

**Post Conflict Police Reform in South Africa and other  
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“Without effective, efficient, responsive, representative and accountable police forces, democratic transition and economic development in African nations may stagnate or regress. African countries need to develop and implement comprehensive police reform measures that will promote democracy, good governance, economic development, safety and security.”

Ettanebi Alemika

## **Introduction**

In the democratic states evolving in the region, issues of personal safety are paramount and weak states find it hard to provide the necessary services to citizens. On the other hand this very instability encourages a professional class to protect themselves and their interests internationally and domestically.

Building sustainable democracies therefore requires citizens to go back to basics to understand and construct security systems appropriate to their needs and to constitute them within a rights framework and with adequate protections to ensure that they perform adequately and without becoming predatory.

Our aim as an institution is to contribute towards professionalising policing on the continent within a human rights framework. This implies creating an effective, professional culture within police services that have historically been over-militarised and neglected by national budgets. This has often led to a lack of skills investment, corruption, power struggles by officials who are either illiterate or are an old guard protecting their own interests rather than that of their citizens. Within this context citizens have become frustrated, lost faith in the abilities of the police and do not believe they can improve safety in their communities.

Our Executive Director Mr Paul Graham has highlighted that “(e)vidence seems to suggest that as society opens up during and after a transition, local crime emerges from severely constrained ghettos and is exacerbated by international opportunism. (Paul Graham Interpol Training Conference 2007). It is this reality that creates a challenge for the building of and consolidation of democratic societies in Africa.

The focus of this paper will be on the issue of police reform within the broader context of Safety and Security Sector Reform (SSR). There is of course an interdependence of the creation of safe societies without which democracy cannot flourish between police agencies and other key institutions such as the military, intelligence, justice and prisons but our work over the past 16 years has concentrated on the role of police in constructing peaceful democracies.

## **Understanding the purpose of police reform**

Police reform or perhaps more usefully in the words of Rauch and Van der Spuy “police reconstruction” is undertaken largely within the context from authoritarian regimes to regimes that are more democratic in nature. The purpose of these processes should be to create an institution that is owned by the citizens of that state and serves their dreams and desires for a safe society that can enable development and improve the lives of the people who live in that country in real terms.

Further expanding on the above Ball defines security sector reform as a means of increasing a country’s ability to meet the security and justice needs of its people in a manner consistent with democratic norms and sound principles of governance, transparency and the rule of law. (Idasa Conference Summary Report 2007)

The UN Secretary-General’s report on “Securing Peace and Development: the role of the United Nations in supporting security sector reform”, stresses that while the UN has much experience helping nations reform their security sector, “there are no quick fixes for establishing effective and accountable security institutions” and any effective strategy would depend on willing and able national partners. (February 2008)

The processes of police reform will vary largely from country to country. In South Africa the process required the amalgamation of 11 police agencies and the integration of liberation armies into the new South African Police Service (SAPS) whereas in Liberia a choice was made to disband the police and begin completely anew with the Liberia National Police. Each of these choices has consequences and requires unique interventions and engagement from civil society.

A retired police commissioner now acting as an advisor to the current Acting National Commissioner of the SAPS Louis Eloff highlights though that in the process of reforming police agencies it should not be forgotten that “the primary focus should be on crime combating. Police managers must find a balance between delivering on crime combating, service delivery and transformation/development issues” (Police Reform in Africa Review 2006).

It is critical that the effectiveness of police work must not be wholly sacrificed at the altar of transformation but also that if managed well the transformation process can lead to improved efficiencies.

## Roleplayers in security sector reform

There are a number of key roleplayers involved in security sector reform. According to the Global Facilitation Network for Security Sector Reform (GF-SSN) these include:

- ◆ *Core security actors:* armed forces; police service; gendarmeries; paramilitary forces; presidential guards; intelligence and security services (both military and civilian); coast guards; border guards; customs authorities; and reserve or local security units (civil defence forces, national guards, militias).
- ◆ *Management and oversight bodies:* the executive, national security advisory bodies, legislative and legislative select committees; ministries of defence, internal affairs, foreign affairs; customary and traditional authorities; financial management bodies (finance ministries, budget officers, financial audit and planning units); and civil society organisations (civilian review boards and public complaints commissions).
- ◆ *Justice and the rule of law:* judiciary and justice ministries; prisons; criminal investigation and prosecution services; human rights commissions and ombudsmen; and customary and traditional justice systems.
- ◆ *Non-statutory security forces:* liberation armies, guerrilla armies, private security companies, political party militias. (SSRnetwork.net)

In police reform in particular in many countries the private sector also has played a role in an advisory capacity as well as in the provision of physical and human resources to augment the capacity of the police service as a whole.

