review bodies to monitor and investigate police abuse.

The impact of civilian review on police policies and practices is conditioned by the quality of leadership, resources, analytical capability, levels of police resistance and political support for the office. In El Salvador, a committed human rights ombudswoman played an important role in holding police accountable for abuse during her tenure. However, managerial weaknesses led to a failure to consolidate the institution or address patterns of police abuse in addition to individual cases, and a politically-contentious style increased government opposition even as it won civil society support.[79] Most civilian review bodies run into serious police resistance (leading to the dismantling of the office in Colombia, for example). Many police review bodies are vulnerable to political change as they often have no budget guarantees and are easily undermined by hostile regimes. The majority of these bodies only have the power to recommend disciplinary measures and have little recourse if the police or government fails to implement their recommendations or does so half-heartedly.

A Mexican human rights advocate noted that the human rights ombudsman's work helps to advance individual cases but has no impact on changing the policies and practices underlying or permitting abuses.[80] In India, the National Human Rights Commission has been unable to change a climate of police impunity because " the forces that rise to misconduct are so multifaceted and so deep that simultaneous interventions at many different levels are needed." [81]

While civilian review mechanisms do not appear to be an adequate tool in the larger effort to initiate institutional reform, this is clearly an important accountability mechanism, particularly when the police themselves are demonstrably unwilling to implement disciplinary measures internally. Despite its limitations, civilian review offers some important benefits.
  First, civilian review can play a role in strengthening internal police discipline, either through reviewing and reforming police disciplinary manuals and processes or by spurring the police to undertake preemptive disciplinary measures that they can control internally. Secondly, civilian review bodies can be a valuable source of information that secretive police forces are unwilling to release. Finally, civilian review can provide a source of recommendations for reform of police practices and policies based on extensive quantitative analysis rather than extrapolation from limited data, or assertions based on ideology or lifted from other country contexts.

The other exported vogue in police reform is community policing. The concept of community policing needs to be approached with some caution as there is no one accepted definition of what it is.[82] Community policing must also be clearly distinguished from other practices that have received considerable attention, such as "broken windows" or quality of life policing, or zero tolerance policing, which do little to increase police accountability to the community and can encourage abusive and discriminatory practices.

A basic tenet of community policing is to increase the local control and accountability of policing. Such efforts seek to increase and improve community-police dialogue about fear and crime and provide channels for community input to direct police responses to crime and insecurity at the local level. The philosophy of community policing responds to findings that dynamics of crime are often highly localized, that police require community cooperation to fight crime effectively, and that police should be providing a service to the people and be accountable downward to citizens for their performance as well as upwardly accountable to the government. For the police institutionally, community policing requires decentralization of command and control to the local level and significant levels of discretionary action by cops on the beat. Evaluations note that police frequently resist serious community input into police practices, and that police management and administrative practices must provide incentives within the institution to engage seriously with community policing. Experts also point out that it is very difficult to enable a serious dialogue between the police, who see themselves as the crime professionals and communities with no expertise, particularly poor and marginalized communities.

The track record of community policing efforts in the developing world is mixed. In Rio de Janeiro, Brazil, a multi-sectoral initiative (including human rights groups, churches and business sectors) called Viva Rio developed a community policing program working with state police and government. The program recruited and gave extra training to sixty relatively recent police recruits who were then deployed in the Copacabana neighborhood. They conducted foot patrols, neighborhood surveys and activities such as helping street children organize to wash cars to earn money. An evaluation found that the program had a minor impact in reducing crime and a larger impact on reducing the public's fear of crime in the neighborhood.[83] Unfortunately a new ex-military police chief closed the initiative down, despite protests from local residents, as he felt it was a soft approach. (This police chief then adopted a system of " bravery promotions" which gave pay raises and promotions to police for killings.)

The Ugandan government initiated a community policing program with British assistance in response to tensions with Muslim communities in the early 1990s.[84] The program was initiated without a prior needs assessment and met with initial resistance from the police, who felt demoted, and from the public who saw it as a British imposition. The government persevered and reportedly the program improved and has helped to develop police-community dialogue in urban areas. The program did not function as well in rural areas where community policing was not well-equipped to deal with crimes such as livestock theft, grazing rights, and land disputes.

The South African Constitution and the 1995 South African Police Service Act established Community Policing Forums (CPFs) to bridge the chasm between police and communities.[85] A survey of CPFs found highly varied levels of participation in CPFs.[86] In black communities participation has faced hurdles in the deep suspicion of the police and the fact that this a volunteer task without reimbursement for sosts of participating. In white neighborhoods, while relations with police improved as a result of fundraising drives, these CPFs were reluctant to criticize police work. By contrast, Black CPFs have provided a forum to demand police accountability and better services even as they have limited ability to raise funds or design projects to disburse grants provided by the Ministry for Safety and Security. For the politically-active, the CPFs have been an empowerment tool and, in the 1995 local elections, a number of CPF members were elected to office. This was a blow to CPFs that were unprepared for this loss of human resources.

