

# I. Introduction

Democratic states do not fight each other. It has even been claimed that this tendency is the nearest thing to an empirical law political science has yet produced. Since 1989, the number of formally democratic states has increased rapidly. At the same time, interstate war, at least between central states in the international system, has become increasingly unlikely. Even if liberal states would continue to use force in their relations with nonliberal states, they are far less likely to wage war on one another.<sup>1</sup> If and when the establishment of democracies within states leads to a more peaceful world, it is quite natural to think that further democratisation of nation states will contribute even more to a peaceful world. The evidence of a link between democratic structures within states and diminished likelihood of conflict supports a strategy in foreign policy which gives high priority to the establishment of democratic states. This has been a very important part of the foreign policy of some states, in particular in the case of the United States. The U.S. has devoted an important part of their foreign policy to the formation of democracies in nation states. Two examples from the recent history are Afghanistan and Iraq.<sup>2</sup>

According to the above reasoning, democratisation of non-democratic states is a means to keep peace and stability in the world.<sup>3</sup> This finding made it possible to launch peace operations in support of human rights and democracy.<sup>4</sup> I am intrigued by the question: How are such peace-keeping operations achieved, and what are the difficulties in achieving a sustainable democracy by a peace-keeping operation?

## **1.1 Purpose of the thesis**

Before presenting the purpose of my thesis, I will below give a brief presentation of the theoretical discourse that has intrigued me to study this topic further.

### **1.1.1 The change in the nature of peace-keeping operations**

Since the end of the Cold War, there has been a change in the nature of international peace-keeping operations. The change consists in a change of focus, increasingly emphasising human rights and democratic principles. Before the end of the Cold War the focus of peace-keeping operations was less value-based and more security-based. Put differently, one could say that the goal of

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<sup>1</sup> M. Shaw, 2001, p. 173.

<sup>2</sup> M. Kelstrup, 2002, p. 7.

<sup>3</sup> Ibid, pp. 1-2.

<sup>4</sup> P. V. Jakobsen, 2002, p. 268.

international interventions during the Cold War was to suppress violence, also referred to as 'negative peace'. This was gradually replaced by a far more ambitious goal, namely the creation of lasting peace, referred to as 'positive peace'. Success became defined in terms of post-conflict peace-building involving the (re)building of civil society, state institutions and democracy. After the Cold War, peace forces got the task to create conditions for sustainable peace, so that their withdrawal would not result in renewed violence. These ambitions peaked with the peace operations launched in Kosovo and Timor Leste<sup>5</sup> in 1999, where the UN assumed all government functions for a transitional period, and, along with other actors, started to build democratic states virtually from scratch.<sup>6</sup> The main reasons for this change of focus presented in the international relations discourse derives from the debate on the link between democracy and peace, also referred to as 'democratic peace'. It is considered being one of the central debates in contemporary international relations.

### **1.1.2 Theories on democratic peace**

The proponents of the democratic peace argument mean that the status of liberal democratic states has a powerful causal impact on peace, i.e. absence of war among states. This has been based on a number of statistical tests. However, the theory on democratic peace takes for granted that the basic unit of analysis is the sovereign territorial state and its relation with other states. The democratic peace is a peace, i.e. the absence of war, between and among liberal democratic states.<sup>7</sup> Martin Shaw points out that democracy and peace are not timeless but historical concepts. At the heart of the uncertainties surrounding these two terms, lays the conundrum of the modern state. It is built on the idea that the world is primarily structured in distinct 'domestic' and 'international' spheres.<sup>8</sup> But the relations among state, society and territory vary historically and across international systems and are shaped by larger processes of global social change. The ongoing debate on the phenomenon of globalisation is centrally concerned with the ways in which the international system and the entities within are shaped by global forces and processes not understood in terms of states and their relation with one another. The dynamics of such processes can not be reduced to relations between sovereign states, or relations between 'domestic' and 'international' spheres. The causal dynamics of these relations and processes are multiple and codetermining. Globalisation is central to our conception of a changing international system, where the state as such plays a less important role

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<sup>5</sup> Previously called East Timor.

<sup>6</sup> P. V. Jakobsen, 2002, p. 275.

<sup>7</sup> T. Barkawi and M. Laffey, 2001, p. 3.

<sup>8</sup> M. Shaw, 2001, p. 176.

than before, and where other kinds of units such as international organisations, multinational enterprises and non-governmental organisations get to play a more important role.<sup>9</sup>

The purpose of this thesis is, however, not to engage in the debate on globalisation and its relation to the state and democracy. Having stated that the theory on democratic peace is not uncontested, it remains being an important tool for states like the United States when engaging in their mission throughout the world of bringing democracy to the people. In this context, the primary issue for the theory of democratic peace would be how to achieve democracy in non-democratic states.

### **1.1.3 Public support essential for democracy**

Democracy is a disputed term. It is certain that a number of different factors have to be introduced and reinforced when (re)establishing a democracy, such as free and fair elections, a party system and an active civil society.<sup>10</sup> It is, however, highly debated which elements that must be included in the creation of a sustainable democracy. So is the question on what circumstances can contribute to consolidate or strengthen a democracy. My intention in this thesis is not to make a complete analysis on how democratic transition is successfully achieved. But when the objective of a given peace-keeping operation is identified to be the democratisation of the state, there is, however, one element which is crucial for the success of the operation: To achieve popular support for the new regime. Popular support for a political regime is the essence of its consolidation. By voluntarily endorsing the rules that govern them, citizens endow a regime with an elusive but indispensable quality: political legitimacy.<sup>11</sup> The most widely accepted definition of the consolidation of democracy equates it squarely with legitimacy. In a memorable turn of phrase, Linz and Stepan speak of democratic consolidation as a process by which all political actors come to regard democracy as ‘the only game in town’. In other words, a regime is consolidated when citizens and leaders alike conclude that no alternative form of regime has any greater subjective validity or stronger objective claim to their allegiance.<sup>12</sup> The international community intervening in post-conflict and transitional states should therefore focus on how to build up the legitimacy of the new regime.

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<sup>9</sup> T. Barkawi and M. Laffey, 2001, p. 8.

<sup>10</sup> M. Bratton and R. Mattes, 2000, p. 4.

<sup>11</sup> Ibid, 2000, p. 1.

<sup>12</sup> J. Linz and A. Stepan, 1996, p. 5.

### **1.1.4 International police forces in peace-keeping operations**

As the findings in the first part of this thesis will show, the international police forces have an important role to play in peace-keeping operations<sup>13</sup>. The police are getting a more important role in peace-keeping operations, as the famous scholar Michael Berkow, expert on the topic puts it; a ‘growth industry’.<sup>14</sup> International police interventions have developed in the last ten years towards taking a more active role instead of having merely an observation status in the country they are operating in. This process started after the disastrous police intervention in Bosnia in 1992. The police were during that mission not able to perform any of its tasks because of a mandate that did not allow the international police officers to take the measures needed to stop the disorder. A mission of this kind is called a ‘monitoring mission’, where the international police do not have the duty to interfere in active police work, but instead only to observe and report on the work of the indigenous police. The last ten years the executive missions have been dominant, missions where the international police have the task to perform part of or the entire police work in a state, sometimes in collaboration with the local police force.<sup>15</sup> They sometimes even have the task to rebuild and reform the entire police system. This is in line with the development of peace-keeping operations after the Cold War, as presented above. The international peace-keeping forces have the duty rather to rebuild a democratic society, than to keep the society clean from violence.

Berkow stated in 1997 that even though the democratisation of the police was an area to become more important in peace-keeping and conflict-prevention, there was still lacking an analysis of the process of managing democratic change abroad.<sup>16</sup> This thesis will hopefully contribute and fill one or several gaps in this discourse.

### **1.1.5 Purpose**

Having started by pointing at the change of the nature in peace-keeping operations, as was explained by the theory on democratic peace, I concluded that democratic peace requires public support for the regime. Consequently, peace-keeping forces should focus on achieving public support for the new transitional regime.

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<sup>13</sup> For a definition of the term ‘peace.keeping’, see under ‘Definitions and delimitations’ in this thesis.

<sup>14</sup> M. Berkow, 1997, p. 12.

<sup>15</sup> Interview with L. Egerstad.

<sup>16</sup> M. Berkow, 1997, p. 12.

The purpose of this thesis is threefold, covering both a theoretical and practical discussion on how to create sustainable democracy in a transitional society. More specifically, I am intrigued by the issue of how to achieve public support for a new regime, put in place through a peace-keeping operation.