Donor agencies, foreign governments, regional bodies and continental bodies and international organisations – particularly in Africa play a significant role in the setting of the priorities and processes of police reform. In some instances such as the DRC the 80% of police budget is provided by external actors. (DRC senior police official tour to SA 2008)

This may make it difficult for the police themselves, political actors as well as civil society actors to determine independently the trajectory of reform processes within their own country.

The GF-SSRN website documentation highlights that “understanding who provides security and justice is central to SSR. The reality in most countries is that these services are delivered by a large number of actors. Some are state agencies and services, but some are likely to be non-state organisations and systems.” (ssrnetwork.net)

Young says that for a country such as Liberia that is just “coming out of 19 years of brutal civil war”, the security of the state can be managed effectively only with

the collaboration and support of civilians, including traditional leaders, youth organisations, civil societies and religious groups (Idasa Conference Report Summary 2007)

The challenge however for the police agencies can be managing these different relationships that may all have their own perspectives and how to design processes to ensure that these engagements do not entirely distract the organisation from delivering on their core competencies.

## **Complexity of police reform**

Elrena van der Spuy points out that one of the many problems facing post-conflict countries was that the public police in Africa remains ill-researched and ill-understood. The relationship between police and the political elite in Africa has been an intimate one. Police agencies have been deployed as armed protectors of regime interests. The notion of police as an agency responsible for even-handed service delivery to a wider citizenry is foreign to most African states. As public institutions - police in Africa tend to be under-resourced and under-trained. (Idasa Conference Summary Report)

Police reform in this context is no light undertaking and is highly complex in that it usually requires transformation on a number of levels right from external changes such as symbols and uniforms, through to overhauling training curriculums, re-equipping the service to fulfill a new mandate, complete organisational restructuring and cultural and behavioural shifts of police members as well as external roleplayers who interact with the police institution.

Some of the areas that may require special attention are:

- ◆ Legislative and policy changes
- ◆ Resistance to change
- ◆ Financial constraints
- ◆ Transforming managerial and leadership styles
- ◆ Clear communication mechanisms
- ◆ Internal change agents who ultimately need to be the key drivers of change within the institution
- ◆ Crowd Management
- ◆ Entrenching human rights and gender within the organisational culture
- ◆ Resourcing new strategies effectively and matching logistics to meet new requirements
- ◆ Equipping civil society to understand policing and police reform effectively
- ◆ Civilian oversight mechanisms and methodologies
- ◆ Management of police corruption and abuse of force

The enormity of managing such a complicated change process requires inspirational and determined leadership and it is sometimes difficult to keep focused on the overall objective and not get bogged down in the details.

In addition to this there may also be other transformation issues taking place in the country that may impact on the internal police process such as in South Africa when the national qualifications framework was reworked it was necessary to also adapt police training curriculum to the national competencies and outcomes set by the National Standards Generating Body.

## **Creating an effective and professional culture within police services**

The notion of a professional culture is a particularly sensitive topic within the context of police reform. Often there is an assumption from people within police agencies that processes of demilitarisation lead to a loss of professionalism whereas supporters of democratisation of police services argue that different skills are required and professionalism should be measured differently with a focus on issues of customer service and customer satisfaction.

In South Africa creating an effective and professional culture takes place within the context of broader public service transformation as manifested in a policy known as Batho pele (People First). In addition, a thorough Performance Management System has been developed to measure these issues although its implementation is not as consistent as would be optimal.

One of the lessons however is that police reform takes its toll on police members and can lead to a loss of morale which can have a significantly negative impact on the levels of service within the institution.

There are also issues of remuneration, education, ongoing skills development, mentoring, good leadership, effective management and implementation of systems that are key issues in building an optimum culture of service delivery.

## **Professional Policing within a Human Rights Framework**

Wairagu explains that police reforms should be concerned fundamentally with two things: the development of institutions capable of providing security to citizens in a manner consistent with human rights and the rule of law, and an effective system of democratic regulation and oversight of security actors. (Idasa Conference Report Summary 2007).

This view is supported at a global level by the Assistant Secretary-General Kathleen Cravero, Director of the Bureau for Crisis Prevention and Recovery at the UN Development Programme who has said that based on the experience of the UN they have learned that security sector reform (SSR) will only work if it based on the rule of law, human rights and gender equality. She highlights that

“(e)ffective governance and civilian oversight of the security sector are essential,” (SG report Feb 2008).

These perspectives point to a broad understanding of what is required in relation to a human rights centred approach to policing. It is not merely sufficient that police members know the content of human rights legislation and policies that they should be responsible for upholding.

It requires that each police member has internalised human rights values. More work needs to be done to integrate human rights into operational policing as many police member see human rights as a separate matter from “real” policing and that having human rights at the centre of policing as being “soft on crime”. A critical area that is not pursued vigorously is how effective intelligence driven policing by its very nature will contribute to a efficient service delivery through human rights centred policing.