As the South African transition progresses, debates continue about the needs and roles of the CPFs. One challenge is to construct a working relationship between CPFs and local elected authorities. Another is to build the capacity of CPFs and their members. A number of NGOs are providing skills training and education on community policing issues, the bill of rights, criminal law and the role of the CPFs. As one analyst notes: " The big question is to what extent CPFs can play an active role both in contributing towards the transformation of the South African Police Service into a more effective police service and in serving as a channel for involving members of the community in crime prevention." [87] Given that CPFs have had a hard time pointing to problems with police service delivery, there is a real danger that they will come to see issues from a police perspective and serve to legitimize existing police policies instead of providing community inputs and, if necessary, challenging the police.

It is conceivable that local community policing initiatives could be implemented and yet have little effect on democratizing policing or improving crime fighting and prevention programs at the national level. The experience of extensive grassroots development " harambee" organizations in Kenya points to potential dynamics:

> These grassroots organizations do not appear to have brought about, as of now, any substantial decentralization of power, and they have not diminished the state's arbitrariness and coercion. Part of the problem is that they are isolated and are not usually aggregated at higher organizational levels where they could have some potential for influencing policy.[88]

If community policing practices are to support the democratization of policing, they need to be integrated into broader reform processes. Each country that adopts community-oriented approaches will ultimately have to develop its own model of community policing based on local and national institutional and social structures. Until that is done and analysts can evaluate the results, many community policing efforts reflect " imported models" which may not function in a distinct political culture. An Argentine analyst notes that " community policing represents a more democratic model of conflict resolution, mainly because it assumes a constant interaction between the public and authorities." She goes on to argue that community policing may not function in another country because the " real possibilities for establishing fluid interaction between police officials and the people does not depend on good intentions or the merit of the model, but on the cultural environment within which the police act.[89]

There are some serious obstacles to community policing in most developing countries. Police who continue to commit human rights abuses are unlikely to win community trust and collaboration. It is unclear whether militarized police institutions characterized by high levels of hierarchy, top-down command, strict internal discipline, low levels of education and use of discretion among street cops are capable of implementing many aspects of community policing. It may be that police must initiate processes of institutional reform and professionalization as a pre-requisite to community policing rather than looking to community policing as a strategy to achieve this transformation. It is also clear that community policing methods such as neighborhood watches and community patrols have been used by communist governments and in counter-insurgency campaigns as effective tools of social control. That said, in Haiti, local communities were often delighted when the new Haitian police started to visit schools and provide activity reports to local authorities despite the fact that some indidual police personnel were committing serious human rights violations.[90] Even limited police outreach was revolutionary in a country that previously had known only military repression. In Brazil, the federal and some state governments are supporting further exploration of community policing as a means to improve police services and control abuse.

Civil society confronting regime policing and police abuse

Human rights groups have always documented and denounced human rights abuse and legal measures which threaten or undermine fundamental guarantees. Given the continued prevalence of police abuse and regime policing, this remains a central task for much of the human rights community in Africa, Asia and Latin America. Indeed, in 1998, the Asian Human Rights Alliance initiated a campaign against National Security Legislation in the region. Increasingly, organizations have moved beyond the narrow confines of case work and started to select cases that exemplify particular problems within the force to try to identify and put an end to particularly problematic practices or promote institutional reforms.

In some situations where there is an evident lack of government will or state capacity to perform basic law enforcement functions, private organizations or community groups have taken on these functions themselves or acted as key counterparts to public agencies.In the 1980s, when it became clear that the Argentine government did not have the will to develop forensic evidence needed in trials of the military for human rights violations, human rights activists established the Anthropological Forensic Team which has since gathered scientific evidence of crimes associated with government repression in Ethiopia, Guatemala and Bosnia as well as Argentina. In other cases, human rights organizations have initiated pilot projects with the express intent of handing the programs over to the government. This was the case with a program designed by the Legal Aid Office of Grassroots Organizations (GAJOP) in Pernambuco, Brazil, to protect poor people testifying about state, para-state, or organized violence (*Pro Vita*). The program works with professionals from different fields and many volunteers. As police and sometimes judicial authorities are implicated in witness intimidation, they do not participate in the program.

Despite the difficulty in obtaining information from closed and secretive police institutions, the analysis of human rights and civil society groups is becoming increasingly sophisticated. Critiques of public security policies are being supported with statistical data and other indicators of problems in the police and judiciary, such as numbers of prisoners in jail who have never been sentenced, statistics on the number of *in flagrante* arrests, and the allocation of human and material resource. In 1993, the Constitutional Rights Project of Nigeria conducted a major survey of 1,200 police, lawyers and members of the public to research and analyze police powers, responsibilities and practices and their impact on rights and make suggestions to improve the police system. In Brazil and India, groups are working with victimization and public opinion surveys. A multi-year comparative study of police in Argentina, Brazil, Chile and Peru, headed by the Center for Development Studies (CED) in Chile, has completed a first phase examining external control of police,[91] and a second phase is currently underway examining internal institutional controls of police and police-community relations.