*Firstly, I will investigate on a theoretical level how peace-keeping operations can assist in achieving public support for a transitional regime. Secondly, I will apply my findings to a case-study. Given my findings in the first two parts, I will thirdly try to elaborate on a detailed framework for how international police forces can contribute to successfully rebuild an effective and sustainable police institution in a transitional society.*

## **1.2 Methodology**

Having established my research questions and how they relate to each other, I will in the following section describe the method intended to use.

### **1.2.1 Previous discourse**

The first part of the thesis on how to achieve public support for the new regime in a transitional state is based on a number theoretical discourse on the same topic. There are innumerable of theories on how to create a democracy in a transitional<sup>17</sup> society.<sup>18</sup> But I will let this discussion aside and focus on how to create public support for a regime. Two famous scholars, Michael Bratton and Robert Mattes, have dealt with the topic recently in their theoretical discourse on instrumentally versus intrinsically valued regimes. This discourse deal with the question on how the citizens value a regime, and what they expect of a regime for giving their support in return. This theory suits my purpose well, since it in particular gives a reliable theory on how to achieve public support in state undergoing a transition. They apply their theory on new democracies in Africa. I will, however, not restrict myself to a geographical region, but apply this theory on all transitional states. I consider their discourse being general enough, and not being restricted by certain cultural values or traditions.

However, partly contesting Bratton's and Mattes' ideas, I am promoting the importance of the institutions in the process of building up public support for democratic regime in a transitional society. I base my arguments on the definition of institutions of Professor Douglas C. North. North

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<sup>17</sup> For a definition of the term 'transitional state', see under the chapter "Definitions and Delimitations" in this thesis.

<sup>18</sup> For an extensive a comprehensive discussion on this topic, see for example M. Bratton and N. van de Walle, 1997.

himself uses this definition when setting forth a new view of societal change, which is also the situation for a state in transition from authoritarian rule implementing new democratic structures.

I will then proceed to elaborate on how the institutions should be designed in order to contribute to the achievement of public support for the regime. I will here refer once again to the very same Michael Bratton as above, but this time in collaboration with Göran Hydén. They present a theory on how entities are to be run to be efficient, which I will apply on the state institutions.<sup>19</sup> There are certainly other choices that could have been made concerning the references that I have made in this theoretical chapter. However, I consider the three references I have chosen clearly related to the purpose of my thesis. I am concerned with, at each time I disagree with parts of the theories, to relate my arguments to the work of other scholars, to make my arguments more reliable.

I will apply the findings from the theoretical part on a case-study in the second chapter of this thesis. I will in this chapter present how the performance of one of the institutions, namely the police institution, should be run in order to achieve the public's support for a new regime. Given the findings of the case-study, where I will establish that the police institution should be democratised in order to contribute to the achievement of the public's support for the new regime, I intend in the third chapter of the thesis to develop a framework for the international police forces on how to assist in the reformation of the local police force. In a transitional state, the reformation should consist in building up a democratic police institution, setting aside authoritarian methods and adapting democratic policing methods.<sup>20</sup> For that purpose, I first have to establish what the essential elements in democratic policing are. The famous scholar David H. Bayley has established that there are two elements essential to democratic policing; accountability and responsiveness.<sup>21</sup> According to Bayley, only the principles responsiveness and accountability are indispensable for a democratic police force. Responsiveness requires that the police base their duties on what the public demands from them, and not what the state or the government demands; accountability requires oversight institutions, independent from the ruling regime.<sup>22</sup> These two elements are indispensable for creating a democratic police force. However, as a base for the third chapter, I have chosen to use the Council of Europe's reference guide on democratic policing. It is a rather extensive guide setting

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<sup>19</sup> The appropriateness of the use of this theory will be discussed in second chapter of the thesis.

<sup>20</sup> D. H. Bayley, 1997, p. 13.

<sup>21</sup> This will be further discussed in chapter 2.

<sup>22</sup> W. Lewis and E. marks, 1997, p. 1.

up, what they call, ‘aspirational elements’. This means that all the elements included in the reference guide do not have to be present in a police force to be called democratic, it should rather be seen as goals that the police force should be aiming at implementing. The reference guide includes both of the two principles Professor Bayley considered indispensable for a democratic police force; accountability and responsiveness.

However, the principles promoted by Council of Europe in relation to democratic policing go beyond Bayley’s two elements he considered indispensable in democratic policing, including respect for human rights, the rule of law, democratic principles and good governance. These principles encourage better policing operations and better management of the police.<sup>23</sup> My opinion is that the principles promoted by the Council of Europe, set a ground for both the principle of responsiveness and accountability. The respect for human rights and the rule of law has to be acknowledged by the police force if the citizens are to be able to make the police officers accountable for the violation of these principles. Furthermore, the respect for democratic principles and good governance will set the structures in place ensuring that the police are responsive and accountable.

As stated above, I intend in the third part of the thesis to develop a framework on how international police forces can assist in the reformation of the police institution. This framework will be built on the principles the Council of Europe consider important in democratic policing. There are, however, a number of challenges in implementing these principles in a non-democratic society that have to be taken into account by the international police force to make the democratisation of the local police force successful and sustainable. Having established which principles that international police forces should aim at implementing in a transitional state when democratising its police force, and having identified the challenges in implementing these principles in a state with a non-democratic setting, I will proceed to present a number of mechanisms helping the police in overcoming these challenges. The sources of these mechanisms will be further presented under ‘Materiel’.

To the framework on how to introduce democratic policing in a transitional society, that will be developed according to the method presented above, I will add empirical examples on how the challenges of democratising a police force in a non-democratic context have been dealt with in

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<sup>23</sup> Council of Europe, 2000, p. 6.

earlier international police missions. In this context, it could have been interesting to make a complete case-study, testing how the international police operations are dealing with the challenges that face them when operating in a non-democratic context, in relation to the framework I have developed in this thesis. However, given the time and the space of this thesis, I will not be able to make a complete case-study, since it demands a big amount of resources that I will not under the given circumstances get access to. The added value of the empirical examples I will include, is therefore rather to give practical examples on how the mechanisms presented can be implemented.

### **1.2.2 Material**

The sources of the theoretical part of the thesis and the sources used in the case-study have been discussed above. I will below discuss the sources I use in the third chapter where I intend to develop a framework on how the international police forces can assist in the democratisation of the local police institution in a transitional state.

When identifying what elements a democratic police force should include, I have chosen to use the Council of Europe's reference guide for democratic policing. I reckon however that there are a number of difficulties coming with this choice. Firstly, it is a document that is targeting the state police forces in among the members of the Council of Europe, which consists of exclusively of European countries. There is consequently a problem with cultural differences that may exist between the European policing traditions and Asian, African or Latin American policing traditions, and that what is the best way of implementing the democratic standards in Europe might not be the best way in other parts of the world. Moreover, the Council of Europe reference guide is also a document to be used in already democratic states, whereas the subject of investigation in this thesis is policing in non-democratic societies. It can consequently be questioned if the document is at all valid in setting standards for policing in non-democratic states. However, the democratic principles addressed in Council of Europe's reference guide are to be seen as aims, which in transitional, non-democratic countries might be seen as barely within reach, but that could however serve as goals and provide a sense of direction for the reform process.<sup>24</sup> The different statements that will constitute the framework of the chapter on democratic policing are set up as aspirational elements telling what good police service should look like, in relation to which I will discuss the challenges in working towards these elements.

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<sup>24</sup> L. Lindholt, 2003, p. 20.



In identifying the challenges in implementing democratic policing in a transitional state, I have been very lucky to have access to the recently published book *Human rights and the police in transitional countries*, edited by Lone Lindholt, et al. It is dealing with the topic in a multifaceted way, and has in many cases also provided me with examples from how international police forces have dealt with the challenges. The same book has also been useful when selecting which mechanisms that should be implemented in order to overcome the challenges. I have here, once again, used the reference guide of the Council of Europe as a starting point. But since it is not in particular dealing with the implementation of democratic policing in transitional countries, I have combined the mechanisms that Council of Europe has identified as important with the mechanisms presented in the book on policing in transitional countries. This implies that there are mechanisms included in the booklet from Council of Europe that will not be presented in my thesis, since I have judged that they are more relevant in a democratic context, and that I have not found that any other scholar consider these excluded mechanisms essential. However, the question of which mechanisms to implement in order to overcome the challenges when introducing democratic policing in a transitional country remains open. I have made choices based on the two sources presented above, and my choices are certainly not uncontested. However, which mechanisms that are included in the framework on how to democratise a police force in a transitional society can be exchanged, I will present a number of mechanisms that I have found relevant, basing my arguments on the Council of Europe and other scholars well known in this domain.