## **The role played by Idasa in police reform in Africa**

Idasa has been involved in police reform work since 1992. We began our work through political facilitation that began with a conference held in the Vaal region of what is now known as the Guateng province which drew in key stakeholders to discuss the options for police reform in South Africa. Subsequent to this we facilitated a number of local level conversations on how community policing could be implemented within South Africa. Out of these discussions the commitment to civilian oversight of policing became a central part of the debate particularly for communities who had little or no trust in the police services in existence at the time to protect them and guarentee their safety.

Contributing to policy discussions through the hosting of seminars, facilitating investigative visits to other countries to understand their policing systems as well as facilitating the setting up of Community Police Forums (CPFs) in seven of the nine new provinces were our key activities.

During this time as the National and Provincial Ministries were building their capacity the NGO networks involved in this work played a key role in the rolling out of public participation in the police reform process. In addition this process was supported through several capacity building initiatives.

In the mid 1990's we assisted the National Ministry in public consultations on the drafting of the National Crime Prevention Strategy. We played a role in facilitating the drawing up of local level crime prevention plans as well as later documenting some of these experiences.

At an insitutional level some of our staff were seconded on a short term basis to the National Ministry and served on committees that were looking at issues such as developing a human rights curriculum within SAPS. In addition, we began to conduct research on issues such as vigilantism.

At a local government level staff working on safety issues began to also work with local Metropolitan Police Services as they began to be established in the major metropolitan areas in South Africa.

In South Africa we continue to conduct research on policy matters and advising Ministries in various areas related to police effectiveness and civilian oversight while also assisting with political facilitation for civilian oversight bodies.

It is in the last five years that we have begun to expand our role in police reform beyond our borders. We have a large project in the DRC that began with assisting the DRC to explore how to ensure that security needs could be met during the hosting of the first democratic elections in the DRC. Subsequent to this we have become involved in the DRC through the provision support to civil society, politicians, police structures and the media with regard to police reform.

These experiences have created an understanding that there is a lack of documented processes of police reform on the continent and in response to demand we have undertaken research to understand the broader context of police reform in post conflict countries in Africa and have been working closely with police agencies and civil society organisations in a number of these countries to contribute towards improving documentation processes on the continent in relation to police reform. Alemika has pointed out that police reforms in Africa are being undertaken without reliable data and information. "Research on police and policing in African countries should be increased and generously supported by the government, private organisations, donors and grant-making charities. Reform without reliable information is similar to treatment without diagnosis." (Idasa Conference Summary 2007)

It is important however to note that our decision making in terms of how we partner with organisations and police agencies is always guided by the understanding that our role is largely that of facilitating participation in police reform with a view to increasing partnerships between police agencies, political institutions and civil society focusing on the building of safe democracies within countries and across borders and regions within the continent.

## **Networks and co-ordination**

Rauch and van der Spuy point out that "(i)n the absence of much domestic capacity, transnational institutions (World Bank, United Nations), global think tanks and donor agencies (European Commission, USAID, DFID-UK and so forth) tend to define, shape and steer police reform. African regional networks such as the Economic Community of West African Monitoring Force (ECOWAS) and the West African Peacekeeping Mission known as ECOMOG are playing an increasingly important role in peacekeeping, in policy formulation for purposes of comparative lesson drawing, and in capacity building. Regional and sub-regional policy networks are of critical importance. Networks in civil society such as the

African Security Sector Network (ASSN), and regional networks like the Southern African Defence and Security Management Network (SADSEM) are as important as those between government agencies (such as the Southern African Regional Police Chiefs of Cooperation (SARPCCO), the Eastern African Regional Police Chiefs of Cooperation (EAPCCO), and the Coalition of Police Forces in the Great Lakes Region and the Horn of Africa and those created by multilateral bodies such as the African Union.” They go on to say that not only are these networks for the purposes of indigenous knowledge creation and sharing but through creating regional ownership security and stability can be created due to the nature of the inter-dependency of regional safety.(Review Report:2006)

## **Concluding Remarks**

Police reform in essence requires the involvement of a broad range of actors to be effective. It needs to be considered that overhauling policing systems and implementing new approaches to policing with a view to ensuring development is a core objective of safe societies is not a process that takes place in a short period.

It is a mammoth undertaking that requires coordination and cooperation between all sectors of society. There are a number of police reform processes taking place throughout Africa and the need for information sharing, networking and adaptation to contextual realities are key areas of focus for practitioners and stakeholders interested in the building of safe societies on the continent.

There are opportunities for engagement that should be maximised in order to shape policing agencies that are appropriate to the context within which they serve. The transposing of ideas from largely Western driven models of policing is reconsigned as not necessarily delivering successful policing within the African landscape.

Over the next decade the approaches to policing will change fundamentally across the continent and the participation from a broad spectrum of society in this exciting period is critical.