It is a short but often difficult step from research <u>on</u>
police and advocacy for police reform to activities that engage
increasingly <u>with</u> police and public security policymaking. In
Honduras, a coalition of diverse human rights and civil society
organizations came together in 1997/8 to lobby for police reform.
 As a result of their efforts the new Honduran police law created
an Internal Security Council (*Consejo de Seguridad Interior*),
half of whose members represent civil society and will include
participants in the coalition.[92] In El Salvador, the Center for
Penal Studies of the Foundation for Studies of the Rule of Law
(CEPES/FESPAD) has conducted extensive analyses of flaws in
internal police discipline and drafted commentary and alternative
proposals for a proposed revision of the police organic law.
CEPES/FESPAD now participates in a working groups with the
National Commission on Public Security to develop a pilot
community policing program.

In Nigeria, the police and the Civil Liberties Organization
organized a joint workshop which discussed relations between the
police and the human rights community as well as issues of police
abuse and institutional weaknesses in the police.[93] In India,
there is an ongoing dialogue between police, government and
judicial authorities and human rights groups pressing for reform.
 It is clear that the human rights movement plays a key role in
making public security into a salient political issue and in
helping to shape those debates about security policy to include
measures to strengthen guarantees for human rights and democratic
practices.

Human rights organizations in many countries -- including
South Africa, Brazil, and Peru among others -- have conducted
human rights training courses for police. These initiatives are
questioned by many groups, including those who have provided
training, as making little or no difference to police behavior.
At a recent forum one activist noted that " the police don't have
to listen to outsiders like us, they need to hear this message
from their own commanders." [94] One participant in the forum
reported that a policeman in human rights classes had complained
that formal training on human rights standards and laws does not
tell him how he should react when confronted by difficult law
enforcement situations. The danger to providing training is that
the police can point to these classes as indicating a greater
commitment to human rights than in fact exists. Nonetheless,
another participant in the forum observed that providing training
can provide a point of access to police institutions that
frequently resist contact with the human rights community.

Another area where work with police has made some important strides is around women's issues. Women's police stations were first started in Brazil in late 1985 when eight stations were opened in Sao Paulo (*Delegacias de Defesa da Mulher*) staffed by women police with special training in domestic violence. The stations were to investigate gender crimes and provide psychological and legal counseling.[95] The regular police often turned women away or abused them, blaming them for the crime. The impact is primarily psycho-social, since judicial rulings on the issues have not changed. " They created a space within the police system which is dedicated to recognizing crimes against women, but have not necessarily worked as an effective deterrent to such violence." [96] Women's organizations continue to work to provide improved training to women police in *delegacias*.

It does appear that women's police stations facilitate the reporting of gender crimes and provide a more accurate picture of the problem. In Sao Paulo, the number of rape cases reported went from 67 in 1985 before stations opened to 841 in 1990.[97] In Uganda, since the police established " gender desks" in 1995 (their name was changed to " family protection units" when women's groups protested that they sidelined crimes against women), reporting of all crimes, not just those against women, increased.[98]

Such units often also support women through referrals to other forms of support. Women's police stations have since been established in Latin America in Argentina, Colombia, Costa Rica, Nicaragua, Peru and Uruguay. Other regions have also established women's police stations. In 1989, Pakistani women's organizations successfully pressured the police to establish a substation, and later lobbied to increase its resources and responsibilities.[99] Yet, despite horrific levels of violence against women in Pakistan, police and government authorities continue to show little interest in pursuing serious measures to prevent or punish such violence.

When governments do undertake serious efforts at public security reforms, NGOs are often willing to engage with and support the process. Ugandan NGOs have engaged in the reform process in that country. The Foundation for Human Rights Initiatives (FHRI) provides human rights education and supports community organizing skills in fora that include police and para-legals. The FHRI has also sponsored courses at the police academy focused on the role of the police in democracies.[100] Another group, the Uganda Association of Women Lawyers also works to improve police response to women and local communities.[101] Ugandan human rights groups also continue to track the progress of cases of police abuse through the courts and support external investigations of police.[102]

The challenges of engagement

In South Africa, NGOs have worked closely with the ANC government in support of institutional reforms. Numerous individuals from human rights groups and other civil society sectors have gone to work for the government. NGO representatives were involved in drafting the National Crime Prevention Strategy. Yet, even in such politically propitious circumstances, NGO-government relations can be difficult. In late 1997, President Nelson Mandela criticized NGOs for failing to support the government's transformation program adequately. The director of a South African group responded noting that:

> The institutionally complex relationship between government and NGOs (in which NGOs are sometimes critics and watchdogs of government, whilst at others times act as partners to government, and in still other instances as service providers which substitute for absent governmental delivery) means that government's commitment to the NGO sector is likely to be increasingly tenuous in the coming years.[103]

Beyond South Africa, the NGO work described above and earlier discussions of community responses to crime evidence an increasing civil society engagement with security issues. For the human rights movement, it displays a development beyond the primary focus on documentation, denunciation and seeking international condemnation of abuses toward nationally-oriented advocacy more akin to civil rights advocacy.