I reckon that I mostly rely on secondary literature in my thesis. However, since I do not intend to make a case-study, I do not see this as a problem. I will rather take advantage of what other scholars before me have written on democratic policing, the challenges of policing in transitional societies and reformation of the police institution. I will out of this rather extensive literature develop a framework on how international police forces can assist in the democratisation process of the local police force, and add some empirical examples on how the challenges can be dealt with.

### **1.2.3 Delimitation and definitions**

The purpose of this thesis requires a definition of the term ‘transition’. Michael Bratton and Nicolas van de Walle have defined a regime transition as “a shift from one set of political procedures to another, from old pattern of rules to a new one”<sup>25</sup>. The shift can get started by “significant political or other societal changes, the fall or gradual democratisation of a totalitarian regime, the conclusion

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<sup>25</sup> M. Bratton and N. van de Walle, 1997, p. 10.

of a civil war, or other types of violent crisis”<sup>26</sup>. Furthermore, they state that “transitions are multivalent, potentially unfolding toward harder, and more authoritarian regime types”<sup>27</sup>. It is therefore important that the international peace-keeping missions operating in a transitional state are assisting the state in creating favourable conditions for sustainable changes. There are different phases in the transitional process. Efforts to construct an effective but democratic police come after peace-making, the process where fundamental conditions of security have been achieved but before responsibility is returned to the indigenous forces.<sup>28</sup>

The importance of the democratisation of the police force has been described above, and will be further dealt with in the second chapter of this thesis. The police are, however, only one part of a state’s security sector. Also included in the security sector are institutions such as the judiciary and the civilian ministry.<sup>29</sup> The reformation of all of the institution is of course important in a transitional process, but stays impossible to cover on the restricted space given for this thesis. The police institution is interesting to study in relation to transitional societies since they or the citizens are the most visible arm of the state. This does, however, not imply that they would have a greater importance for the success of the transitional process than any of the other elements in the security sector.

The scope of this thesis is to investigate how international peace-keeping forces can assist in achieving public support for the new regime in a transitional country. Hence, this thesis will not deal with the discussion on the legitimacy of international interventions in relation state sovereignty or to the UN Security Council. Furthermore, the focus on this thesis will lay on the reform of the local police, and the challenges in its democratisation process in a non-democratic context. Consequently, I will not investigate how the international peace-keeping forces are to be organised and managed in order to make a successful intervention.

The content of this thesis requires a definition of the terms ‘peace-keeping operations’ and ‘peace-keeping forces’. I will in both cases refer to the use of the terms of the United Nations. Each UN peace-keeping operation has a specific set of mandated tasks, but they all share certain common

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<sup>26</sup> M. Bratton and N. van de Walle, 1997, p. 10.

<sup>27</sup> Ibid, p. 10.

<sup>28</sup> D. H. Bayley, 1997, p. 3.

<sup>29</sup> For a complete list see D. Hendrickson, “A review of the security sector reform”, London: The conflict, security and development group funded by DfID, Centre for defence studies at King’s College London, September 1999, p. 29.

aims: To alleviate human suffering and to create conditions and build institutions for self-sustainable peace. There are, however, different kinds of conflict and different stages of a conflict that peace-keeping operations are set up to handle. In this thesis, I am concerned with the stage when the peace-keeping operation is required to lead states or territories through a transition to stable government based on democratic principles, good governance and economic development.<sup>30</sup> Concerning the term ‘peace-keeping forces’, it often consist by several elements, usually including both a military and civilian police components.<sup>31</sup> Since it has been elaborated on earlier in this thesis, I will here only clarify that I have chosen to use the term ‘international police forces’, and not the United Nation’s term ‘civilian police’. The reason is that also other international organisations than the UN has international police forces, for example the OSCE and since recently also the European Union. I consider the term international police forces as being more neutral.

I have in this section presented the definitions of key-terms in the thesis, and motivated how I have made particularly important choices, and why certain elements that can seem important have been excluded. However, I will continue throughout the thesis to motivate my choices and to define terms I will use as they come up.

#### **1.2.4 Structure of the thesis**

I have above presented the purpose of my thesis and which method I will use to make my investigations. I, furthermore, motivated why I have made certain choices concerning both the topics I will deal with and the literature I am referring to in the thesis. Proceeding to the purpose of my thesis, it is three-fold. I will start in the following section of this chapter with a theoretical part on how to achieve democratic support for the regime in transitional societies. In the second chapter of my thesis, I will perform a case-study on how to achieve support for the regime by reforming the police institution. In the third chapter, I intend to develop a detailed framework on how international peace-keeping forces can assist in the democratisation process of the local police force. I will now proceed to the theoretical part of the purpose of my thesis: how, on a theoretical level, public support for a transitional regime may be achieved.

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<sup>30</sup> Peace-keeping missions may also be required to the following: deploy to prevent the outbreak of conflict or the spill-over of conflict across borders; stabilise conflict situations after a cease-fire to create an environment for the parties to reach a lasting peace-agreement; or assist in implementing comprehensive peace agreements. For this information, and the above information in the text, see <http://www.un.org>.

<sup>31</sup> See <http://www.un.org>.

### **1.3 Theoretical discourse on how peace-keeping operations can contribute to the achievement of public support for the regime**

The people for whom the form of government is intended must be willing to accept it; or at least not so unwilling as to oppose an insurmountable obstacle to its establishment.

(John Stuart Mill, *On Representative Government*, 1861)

Already John Stuart Mill emphasised the importance of getting the public's support for a democracy to be consolidated. It is today as valid as it was then, even though there have been many other changes in the society. I will in this theoretical part of the thesis discuss the challenges of achieving public support for a transitional regime. I will base my arguments on different theories and discourses by famous scholars.

#### **1.3.1 Intrinsically-valued support versus instrumentally-valued support**

There are two different theories of democratic support. The first school values democracy 'intrinsically', e.g. as an end in itself. Intrinsic support for democracy implies that the support for democracy will sustain even when the country faces an economic downturn or a social upheaval. The second school rather values democracy 'instrumentally', e.g. as a means to improving material living standards. Instrumental support is, opposite to intrinsic support, conditional, based on its capacity to deliver consumable goods. It is granted, and may be easily withdrawn, according to the temper of the times. Citizens evaluate regimes mainly in terms of their capacity to deliver consumable benefits or to rectify material inequalities.<sup>32</sup> For instrumentally valued regimes, it is a risk that the citizens will succumb to the siren song of the populist leaders who argue that the economic development requires the sacrifice of political liberties. In transitional societies where democracy is still not more than a goal to be reached, the support for the political change towards democracy is likely to be based on the performance of the government of the day in improving the citizens' living standards. It is even very unlikely that citizens in transitional states would possess a reservoir of favourable affective dispositions for democracy, if their most recent experience arises from an authoritarian regime. Therefore, citizens in transitional states fall back on performance-based judgements of what the new regime actually does for them.<sup>33</sup> Consequently, the second school, meaning that democracy merely has an instrumental value, is likely to be prevalent in transitional societies. This implicates, that in order to achieve support for the new regime in a

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<sup>32</sup> M. Bratton and R. Mattes, 2000, p. 2.

<sup>33</sup> Ibid, p. 2.

transitional society, which is essential for the consolidation of the regime, the same regime should focus on the performance, providing the citizens with what they need.

### **1.3.2 How to promote support for the new democratic regimes where democracy is instrumentally valued**

To get the support of a population basing their support on the performance of the regime, the new transitional regime must succeed in realising the ‘delivery of goods’, so that the population do not give their support to a populist regime instead. The goods referred to above can be divided in two distinct baskets of goods. The first one is an economic basket, containing economic assets, jobs and an array of social services. The second basket is a political basket, including peace, civil liberties, political rights, human dignity and equality before the law. Authoritarian leaders tend to argue that the delivery of goods from the economic basket presupposes a restriction of the goods of the political basket. Aid-donors usually object to this argument. Interesting, in relation to the discussion on consolidating a regime, is that empirical studies have shown that both baskets are equally important for the population. Satisfaction with a regime (the way the government actually works) is driven just as much by guarantees of political rights as by the quest for material benefit. It has even been established that support for the new democratic regime is rooted even more deeply in the new-found political freedoms. This gives a comparative advantage to the transitional regime going towards democratisation, since it can, or at least have the ambition to deliver goods from both baskets, as oppose to the authoritarian regime, prioritising the deliverance of goods from the economic basket. This finding runs counter the conventional argument that economic development must precede democratisation.<sup>34</sup> Based on this finding, I will not make a difference in the delivery of goods from the economic or political basket in my further discussions.

#### *1.3.2.1 Regime, government and institutions*

I will in this section study how to get public support for a regime that is instrumentally valued for the people. As stated above, this is often the case in transitional societies where the people do not have a reserve of affections for a regime they have not experienced, at least not recently. I also said that in states, where the population values the regime instrumentally, the support for the regime is performance-based.

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<sup>34</sup> The above said can be found in M. Bratton and R. Mattes, 2000, p. 2.

Robert Mattes and Michael Bratton, the authors of the above presented theory on instrumentally versus intrinsically valued regimes, draw a distinction between regimes, states and governments.<sup>35</sup> In order to consolidate a regime, which became the long-term goal of peace-keeping operations after the Cold War, it is essential that the citizens in the transition to democracy have confidence in and support the new regime. A regime can be identified as composed by a set of rules that are laying down the constitutional structure of the state. The support for the regime is, if instrumentally valued, dependent on its performance. Bratton and Hydén go on saying that to achieve public support for the regime, is to make the citizens satisfied with the government. The government is represented by the political leaders, and the people should, in order to support the regime, be satisfied with the government's performance of delivering goods. Bratton and Mattes also make a distinction between the state and the government. They define the state as a set of institutions, and argue that the popular perception of the state and its institutions is an indication that the people value the regime intrinsically. They mean that the trustworthiness the public accredits the institutions, is an indication that the public is valuating the regime not for what it performs, but rather for what it is.<sup>36</sup> An intrinsically valued democracy would therefore be valued for having democratic institutions, and not for what goods that are delivered under the democratic regime. Whereas the public perception of the state institutions is an indication of an intrinsically valued regime, the government's performance of delivering goods indicates that the regime is instrumentally valued. This implies that Bratton and Mattes are of the opinion that the state institutions are not involved in the deliverance of goods, at least not to a greater extent. According to the authors, the institutions are valued for what kind of regime they represent, not for what they, directly or indirectly, perform.

#### *1.3.2.2 The instrumental value of institutions*

I do, however, not agree completely with their model. In my view it is not totally correct to separate the intrinsic and instrumental values according to the trustworthiness of the state institutions and the government's ability to deliver goods. In my view, the state institutions take part of the deliverance of the goods to the public. Either, the institutions constitute a critical step between the government who is deciding which goods to deliver, and the citizens, by performing the deliverance of these goods. Or the institutions have the critical task to create favourable conditions for the deliverance of the goods. In either case, the institutions can not be separated from the delivery process, as suggest

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<sup>35</sup> M. Bratton and R. Mattes, 2000, p. 5.

<sup>36</sup> Ibid, p. 5.

Bratton and Mattes. The public perception of the state institutions, as well as the government, would, consequently, be based on what goods that are delivered. My opinion is, consequently, that the institutions themselves can be instrumentally valued. Therefore, the perceived trustworthiness of the state institutions can also be an indicator of that the regime is instrumentally valued. I base this argument on the definition of institutions of Douglass C. North, saying that:

Institutions are a set of rules, compliance procedures, and moral and ethical behavioural norms designed to constrain the behaviour of the individuals in the interest of maximising the wealth and utility of principals.<sup>37</sup>

There is a key distinction in this model between ‘agents’ and ‘principals’. Put simply, agents work for principals. These terms have been borrowed from the neo-classical economical theory which is built on consumer sovereignty, where the principals represent the consumers. The consumers have the power to decide what goods they want to buy, and the principals are hired to deliver those goods. Most individuals are agents in one role as employees, and principals as consumers. I interpret the agent in this context as the individuals holding the political power, as political leaders, and the individuals employed within the institutions. Principals (the consumers) engage another person (the agent) to perform some service on their behalf. This involves delegating some decision-making authority to the agent, leaving to the agent to make decisions on how the service is best performed.<sup>38</sup>

To make the definition of institutions operational, there are two points that have to be clarified. Firstly, it is essential to establish in what sense the institutions are constraining the behaviour of individuals, in order to maximise wealth and utility. In my view, the individuals are represented by the principals (the citizens as consumers), the agents (the political leaders and the employees in the institutions). The institutions, composed by a set of rules and structures, are designed to constrain the behaviour of all these groups so that the delivery of goods to the citizens will be maximised. On the one hand, the institutions should be designed so that the political leaders and the individuals employed in the institutions should be constrained in their behaviour when deciding on which goods to deliver and in delivering the goods. If their behaviour is restricted by rules, it will ensure that they are acting in the interest of the citizens (as consumers) and not for their own best interest.

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<sup>37</sup> D. C. North, 1981, pp. 201-202.

<sup>38</sup> Ibid, p. 202.

On the other hand, the institutions should constrain the behaviour of the citizens of the society, in organising the society to create favourable conditions for the deliverance of goods. Therefore, all these three groups should be constrained in their behaviour by the institutions in order to maximise the deliverance of goods.

The second point that needs to be clarified for the utility of Douglas C. North's definition of institutions is who defines 'wealth and utility of the principals'. I have above used this phrase as a synonym of 'deliverance of goods'. In my view, the wealth and utility of the people is ensured by the deliverance of the political and economic goods referred to above. However, I would argue that in a democracy, the people themselves have the power to decide what is best for them. In democratic elections the citizens vote for the government that they consider represents what is wealth and utility for them. Traditionally, a 'worker' would vote for a leftist government, whereas an 'employer' would vote for a right-wing government. So, in a democracy, the citizens elect the government that defines "wealth and utility" according to their preferences. The institutions are, according to North's definition, designed to constrain the behaviour of the individual citizen in order to maximise the delivery of the wealth and utility to the principals, i.e. the citizens benefiting from that wealth and utility. In an authoritarian state, the government defines what is the wealth and utility without being democratically elected. This implies that there is a risk that the governments' definition on what is the wealth and utility of the citizens, is not in accordance with the public's definition. Furthermore, the principals are not given the means to constrain the agents' (i.e. the political leaders' and the individuals employed in the institutions) behaviour. The agent consequently enjoys such a high extent of decision-making power that he or she risks taking decisions not in the interest of the principals, but rather in his or her own interest.

To clarify my argumentation using the terms of Douglas North's definition, one can put it like this: The government is responsible for deciding which goods to deliver. The state, composed by the state institutions, is responsible for constraining the individuals' behaviour in order to maximise the deliverance of goods. Consequently, the institutions can not be separated from the process of delivering goods, as they are in Bratton and Mattes model. I mean that the institutions rather constitute an essential part of the delivering of the goods. Therefore, I argue, the trustworthiness of the institutions is not an indicator of the intrinsic value of a regime, but of a performance-based valued regime.



I now have established that, in my view, the institutions play an important role in the delivering of goods, which is essential in a regime whose support is performance-based. So the challenge for a transitional state where the regime is instrumentally valued, is to introduce a government that is delivering the goods the public wants, and to design the institutions so that they succeed in their task to constrain individual's behaviour, in order to maximise the deliverance of goods.

### **1.3.3 Institutionalising democratic rules and structures**

Göran Hydén and Michael Bratton have presented a set of concepts of 'regime management' defined as "rules that affect political action and prospect of solving societal problems"<sup>39</sup>. They name the concept 'governance'. I will, however, use the more common label 'democracy'. I find this relevant, considering the content of the structures, as will be shown below. I will start to identify the rules and structures that affect political action.