It remains relatively easier for the human rights movement to advocate for strengthened controls of police action, such as political or judicial oversight or civilian review than engage with more internal or institutional aspects of police reform. When organizations try to analyze and consider institutional reforms, they face the fact that many reforms take place through changes in police management -- an area where human rights organizations often have little or no access.

Many civil society movements and human rights groups are relatively young and continue to require institutional development and capacity building. In Africa, democratic changes following the end of the Cold War increased the space for civil society organizations in many countries. In countries still in conflict, human rights organizations either cannot function or only do so with great difficulty. In other nations, the threat of further violence remains with related obstacles to civil society. Even in Kenya and Senegal, where civil society has a stronger history, " human rights groups are nevertheless firmly restricted from monitoring serious political violence and human rights abuses." [104]

Just as government officials and even police authorities themselves lack the expertise and skills to undertake the necessary transformation of public security apparatus and practices, civil society groups examining citizen security are also entering new terrain. After years of working in a deeply antagonistic relationship with government and security forces, many human rights workers have been mistrustful of the seriousness and intent of reform initiatives. NGO sector personnel also frequently lack the skills and expertise that would facilitate deeper engagement with public security policy debates. Indeed, the separate discourse and postures of human rights activists and policymakers can be a serious impediment to constructive exchange and collaboration.

Furthermore, police reform efforts tend to be partial, slow and erratic. Even as civil society groups engage in more technical discussions of institutional reforms, they continue to monitor police abuse and the progress of human rights cases. This emerging dual role -- in encouraging reform and condemning continued abuse -- underscores the contradictions and uncertainties of reform efforts and points to the inherent tensions the human rights community faces in carving out a role of critical engagement. Yet as this rapid review of NGO initiatives indicates, there is an important level of NGO engagement with issues and problems of citizen security. In considering the development of police reforms and civil society's role in monitoring and assessing these processes in the Southern Cone of Latin America, Christopher Stone, Director of the Vera Institute of Justice, commented that:

> Looking at the fragility and political contingency of reforms, I wonder if this is a temporary phase that will lead to more consolidated democratic policing or if this is the shape of democratic policing. It seems more probably the latter, in which case the mediating role of civil society is key.[105]

International support for public security reform

International engagement with public security reform has been most intense in post-conflict settings, largely because a national security force capable of maintaining order must be in place to replace the military and allow international peacekeepers to withdraw. The bulk of such assistance often lasts for periods of three to five years, or the length of the transitional process set out in negotiated accords. In many settings, the United Nations Development Program and bilateral donors maintain assistance programs after the withdrawal of peacekeepers, levels of aid, international attention and political leverage fall dramatically.

Beyond such intensive aid programs, a growing number of international donors are bringing a public security or even citizen security into their assistance. The " human security" focus presently being developed in the foreign policy of Canada, Norway and other " middle powers" recognizes the importance of such issues in a holistic approach to creating a safe citizen environment. For example, in a recent speech by Clare Short, head of the British Department for International Development (DFID), she said:

> Security is also a priority concern of the poor themselves. Our participative poverty assessments - which are studies that ask the poor in the poorest countries to tell us their needs and priorities - put safety and security, both in the home and in society, high on their agenda. The poorest people often live with terrible insecurity and violence. They need security to be able to improve their income, get their children to school and get access to healthcare for their families. This is another reason why security issues feature as a high priority in our new development agenda.[106]

> Canada has aided police reforms in post-conflict settings through supporting civilian police (CivPol) components of peacekeeping missions in post-conflict countries. In Haiti, Canada headed the CivPol mission for a number of years. Under Canadian leadership, RCMP personnel worked with police in the North of Haiti to develop a community policing program (that was later disbanded when the Haitian police were reassigned to other posts). Canada has engaged in a discussion with Brazilian authorities about the possibility of providing development assistance for police reform. In an innovative program, the Canadian International Development Agency has funded a partnership between the University of Ottawa's human rights program and the Center for the Study of Violence (NEV) at the University of São Paulo. This program brings civil society representatives and mid-level police to Canada to study democratic policing, community policing and civilian review mechanisms. A similar program is under consideration with the Center for Legal and Social Studies (CELS) in Argentina.

In additional to bilateral aid programs, international financial institutions and the development community are increasingly concerned with the impact of official corruption and white collar crime (such as bribery, money-laundering, and tax evasion), as well as crime and violence on growth, development, and poverty reduction.   In the late 1980s, the World Bank started to support judicial reform, although it limited programs to " reforms of civil and commercial courts rather than the criminal justice system on the grounds that the former were more clearly related to the World Bank's mission of helping countries promote growth and development as well as reduce poverty." [107] When the Inter-American Development Bank (IDB) started to support judicial reform in 1994, it included both criminal and civil aspects. The IDB now is being drawn beyond judicial reform to supporting public security reforms as governments from Latin America ask for loans to address rising social violence and insecurity. The Bank has made two loans to date for public security programs in Colombia and Uruguay.[108] A number of analysts note the difficulty of developing extensive crime prevention programs in an era when macroeconomic policies are tending to reduce the role of the state and levels of social spending. To date, the international banks and many other donors have yet to grapple seriously with the interplay between economic policies and the causes of and remedies for crime.