The first rule refers to the public's relationship to the political leaders, which should be based on the public's possibility on holding the leaders responsible for their actions. The second rule or structure refers to the political leaders' relation to the public, in stating that the leaders should be responsive to the public's demands. Finally, the third rule or structure refers to the relation between the citizens and groups of citizens, enhancing the importance of reciprocity, i.e. that the citizens' interaction is based on the expectation of that other citizens are to behave according to the same norms as themselves.<sup>40</sup>

I argue that the structures referred to above, represents the ethical and moral behavioural norms, which was also Douglas C. North's definition of state institutions. If institutionalising these norms in the public realm, the individuals' behaviour will be effectively constrained, and the wealth and utility of the principals (citizens as consumers) will be maximised, under given circumstances. Firstly, without constraining individuals', as in leaders', behaviour, the leaders would not operate in the interest of the citizens but in their own interest. This is why we need citizens' oversight. Secondly, without constraining the individuals' employed in the institutions, behaviour, the goods the government want to deliver to the people would never reach the addressee. This is prevented by a responsive leadership. And finally, without constraining the citizens' behaviour, equal and

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<sup>39</sup> G. Hydén and M. Bratton, 1992, p. 12.

<sup>40</sup> Ibid, pp. 14-15.

effective deliverance of goods would be impossible, since the citizens themselves would not contribute to the public cause but to their own best interest. If there are rules and structures in place ensuring social reciprocity, such a development can be prevented.

The framework Bratton and Hydén present do, however, not give an answer to the question of what comes first: political action or institutional structures?<sup>41</sup> If action is a prerequisite for structures, it means that there has to be a political initiative to implement the structures and rules, i.e. to set up the institutional structures and institutionalise the rules. However, I would argue that the structure can precede the actions. I mean that even though there is no political government taking action, the institutions can still be set up and rules institutionalised, preferably with assistance by international peace-keeping forces<sup>42</sup>. So even in a transitional period, where there is no permanent democratic government, it is possible to institutionalise the rules and structures in the institutions themselves.

If the structure is in place, the institutions can, if being under responsive leadership, either be the effective link in the deliverance of the goods or merely provide the government with the indispensable facilitating conditions for render the deliverance of goods possible. When there are openings in the political initiatives the institutions for the deliverance of goods, the institutions can make sure that these goods can be delivered. Furthermore, holding the institutions accountable ensures that they will effectively and equally deliver the goods to the citizens, and not keep them for themselves. And finally, the institutions can organise the citizens in the society so that the goods are delivered effectively and equally.

Drawing a parallel to the business management theory, Bratton and Hydén state that in order to be successful, the organisation must develop a strong sense of self-motivation and loyalty among its employees.<sup>43</sup> In that context they apply the above presented rules and structures on the regime, stating that in implementing these, it will enhance legitimacy of the public realm, which is composed by political initiatives and institutional structures. This will lead to legitimise the regime,

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<sup>41</sup> G. Hydén and M. Bratton, 1992, p. 270.

<sup>42</sup> I use the word 'preferably', since Rachel Neild states in her article that the countries in which the reform of the police institution has gone farthest and deepest are those emerging from conflict where the international community supported the peace process and provided assistance to public reform (R. Neild, 1991, p. 24).

<sup>43</sup> G. Hydén and M. Bratton, 1992, p. 266.

which in its turn enhances social capital. Social capital is defined as a process of keeping people motivated in actively contributing to public causes.<sup>44</sup>

However, in a transitional state, these democratic structures might not yet be implemented in the public realm. I argue, that in implementing the rules on the institutions, these will be legitimised by the citizens, since they will be more effective in creating favourable conditions for the deliverance of goods, which enhances social capital. My opinion is that the constraining of individuals' behaviour will be facilitated by the existence of a social capital that a legitimate public realm (of which the institutions are a part) enhances, since it will encourage people to co-operate for the public good. And when the population is co-operating for the public causes, they will also co-operate when the institutions are constraining their behaviour in order to maximise the wealth and utility of the citizens, in order to maximise the deliverance of goods.

When international peace-keeping forces are working to achieve support for the new regime, this has to be handled in such a way that ensure that the regime does not loose the public's support, essential for the consolidation of the regime. However, the ambitions must be balanced with what is achievable. A consolidated democracy takes a long time to achieve, and implies long-term commitment for the international community assisting the democratisation process, and will have to be implemented gradually.<sup>45</sup> In a transitional period, when a democratically elected government, taking political action, is not yet in place, the international peace-keeping forces can, in order to contribute to the achievement of the public support for the new regime, focus on implementing the structures that will facilitate legitimisation of the regime. I will in the following chapter apply my argumentation on a case-study of a particular institution: the police institution.

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<sup>44</sup> M. Bratton and R. Mattes, 2000, p. 7.

<sup>45</sup> Ibid, p. 4.

## **II. Case-study: police performance as a condition for popular support for the transitional regime**

In the previous chapter of the thesis, I defined what in the new democratic regime that is valued by the people, what makes a particular regime the preferred form of government. I came to the conclusion that public support of a new regime is based in its capability to deliver consumable goods. I, furthermore, argued that the institutions play a critical part on the process of delivering goods to the public, and that applying the concept of governance in the institutions would increase the people's enjoyment of the goods. I will in this chapter perform a case-study, showing how the police institution influences the governments' possibility to deliver goods. I will furthermore apply the concept of governance on the police institution and study what would come out of it in terms of support for the new regime.

### ***2.1 The importance of the police institution in a transitional society***

I have chosen to apply the concept of governance on the police institution. I argue that the police institution is important to study in this regard since they are in close contact with the citizens, and have an important task to fulfil in any society. In a transitional state, where the regime is instrumentally valued, the performance of the state is a decisive factor for the success of the new regime. The provision of the rule of law and order is considered a core government responsibility, and is supposed to be provided by a legitimate authority.<sup>46</sup> Nationally (as opposed to internationally), the highest authority is the state. The state is most visible through the police force.<sup>47</sup> The police are a representative of the state, even though politically independent, acting on the streets in direct contact with the citizens. The police therefore have an immense impact on the citizens' daily life. They have the discretion to make decisions which affects the life, liberty and property of citizens; they have the duty to enforce laws and protect the rights of the citizens; they are civil servants, appointed guardians of the public interests and must therefore show high integrity in their work. The integrity of the police is worldwide suffering when scandals of corruption, incompetence or racism are revealed.<sup>48</sup> It is also damaging for the legitimacy of the state, if the most visible arm of the state is not performing its task correctly. Therefore, the police have to perform democratic policing, at the same time as they are effectively delivering the goods they are

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<sup>46</sup> DFID, 2002, p. 13.

<sup>47</sup> Ibid, p. 26.

<sup>48</sup> P. Neyroud and A. Beckley, 2001, p. 38.

to deliver, in order to persuade the citizens that democratic policing<sup>49</sup> is a better alternative than authoritarian policing.

The immediate goal in peace-keeping operations taking place after the Cold War has been to achieve a sustainable democracy. To reach that goal, it is essential to get the public's support for the political regime. In an instrumentally valued regime, this is achieved through delivering goods to the population. The police institution can not by itself deliver the goods from neither the political nor the economical basket. However, the police can effectively destroy the deliverance of the goods from both of the two baskets, by not performing its task effectively.

## ***2.2 The effectiveness of the police to 'deliver goods'***

For the police in a transitional state, it is essential to find new democratic strategies for the police to perform their task effectively. I have established above, that public support for the transitional regime presupposes 'delivery of goods', and that the institutions have an critical part on that process, either by delivering the goods themselves, or by creating favourable conditions where the government can effectively deliver the goods. I will below present how the police in providing the citizens with law and order and social safety are creating favourable conditions, critical to the deliverance of the goods the government has decided upon, both from the political, containing peace, civil liberties and political rights, and the economic basket, including education, job opportunities and economic development.<sup>50</sup>

### **2.2.1 The political basket**

The first basket of goods that should be delivered effectively in order to ensure public support for the new regime was the political basket was composed by civil and political rights, and peace. The protection of these rights is crucial in order to run a functional democracy where the citizens can actively participate. I will in this section present the important role the police institution plays in the deliverance of these goods. .

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<sup>49</sup> I here use the term 'democracy' as equivalent to 'governance'. Bratton and Hydén's reason for separating the terms was that governance was applicable also in non-democratic regimes. But since I am referring to an institution and not a regime, I prefer to use 'democracy' instead of 'governance'. Furthermore, when I in the beginning of the thesis described the new goal of peace-keeping operations after the Cold War, I also used the term 'democracy'.

<sup>50</sup> M. Bratton and R. Mattes, 2000, p. 2.