Conclusion

The nature of new security debates varies significantly across the three regions covered in this paper. Within this diverse context, the debate appears to move through four broad phases. First, is regime policing in which the police and other security institutions protect the interests of the particular government or regime. Democratic sectors and human rights advocates denounce the practices of regime policing and press for a political transition. Second, during political transitions, attention to police reforms varies widely from a central place in efforts to build security and stability in post-conflict settings to transitions that, while devoting considerable effort to civil-military relations, leave police institutions and practices relatively untouched. This latter phenomenon underlies the large number of "uncivil" democracies around the world today. In the third phase, as crime emerges as an increasing challenge to governments across the developing world, the legacies of regime policing are apparent in the inability of police and other government institutions to improve law enforcement and crime prevention policies. Too often, governments' responses to crime threaten the fragile and limited advances made by democratic transitions. The fourth and final phase – yet to be reached in many countries – is an active effort to reform public security institutions and policies and seek a new model of democratic citizen security.

There is a growing consensus about the dimensions and definition of democratic policing. Under one definition, the elements of democratic policing are that police be under the effective control of civilian rather than active-duty military officials; be dedicated primarily to the protection of citizens within the context of respect for internationally-recognized human rights; be ethnically plural and non-partisan.[109] Another definition proposes that democratic policing is based on the principles of responsiveness and accountability. This means that the police should be organized to be "responsive downwards" to all citizens' calls for assistance rather than upwards through the chain of command or to the government, and that they should be "accountable to multiple audiences through multiple mechanisms." This definition reflects the belief of police reformers that accountability and responsiveness, in addition to being core values of democratic policing, are key elements of more effective policing. These definitions give great importance to community relations and civil society participation in police reform.

Institutional analyses of the failings of police indicate that the improvement of relations with the community is both a goal of reform efforts and a means to improve police effectiveness in law enforcement. While the announcement of reforms and visible efforts to address police misconduct are important, such changes must be reinforced through a change in the daily interaction of police and citizens in the community. Crime analyses also make it clear that the impact of crime is not uniform. The causes and consequences of crime are often locally specific and require locally driven answers. In response, there is " an emerging intellectual and popular consensus that community-oriented solutions to crime problems are the only ones that can reap real dividends." [110] Yet it is clear that where nations confront the dual challenges of crime reduction and institutional reform, local initiatives must be framed in a larger movement toward reform at the national level if they are to contribute beyond the strictly local level to a broader model of " citizen security."

Designing public security reforms that will deepen and strengthen democratic values rather than undermine them calls for policies that can increase both police accountability and effectiveness. Such policies must develop a police force that reflects democratic values in their practices – who conduct professional investigations relying on material and witness evidence, not confessions extracted under torture, planted evidence or suspects killed in " shoot-outs" with police; and who protect the safety of all citizens, not just the privileged few. Democratic public security policies should emphasize before-the-fact crime prevention addressing the causes of crime and not focus obsessively on after-the-fact law enforcement. Perpetrator-focused crime initiatives often victimize the poor and frequently ignore the needs of crime victims. These challenges lie at the core of new citizen security debates.

Yet in contexts where these debates about public security are driven in large part by rampant crime, and where authoritarian legacies remain widespread, governments and the public often find repressive approaches appealing. Although these repressive responses do not generally appear to be very successful crime fighting tools – indeed they often seem to reintroduce regime policing practices that may actually hamper effective crime fighting – efforts to identify alternatives approaches remain few and far between.

In a democratic system, public security issues should be publicly debated – preferably not solely in hysterical media reporting of gruesome crimes. Only the slow building of serioous public debate will strengthen the fragile democracies of the developing world. Civil society and human rights organizations play a key role in this process, promoting and informing public debates, collaborating in policy development and implementation, monitoring and critiquing government initiatives, and providing services.

Three areas stand out as offering potential for engagement by the human right community:

1. Pressing for increased <u>transparency</u> of public order institutions, debates and policymaking processes. Civil society groups can play a key role in obtaining and making information available to support more informed and transparent debate about crime and law enforcement responses. Many groups are working to get more information about public security policies and how the police operate and understand these institutions and the dynamics of crime that they confront. They are also actively seeking information and analyses of experiences – especially of what has worked to reduce crime – from other countries and regions.
2. Increasing police <u>accountability</u> by increasing transparency, pressing policymakers to take more responsibility in their oversight roles, pushing current oversight mechanisms to perform better and advocating for the creation of new accountability mechanisms. Stemming police abuse and corruption is increasingly understood, not only as an end in itself, but also as a means to improve public relations and enhance police effectiveness through increasing public cooperation.
3. Encouraging the development of better <u>police-community relations</u> often through community-policing style efforts that seek to make the police more responsive to local needs. Improved community relations requires both more police transparency and an effort to build the communities' capacity to engage. Accountability at the community level also involves making the police more accountable to the community for their performance.