Social violence has an important negative impact on the political situation in regions characterised by weak democratic cultures.<sup>51</sup> Also private violence is a problem for the introduction of democracy in a transitional state. Not only in the field of the exercise of civil rights, but also to the extent has it made political routines impossible. There is nothing to guarantee the possibility of a democratic political order if there is no social order of the same nature. Furthermore, when crime and social violence start to disrupt social order, democratic political order may too easily become the next victim.<sup>52</sup>

On the top of civil and political rights, the political basket also contained peace. According to the United Nations Development Program (UNDP), there is a growing agreement that peace and security need to be approached from the perspective of protecting individuals and communities of individuals from violence. The UN has recently introduced the security sector, including the police, to become a part of its approach to conflict and peace-building. One of the major causes of violent conflict is the failure of the state to abide by the rule of law in its relation with its own citizens. The UNDP's conflict prevention approach is currently emphasising key risk factors that fuel violent conflict, of which insecurity is one of them. They argue that both people and the states they live in must be secure from fear of violence if conflict is to be prevented and sustainable development is to be created. From a conflict approach aspect, it is as important that the state is protected against external aggression as internal subversion.<sup>53</sup> However, countries most in need of stronger security sector governance are those with weak democratic institutions, inadequate rule of law and insufficient civilian capacity to manage and monitor the security bodies. A peace-building approach to security sector reform should, therefore, focus on strengthening governance in the security sector in order to remove one of the major impediments to the state's ability to provide the safe and secure environment that is a co-condition for both peace and sustainable development.<sup>54</sup> The police have consequently a major role to play in order to assure the deliverance of the goods of the political basket; civil and political rights and peace. If fighting crime and keeping social order effectively, the public be able to enjoy the political rights and civil liberties that the government has decided on providing them with. Furthermore, in protecting the state from internal subversion in keeping social order, the police are delivering peace to the citizens.

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<sup>51</sup> R. Neild, 1999, p. 22.

<sup>52</sup> Ibid, p. 2.

<sup>53</sup> N. Ball, 2002, p. 2-4.

<sup>54</sup> Ibid, p. 1.

### 2.2.2 The economic basket

The economic basket, which is the second basket of goods that define regime performance, is composed by what could be summed up as economic and social rights and economic development. It is essential that the police perform their duties, to enforce law and order, effectively. In order to provide the government with favourable conditions to implement those rights.

Most of the transitional states suffer from under-development, either after a communist regime without an open market economy, or after a long war which is devastating for a country's economy. In these societies, it is important to ensure a positive economic development.<sup>55</sup> To exemplify how that can be destroyed by crime, I will start by quoting a news article that appeared in South Africa's Mail & Guardian national weekly newspaper on March 19, 1999:

*Thieves make off with PE School*

Thieves in Port Elizabeth's Kwazakhele township this week stole Pohakama High School. On Tuesday its 11 classrooms were still there, but when the pupils arrived on Wednesday morning, they had vanished, along with the surrounding security fence. The only evidence the school had ever been there were the concrete struts embedded in the foundation.<sup>56</sup>

This anecdote humorously illustrates one of the more overt ways in which crime can negatively impact on a state's economic development. As a consequence of crime, the children in this school are being deprived of their education, one of the main pillars in development. Economic development is furthermore dependent on the foreign investors the country can attract, in order to create job opportunities. However, few international corporations will seek to create a substantial presence in countries where imported staff is at risk, local property is subject to loss and insurance costs are high. For example, a major drawback to investing in Colombia is that foreign executive resident there must be insured against kidnapping. A further argument, is that the global economy becomes more service-based. This means that value can be generated anywhere there is a concentration of highly skilled people, and these people are likely to congregate at those points with the greatest local character and living standards. Crime destroys all this. An example of this kind of 'brain drain' can be drawn from a poll of emigrating South African managers, where 60% mentioned crime and 47% mentioned violence as their reason for leaving. The tourism industry, which was identified by the United Nations' Conference on Trade and Development as the industry

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<sup>55</sup> T. Leggett, 2001, p. 141.

<sup>56</sup> Cited in T. Leggett, 2001, p. 141.

most likely to attract foreign investment into Africa in the early 21<sup>st</sup> century, is very sensitive the crime rate. Tourists are reluctant to go to an area where they cannot feel safe.<sup>57</sup> These factors that are all important for the economic development of a state, in a shorter or longer term, are being jeopardised by a higher level of crime and violence. The police's capability to fight crime will therefore have an impact of the government's capability to deliver the goods in the economic basket to the citizens. Consequently, the effectiveness of the police has an impact on the public support for democracy.

With the examples presented above, I have enforced my argument that the institutions can not be separated from this process as Mattes and Bratton did in their discourse on intrinsically and instrumentally valued regimes. Without the police keeping social order, the public will not be able to enjoy their political rights, such as the right to peaceful assembly<sup>58</sup>. The regime will neither be able to deliver the economic goods, such as education and job opportunities, in case there is a high crime rate in the society. This shows, that that the police institution by creating favourable conditions, renders the deliverance of goods is possible, which will lead to enhance public legitimacy of the regime. I will below elaborate on how to achieve a police force, that will effectively create favourable conditions for the deliverance of goods.

### ***2.3 Democratising the police: a means to create an effective police force***

Being concerned with the effectiveness of the police institution in creating facilitating conditions for the deliverance of goods, I will in this section argue that institutionalising certain rules and structures within the police institution will enhance the effectiveness of the police.

#### **2.3.1 Institutionalising democratic structures within the police institution**

The effectiveness of the police force in fighting crime and providing social security depends almost entirely on the police's willingness to accept to be run democratically.<sup>59</sup> This statement is supported by research in a number of countries, showing that the relation between effectiveness and democratic principles in the police institution does not necessarily entail a trade-off.<sup>60</sup>

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<sup>57</sup> The principle source of the above information is T. Leggett, 2001, p. 142.

<sup>58</sup> ICCPR, article 21.

<sup>59</sup> D. H. Bayley, 1997, p. 5.

<sup>60</sup> See for example Skolnick and Fyfe, 1993.



Democratic governance of the police has a number of elements that enforce the efficiency of the police in fighting crime and keeping social order. According to the literature on business management, it can be established that all managers and organisations require mechanisms of accountability to ensure performance; therefore, accountability is necessary for effectiveness. So by restricting the police in the performance of its task by making it possible to hold the police accountable, the police are maximising the wealth and utility of the citizens by giving them a peaceful society in which they can enjoy their political rights and where economic development can occur, instead of a society which is characterised by institutionalised violence.

However, the scholars of the theory of governance have not answered the question on what comes first: political initiative or institutional structure? I argued earlier that the institutional structures could precede the political initiative. The implementation of the institutional structure, i.e. a set of rules constraining individual's behaviour, on the police institution, is an example of how the political action can be facilitated.

### **2.3.2 The challenge of democratic policing in transitional societies**

Countries in transition are often emerging from authoritarian regimes where, on the one hand, brutalised populace finds their motivation for discovering how to circumvent the mechanisms of social control in the opposition of the authoritarian regime. Crime and violence are institutionalised in a society where there is no support for the rule of law.<sup>61</sup> The authoritarian regime, on the other hand, frequently justifies the restriction of civil and political rights as a trade-off for greater social order, political stability and economic prosperity.<sup>62</sup> In these regimes, the police enjoy impunity and are therefore not punished for enforcing law by non-democratic means violating human rights. When the authoritarian regime falls, and a more democratic government takes the power, new restrictions are placed on law enforcement, while the law-breaking skills acquired by the populace remain.<sup>63</sup> Consequently, in transitional societies, there is a challenge to develop a security organisation capable of providing security for the citizens within the context of democratic governance.<sup>64</sup>

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<sup>61</sup> R. Neild, 1999, p. 22.

<sup>62</sup> Ibid, p. 4.

<sup>63</sup> T. Leggett, 2001, p. 146.

<sup>64</sup> N. Ball, 2002, p. 11.

There is, furthermore, a particular challenge to the society in transition to exercise democratic policing in a society where old authoritarian rules are to be replaced by new democratic rules. This has been dealt with in the anomie/strain theory, which was first advanced in 1938 as a reaction to the French industrial period. The term ‘anomie’ describes the ‘state of normlessness’ that characterised this period. According to this theory, traditional norms are in a period of rapid social change viewed to be no longer applicable to behaviour, which means that people are free to pursue any ends by any means. This theory has come to focus mostly on the privatisation reform of economics that is usually following the fall of an authoritarian communistic regime. It is, however, also valid for the social change that comes with the transition of a country from authoritarian to a democratic regime. In case of regime change, the rules applicable under the old regime are to be changed, but in the transitional phase there is a period of vacuum, where the old rules are not enforced any longer, and the new rules have not yet been properly implemented or known to the public.<sup>65</sup> Therefore, I argue, there is a challenge to introduce a system for democratic policing in a society lacking democratic norms. Following the reasoning above, the democratisation of the police force is a minimum condition for democratic policing, which will lead to make an effective police institution, which in turn leads to public support for the transitional regime in power.

To sum up, the effectiveness of the state to ‘deliver goods’ is favourable to the popular support for the regime in a transitional state where popular support is performance-driven. The police are not only providing the citizens of the transitional state with social safety. It is also indirectly, by creating favourable conditions, providing them with economic development and peace. I furthermore argued that the democratisation of the police institution is an appropriate way of ensuring that the police is efficient in its work and is performing democratic policing. Consequently, international peace-keeping operations should put efforts in democratising the police force.

#### ***2.4 The contribution of the international police force in the achievement of public support for the new regime***

When assisting a local police force in its democratisation process, the assistor first have to know what kind of policing they want to export. The function of the police has changed over time and is constantly facing new challenges as society evolves. It is possible to say that the societal context define the function of the police. Before the eighteenth century, the police’s concern was to

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<sup>65</sup> T. Leggett, 2001, p. 145.

‘develop or promote happiness or the public good’<sup>66</sup>. In this era, the opposition between the public and the private sphere did not yet exist, this relation became apparent only in the eighteenth century, and therefore the public good equalled private good. The present-day meaning of the police, which has been described as “managing and communicating risks”<sup>67</sup> or “maintenance of order and prevention of dangers”, is a relatively late invention, dating from the late eighteenth or early nineteenth century.<sup>68</sup> As we move into the twenty-first century, a number of external factors have new implications on the police system, such as increasing globalisation, rapid technological development the consequent pressure for security and the privatisation of the police.<sup>69</sup> Those factors are, however, not developing evenly over the world, but differ both in time and in factors depending on which police system is studied. An attempt has been made to classify different police systems, which resulted in three different systems; the Anglo-Saxon, which characteristics are decentralisation and democratic control; the authoritarian, characterised by centralised rule-making power and being politically rather than legally controlled; and finally, the oriental police system, distinguished by the sharing of responsibility for security between the government and the populace in social systems founded on communitarian as opposed to individualist principles.<sup>70</sup> Since the definition of policing is changing, there are no universal standards for how policing is to be conducted. The international community that takes part in peace-keeping operations, all having different perception of the police, be it the Anglo-Saxon, the authoritarian of the oriental police system. It is therefore important to focus on the context where the peace-keeping operation is taking place, the transitional context.

In order to establish what kind of policing that the international community can export to transitional states, Professor David H. Bayley has elaborated on the theme of rebuilding and reforming police institutions on the basis of democratic principles. When defining ‘democratic policing’ he has identified two elements common to all democratic police forces around the world: responsiveness and accountability. Responsiveness requires that the police base their duties on what the public demands from them, and not what the state or the government demands; accountability requires oversight institutions, independent from the ruling regime.<sup>71</sup> These two principles are also

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<sup>66</sup> P. Pasquino, 1991, p.109.

<sup>67</sup> P. Neyroud and A. Beckley, 2001, p. 28.

<sup>68</sup> P. Pasquino, 1991, pp. 109.

<sup>69</sup> P. Neyroud and A. Beckley, 2001, pp. 3.

<sup>70</sup> D. H. Bayley, 1991, p. 3.

<sup>71</sup> W. Lewis and E. marks, 1997, p. 1.

corresponding to the facilitating conditions enhancing governance, presented above. So when the international community, representing different cultures, is assisting a state undergoing a transition in the reformation of the police, they should in any case include the two elements accountability and responsiveness, whatever cultural differences there might be.

A number of challenges face the international police that are in charge of implementing these democratic values in a non-democratic context, challenges that the international community assisting in the democratisation process have to be sensitive to in order to succeed in their task. Law enforcement officials acting in a non-democratic context are facing a number of difficulties that a police officer from a democracy would not imagine. How is for example a police officer to act according to democratic principles when the law obliges him to beat down a demonstration, if the task can not be fulfilled if not using excessive use of force? The actors involved in assisting the reformation of the police institution has to develop strategies and mechanisms to deal with challenges similar to the one exemplified above.

## **2.5 Conclusion**

I have in this chapter applied my theoretical findings from the introductory chapter on a case-study. This case-study consisted in studying how the police institution could contribute to the legitimisation of the new transitional regime. I stated earlier that in an instrumentally valued regime, the public base their support for the regime on its ability to deliver consumable goods. I argued that the state institutions had a crucial role in the process of delivering goods, either by delivering the goods themselves, or by creating favourable conditions that render the deliverance of goods possible in the society. I have in this chapter shown how the police rather take the role of the latter task, the creation of favourable conditions in which the goods can be effectively and equally distributed to the consumers, i.e. the citizens of the state. By fighting crime and securing social safety, the police ensure that those of the civil and political rights that the transitional regime has handed over to the citizens, can be fully enjoyed by the same. Furthermore, a safe society with low crime-rates is more attractive to foreign investors, which can contribute to the economic development of the state.

I then established that in institutionalising democratic structures within the police institution, the same would become more effective in performing its task, i.e. creating favourable conditions for the

deliverance of goods. I here related to the literature in business management, stating that an organisation subject to accountability is more effective.

I will in the following chapter elaborate a framework on how the international community can assist in the democratisation of the police force on a practical level. This framework has a view to overcoming the difficulties of implementing democratic policing in a non-democratic context. If these challenges are not dealt with properly at an early stage, the democratisation process risks not being sustainable. Recalling the starting point of this argumentation, sustainable reformation is the goal of peace-keeping operations, where the reformation is to be sustained even after the withdrawal of the peace-keeping forces.

### **III. Development of a framework on how peace-keeping operations can contribute to the democratisation of the police force in a transitional society**

In this chapter, I intend to develop a framework on how international police forces can assist the local police in a transitional state in its democratisation process. The chapter is divided into four sections, each representing one principle constituting the Council of Europe's basic values in police performance. These are the respect for the fundamental human rights, rule of law, democratic principles and good governance. The implementation of these principles, in transitional states with a non-democratic setting, enshrines a number of difficulties which have to be handled in the democratisation process of the police institution. I will, therefore, develop a framework of mechanisms that ensure the implementation of the essential principles in transitional societies even with a non-democratic setting, in order to create a sustainable democratic police force.

#### **3.1 Human rights**

Democratising a police institution is according to David H. Bayley to make the institution accountable and responsive. I argue above that respecting human rights is a part of being responsive to the citizens of the state, since it implies that the police are acting as a service to the citizens rather than a force. Council of Europe's reference guide, which is the main source for this chapter, includes as a first statement of the basic values that "a democratic police service should respect and promote fundamental human rights"<sup>72</sup>.

##### **3.1.1 Challenges to the police in protecting human rights in a transitional setting**

When assisting in the reformation of the police institution in a transitional state, facing the task to implement a human rights respecting culture in the institution, there are challenges that are particular to the transitional state that has to be taken into account. The police have a crucial role in the human rights protection of the citizens. They have an immense power having the right to make decisions which affects the life, liberty and property of citizens. They furthermore have the duty to enforce laws and protect the rights of the citizens.<sup>73</sup> The police officers are on a daily basis facing situations where the use of force to a certain extent might be necessary. It is therefore important that each police officer know how to make decisions on what measures to use in order to perform his or

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<sup>72</sup> Council of Europe, 2000, p. 10.

<sup>73</sup> P. Neyroud and A. Beckley, 2001, p. 38.

her task as order keepers but without violating human rights. The police operating in a society dominated by crimes and violence are exposed to situations where the use of force might be necessary to a higher degree than a police officer in a society where the crime rates are lower. Transitional states tend to belong to the first category rather than the latter.