Work around issues of citizen security is new to the human rights community. The human rights movement developed and matured confronting egregious violations committed by states. It now faces the reality that social violence is or threatens to become more pervasive than state violence in many countries. In contexts of high social violence, public discourse often attacks on traditional human rights work as " coddling criminals." Thus, the new domain of work on citizen security has not been sought out by the human rights movement. Rather, it is a challenge thrust upon the human rights movement. For many organizations, engaging with public security debates that dictate what the police and other agencies should do to prevent and control crime and violence rather than focusing solely on what they should refrain from doing raises serious questions about institutional identity and the nature of a human rights mandate under " uncivil democracies." For human rights groups who are accustomed to defending victims of state abuses, it is clearly a rather different task to try to support greater citizen security.

As the human rights movement, civil society groups and policymakers tackle the challenges of enhancing citizen security, the international community is challenged to consider how best to support the development, implementation and consolidation of citizen security reforms. International actors can condemn ongoing human rights abuse, assist genuine efforts to reform police, support crime prevention programs, and aid the development of civilian analytical and policymaking capabilities in the police, government and civil society. Assistance that aids the building and sharing of knowledge about effective democratic policing will provide important support to democracy and human rights in the developing world.

ENDNOTES

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[2]. Wilfried Scharf, *Report on the Proceedings of the Consultative Group Meeting on Access to Justice and Penal Reform in Africa,* March 18-20, 1999 (Countries: Malawi, Mozambique, South Africa, Uganda, Zimbabwe, Kenya, Namibia, Tanzania), p. 7.

[3]. South African Draft White Paper on Safety and Security (May 1998), p. 4, www.polity.org.za/govdocs/white_papers

[4] 1998 National Security Laws Campaign of the Asia Pacific Human Rights Alliance, www.hr-alliance.org

[5] Agnes Cheung, " From Economic Turmoil to Social and Political Crisis; Time for Reform," *Human Rights SOLIDARITY - the AHRC newsletter,* Volume 8 Nos. 3&4, March-April 1998 Issue.

[6]. Ibid.

[7] Basil Fernando, *Sri Lanka Disappearances and the Collapse of the Police System*, AHRC, March 1999, Chapter 2.

[8]. David Bayley, *Patterns of Policing* (Rutgers University Press, New Brunswick, 1985), pp. 174-5

[9]. Commonwealth Human Rights Initiative, *Workshop on Police Reforms; A Report* (CHRI, New Delhi, August 22, 1998), p. 9.

[10] See Kayode Fayemi, *The Future of Demilitarisation and Stable Civil-Military Relations in West Africa: Challenges and Prospects for Democratic Consolidation,* p. 7, and National Democratic Institute, *Report of the Civil-Military Relations Assessment Mission: West and Central Africa* (Washington, D.C, April 1997).

[11]. In India, for example, there has been a consistent fall in the conviction rate from 64.8 percent in 1961 to 42.09 percent in 1995. This has happened through a period when the police force has undergone considerable expansion in size, and improved resources including equipment and education, see *Submissions by the Commonwealth Human Rights Initiative on the Questionnaire designed by the Ribeiro Committee on Police Reforms* (CHRI, New Delhi, October 1998) p. 5.

[12]. In India, Nigeria and Mexico, among other countries, police generally buy their way into the police academy. Nigerian police avoid posting to the academy as their opportunity to make illegal income is limited to extorting bribes from trainees to pass exams. Mexican police also have to bribe instructors to graduate and receive training from instructors in how to solicit bribes from the public. Training in police corruption thus starts immediately and most police need to recoup their investments once they are deployed onto the streets. Ill-equipped, trained and motivated Indian police are increasingly involved in criminal activities as well as abusing human rights. Constitutional Rights Project, *Human Rights Practices in the Nigerian Police* (CRP, Lagos, 1993), Ernesto López Portillo Vargas,

" Del orden público a la libertad cuidadana," *Nexos*, Mexico City, January 9, 1998.

[13]. Comisión Andina de Juristas, working paper on citizen security, citing Mujica Centro de Estudios Públicos, Chile.

[14]. May 1996 poll conducted by the Universidad Centroamericana, cited in Laura Chinchilla and José M. Rico*, La Prevención Comunitaria del Delito; Perspectivas para América Latina* (Center for the Administration of Justice, Florida International University, Miami, 1997), p. 11.

[15] Dr. Choo Keng Kun, " Policies and Policing in Malaysia," *Crime and Justice International*, (Office of International Criminal Justice, www.acsp.uic.edu/oicj/pubs) and the GAJOP program in Brazil, described below.

[16]. Ibid.

[17] Constitutional Rights Project, *Human Rights Practices in the Nigerian Police*, supra at note 14, pp. 21, 68 and 71-2.

[18].The majority of Latin police forces have separate recruitment and training for beat cops and the officer corps. Brazilian beat cops who make roughly US$500 a month while a police colonel, however, earns about US$6,000 a month. (These salaries figures do not reflect the 1999 devaluation of the Brazilian currency.)   Paulo Sérgio Pinheiro, " A Polícia e Consolidação Democrática: o Caso Brasileiro," in *São Paulo sem Medo; um Diagnóstico da Violência Urbana* (Garamond, São Paulo, 1998), p. 184-185.

[19]. Paul Chevigny, *Edge of the Knife; Police Violence in the Americas* (The New Press, New York, 1995), p. 170.

[20] Constitutional Rights project, *Human Rights Practices in the Nigerian Police* (CRP, Lagos, Nigeria, 1993) p. 73.
[21] Economic Community of Africa & Global Coalition for Africa, *The Role of the African Military in Political Transition and Economic Development: Co-Chairpersons' Summary* (Addis-Ababa, May 8-9, 1998), p.1, cited in Kayode Fayemi, " The Future of Demilitarisation."

[22] Kayode Fayemi , " The Future of Demilitarisation," p. 2.

[23]. See, for example, Janine Rauch, *State, Civil Society and Police Reform in South Africa* (paper presented at the International Society of Criminology conference, Budapest, August 1993). Rauch says that the ANC tended to assume that policing is political and did not pay much attention to law and order issues. She also notes that there was useful experience in peacemaking between ANC membership and police on ground. Sofia Tiscornia, " Documento de Trabajo" (paper presented at the *Seminario Internacional sobre Seguridad Publica,* sponsored by the Instituto de Política Criminal y Seguridad de la Provincia de Buenos Aires, November 17 and 18, 1998) also notes that law and order issues have traditionally been seen as the domain of the political right in Latin America.

[24]. The Inter-American Commission on Human Rights of the Organization of American States (OAS) reports that, in the wake of democratic transitions in Latin America, the police commit the majority of the human rights abuses and benefit from impunity as the military did in

the past.   Estrella Gutierrez, " Democracy brings change of uniform
for impunity," *InterPress Service*, May 8, 1998.

[25] Paul Chevigny, *Edge of the Knife; Police Violence in the Americas*,
supra at note 21.

[26] Paulo Sérgio Pinheiro, " Democracies without Citizenship," *Report on
the Americas* (NACLA, New York, Sept/Oct 1996), p.20.

[27] James Holston, " Citizenship in Uncivil Societies," (paper presented
at the conference *Democracy and the Rule of Law: Institutionalizing
Citizenship Rights in New Democracies*, McGill University, Montreal, March
19-20, 1998). During the " third wave" period (1972 to 1996), Holston
finds that the proportion of uncivil democracies to the total number of
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non-democratic to democratic rule since the mid-1970s, 48 or 65 percent
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countries. These data are maintained in PAHO's Technical Information
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Buvinic, Andrew Morrison, Michael Shifter, *Violence in Latin America and
the Caribbean: A Framework for Action*, (Technical Study, Sustainable
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Africa; Crime on the Increase" (Office of International Criminal
Justice, www.acsp.uic.edu/oicj/pubs/cje/060101.htm). Guatemala's
homicide figures are from the Pan-American Health Organization, citing
in Buvinic et al, supra at note 32. El Salvador figures are from the
Consejo Nacional para Seguridad Pública, El Salvador, 1997.

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report on human rights practices in the Philippines for 1998 notes
high levels of crime, including extensive kidnapping rings. Many
people suspect that the police are involved with these kidnapping
(www.state.gov).

[32] Archer and Gartner 1984, cited in Buvinic, et al. See supra at note
32.

[33]. " Another argument about democracy in Africa revolves around the
social pluralism of African societies, particularly ethnic
differences. ...[T]he problem is not ethnicity but bad leadership.
There is nothing inherently conflictual about ethnic differences.

They lead to strife only when they are politicized, and it is the elites who politicize ethnicity in their quest for power and political support." Claude Ake, " Rethinking African Democracy," *Journal of Democracy,* Vol. 2, No.1, winter 1991, pp 32-44.

[34] Iko Mbambo and Etienne Hennops, " South Africa and the Kwazulu-Natal," in *Controlling Small Arms Proliferation and Reversing Cultures of Violence in Africa and the Indian Ocean*, supra at note 35.

[35]. Human Rights Commission of Pakistan, *The State of Human Rights in 1997* (HRCP, Lahore, February 1998).

[36] Ibid.

[37]. *Controlling Small Arms Proliferation and Reversing Cultures of Violence in Africa and the Indian Ocean*, supra at note 35, p. 9.

[38]. Mayra Buvinic, Andrew Morrison, Michael Shifter, " Violence in Latin America and the Caribbean: A Framework for Action," supra at note 32.

[39]. Mark Shaw, *South Africa: Crime in Transition* (Institute for Strategic Studies, Occasional Paper No. 17, Johannesburg, March 1997), p. 3.

[40] Richard Stren, *Urban Research in the Developing World; from Governance to Security* (Number 16, Occasional Paper Series, Comparative Urban Studies/Woodrow Wilson International Center for Scholars, Washington DC)

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[42]. " The State in a Changing World" *World Development Report 1997*, (World Bank, Washington, DC, 1997), pp. 41-42.

[43].Ibid.

[44]. Cited by Sofia Tiscornia, " Documento de Trabajo," supra at note 25.

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[47]. Comments by Manuel Piqueras of the Instituto de Defensa Legal in Peru at the Reunión Internacional de Expertos del Proyecto Policía y Sociedad Democrática, Centro de Estudios del Desarrollo, Santiago, Chile, 18 y 19 de agosto de 1998.

[48]. Chevigny, *Edge of the Knife*, p. 210.

[49]. United Nations, see reports by the human rights mission in Haiti (MICIVIH) and Guatemala (MINUGUA), many reports are available from the United Nations web page at www.un.org.

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[51] " The State in a Changing World," supra at note 43, p. 10.

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[54] . Wilfried Scharf, *Report on the Proceedings of the Consultative Group Meeting on Access to Justice and Penal Reform in Africa 18th to 20th March 1999* (Malawi, Mozambique, South Africa, Uganda, Zimbabwe, Kenya, Namibia, Tanzania).

[55] . In Uganda the Resistance Committees have been transformed into Local Councils, and Mozambique's Popular Courts have been replaced by Community Courts (Although they are currently dormant). Ibid.

[56] . Ibid, p. 7.

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[62] . Human Rights Watch, *Systemic Injustice; Torture, " Disappearance" and Extra-Judicial Executions and in Mexico* (HRW, New York, January 1999), p. 37.

[63] . Ruiz Harrell, *Criminalidad y Mal Gobierno*, cited in Human Rights Watch, *Systemic Injustice*, supra at note 64, p. 47.

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[65] James Vadackumchery, *Human Rights and the Police in India* (1996) cited in Thomas Perez, " External Governmental Mechanisms of Police Accountability: Three Investigative Structures" (Vera Institute of Justice, *Police in Democratic Societies: Advancing Public Safety and*

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[67].Alvaro Camacho, " Public and Private Dimensions of Urban Violence in Cali" in Charles Bergquist, Ricardo Penaranda and Gonzalo Sanchez (eds) *Violence in Colombia: The Contemporary Crisis in Historical Perspective* (Wilmington, Del: SR Books, 1992), 258-259.

[68]. South African Draft White Paper on Safety and Security, supra at note 3, p. 2.

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[70] Ibid, see also George Vickers, " Renegotiating Internal Security: The Lessons of Central America," in Cynthia Arnson (Ed) *Comparative Peace Processes in Latin America* (Woodrow Wilson Center Press/Stanford University Press, 1999) and William Stanley, " Building New Police Forces in El Salvador and Guatemala: Learning and Counter-Learning," paper prepared for the International Conference on *Police Reform in Transitions from War to Peace*, Norwegian Institute for International Affairs, Oslo, March 5-6, 1999.

[71]. Civil Liberties Organization, Nigeria, " Above the Law: A report on Torture and Extra-Judicial killing by the Police in Lagos State, Nigeria."

[72] See United Sates Department of State, " Nigeria Country Report on Human Rights Practices for 1998" (Washington DC, February 26, 1999.)

[73]. Sofia Tiscornia, " Documento de Trabajo," supra at note 24.

[74]. The reforms retired the entire top command of the Buenos Aires police, and then reorganized the force to decentralize deployment and command and specialization. The reform sought to increase community participation and created mechanisms for closer police contact with

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[78] .See Rachel Neild, " Confronting a Culture of Impunity; the Promise and Pitfalls of Civilian Review in Latin America" and Andrew Goldsmith, " Police Accountability Reform in Colombia: The Civilian Oversight Experiment," both in Andrew Goldsmith and Colleen Lewis (Eds) forthcoming volume on civilian review (Hart Publishing, Oxford, UK, 2000).

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[96]. Ibid, p. 38.

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[101]. Ibid.

[102]. Ibid, citing an interview with Livingstone Sewanyana, Foundation for Human Rights Initiative.

[103] Graeme Simpson, " *NGOs and Democracy – building for a new millennium*," (Director's Report, Center for Study of Violence and Reconciliation, Johannesberg, 1997).

[104] " The Status of Human Rights Organizations in Sub-Saharan Africa," (www.   ).

105. Remarks made at the July 26-27, 1999, meeting of the project *Policía y Sociedad Democrática*, Santiago, Chile.

[106]. Clare Short, DFID, Speech to Kings College, London. DFID has given the Centre for Defense Studies, a think tank associated with Kings College, a three-year contract to conduct research that will assist DFID in incorporating security issues into British development assistance programs.

[107]. Robert Ayres, *Crime and Violence as Development Issues in Latin*

America and the Caribbean, supra at note 45, p. 25.

[108]. Many of these papers can be found on the IADB web site at www.iadb.org, social development division, under violence prevention.

[109] Chuck Call, " How Norms are Born: A 'Punctuated-Equilibrium Pinball' Approach," cited in William Stanley, *Building New Police Forces in El Salvador and Guatemala: Learning and Counter-Learning*, supra at note 71, p.3.

[110] Robert Ayres, *Crime and Violence as Development Issues in Latin America and the Caribbean*, citing John J. DiIulio, " Help Wanted: Economists, Crime and Public Policy," *Journal of Economic Perspectives*, 10;1, Winter 1996, p.6.