In some states, governments even attack human rights standards as protecting criminals at the expense of law-abiding citizens. One example is the Argentine President Carlos Menem who recently stated that the answer to crime is an “iron hand” (*la mano dura*). He went on to remark that this might make some human rights organisations outcry, but it was worth it since he was of the opinion that Argentina had more guarantees for criminals than for the police or the people.<sup>74</sup> Furthermore, media coverage of crime is in many countries intense and feeds public fears. This allows considerable popular support for increasing penalties for violent crime, including death penalty, and for police brutality as long as it is perceived to be targeted against criminal elements. A survey in Mexico by a Mexican criminologist stated that “Mexicans think that it is less unjust for an innocent person to be in jail than for a guilty person to be on the street”.<sup>75</sup> A similar survey in India found that 84% of the people agreed that criminals deserved harsh treatment from the police.<sup>76</sup> Under these circumstances, where both the politicians and the population are in favour of human rights abuses such as arbitrary arrest, excessive use of force or even torture in order to prevent crimes, it is a challenge for the police to promote and protect human rights. It is therefore important to design a police institution that abides to human rights law without being influenced by a government seeking to legitimise the politicisation of the police or the population being mobilised by the media.

### **3.1.2 Mechanisms to prevent human rights abuses in the police institution**

There are a number of different ways of dealing with the challenge to reform a police institution promoting the respect human rights in a transitional state. I will present three different mechanisms that have been proven useful in promoting human rights in a non-democratic setting. The mechanisms I have chosen are; the incorporation of international human rights standards in national law; the writing of a code of conduct for the police behaviour; and finally the importance of the training of the law enforcement officials. These three are only a short number of the mechanisms

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<sup>74</sup> R. Neild, 1999, p. 21.

<sup>75</sup> José Luis Soberanes, director of the Instituto de Investigaciones Jurídicas of the Universidad Autónoma Nacional de Mexico, cited in R. Neild, 1999, p. 21.

<sup>76</sup> James Vadackumchery, *Human Rights and the Police in India*, 1996, cited in R. Neild, 1999. p. 21.

that could be used in order to prevent human rights violations committed by the police, such as making official policy statements and particular mission statements. I have, however, let the empirical material guide me in the choice of mechanisms that I will present, the ones that will be presented below are those that have been most frequently used in police reforms and also have been proven to be efficient.

### *3.1.2.1 Incorporation of international human rights in national law*

Firstly, it has been proved efficient to incorporate international human rights standards in national law in order to promote human rights in the police. The incorporation of international human rights standards in national law makes the rights and duties clearer to the citizens and to the police officer. Furthermore, if treating human rights as enforceable law, it will upgrade the respect for human rights on the agenda.<sup>77</sup> It is obviously necessary that the country signs and ratifies the international treaties as a first step, if this was not done under the previous regime. In the case of Timor Leste, where the transitional phase has been marked by the new-gained independence from Indonesia, these treaties were signed after the independence. They have partly been implemented in the national law, and Amnesty International has urged the international police to implement in particular the human rights standards that have not yet been implemented through regulations and relevant enforcement mechanisms.<sup>78</sup> More important is the fact that incorporation of international human rights standards in national law is facilitating the judicial review of the police's human rights abuses.<sup>79</sup> To provide an effective remedy in case of human rights violation it is essential to break the "vicious circle" where human rights violations are not regulated in the law, and therefore the police officers enjoy impunity in similar cases. There is consequently no incentive for the police officers to stop the violations. Therefore, the reform of the police institution has to be closely linked to the reform of the judicial system to be really effective. Nonetheless, the international community has experienced difficulty also in operationalising this linkage. Lessons have been learned by previous missions that this linkage is crucial, but international organisations in for example the case of Bosnia-Herzegovina and Kosovo has failed to incorporate this knowledge in their programming. Bosnia, where the police and justice reform efforts are almost entirely separated, is the most striking example.<sup>80</sup> There seems in this case to be a gap between the policy and the practice, meaning that

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<sup>77</sup> See P. Neyroud and A. Beckley p. 60 for further discussion.

<sup>78</sup> Amnesty International, 2000, p. 4.

<sup>79</sup> Council of Europe, p. 10.

<sup>80</sup> N. Ball, 2002, p. 10.



even if the knowledge about the importance of this factor is in place, it is by various reasons difficult to implement the mechanism even for international actors assisting in the reform process.

### *3.1.2.2 Code of conduct*

Secondly, the writing of a code of conduct available for the police officers is an important tool to prevent human rights violations by the police officers.<sup>81</sup> The incorporation of international human rights documents in national law can provide the judicial system with tools to stop the impunity of police officers violating the human rights, but this method is placed rather far from the daily police work. A code of conduct interpreting international human rights standards and applying them to the practical work of the police facilitates the link between the human rights and the police work. Once again referring to the case of Timor Leste, this has been planned for by the international police officers, even though not yet implemented.<sup>82</sup> In South Africa, a code of conduct named “the National police Accord” was created in 1991 to address high levels of political violence in the early transition period, and was subsequently enacted as legislation.<sup>83</sup> It is, however, difficult to establish how much importance these documents have had for the success of the police reform. Important actors such as Amnesty International have highlighted their importance for the democratic police performance in a society where the international human rights standards have so far been unknown.<sup>84</sup>

### *3.1.2.3 The inclusion of human rights standards in the training*

To ensure that the police officers are correctly informed about human rights, so that they know where to draw the limit on the use of force even under exceptionally violent circumstances, is to include human rights in the training programs. The importance of human rights training cannot be over-estimated. One of the annual reports of the European Committee for the Prevention of Torture even stated that there is no better guarantee against the ill-treatment of a person deprived of his liberty than a properly trained police officer.<sup>85</sup> To prevent the gap between policy and “delivery”, the training should be conducted so that there is enough time spent on the human rights issue. Furthermore, it should be ensured that the material should be available to the police officers even outside the training to make sure that the police officers at all times can inform themselves

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<sup>81</sup> Council of Europe, 2000, p. 10.

<sup>82</sup> A. Saleem and W. Hayde, 2001, p. 13.

<sup>83</sup> J. Rauch, 2000, p. 120.

<sup>84</sup> Amnesty International, 2000, p. 11.

<sup>85</sup> P. Leuprecht, 1997, p. 34.

whenever a difficult situation comes up.<sup>86</sup> However, it has been proven difficult to both recruit and educate well-qualified individuals in the short timeframe often established by the police reforms.<sup>87</sup> Once again referring to the case of Timor Leste, the UN CIVPOL in charge of the police institution under the UN transitional administration has developed a “Basic Training Course” for Timorese police cadets. They have decided on course curriculum, lesson notes and a syllabus to suit the needs of the culture of the Timor Leste, including an intensive training program in human rights, human dignity, community-based policing and domestic and sexual violence. Furthermore, the police cadets will be educated in investigation procedures, legal authorities and other policing skills. To regulate the restricted time for the education, the course on democratic policing standards and human rights took place during the first week of the program. The human rights application was stressed in many different topics, for example arrest and detention.<sup>88</sup>

When democratising the police in transitional states, the international police forces, have to take into account the setting the police institution is to operate in. The police in transitional societies are particularly exposed to situations where they have to draw the line between what is effective law enforcement and violation of human rights, for example by using excessive use of force. Furthermore, the institution has to be designed to sustain the respect for human rights even without the support from politicians and the population, since there is, in transitional societies, a risk that they see the respect for human rights as incompatible with crime fighting. I have presented three different mechanisms which can be introduced in order to create a police institution respecting, promoting and fulfilling human rights, which constituted the first element in Council of Europe’s concept of democratic police institutions. These are: the incorporation of human rights law in national law, the implementation of a code of conduct; and the inclusions of human rights standards in the training of the police officials. In the following section of this chapter, the challenges of introducing the second principle of democratic policing of the Council of Europe, the rule of law, will be presented.

### **3.2 The rule of law**

Whichever the role of the police is to play in order to perform democratic policing, it is crucial that they are playing that role according to the rule of law. This is high-lighted as the second element

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<sup>86</sup> Council of Europe, 2000, p. 10.

<sup>87</sup> R. Neild, 2003, p. 208.

<sup>88</sup> A. Saleem and W. Hayde, 2001, pp. 13.

that is essential to a democratic police force, according to the reference guide of the Council of Europe. The definition of the concept in this document is the following; “the condition that we are all equally subject to the law as administered by the courts and that the law is derived from an individual’s rights, prohibiting arbitrary power by governments and its officials, including the police”<sup>89</sup>. A concept like the rule of law is not posing any problems in a democratic state. In a state undergoing a transition, this concept can be if not abused, at least misused, meaning that it is not providing the citizens with the legal protection that are entitled of in a democratic state.

### **3.2.1 The challenges in establishing the rule of law in transitional societies**

The police constitute an exceptional important support for the political power, since they have the duty to perform executive functions in the society. A government is authorised to realise its political goals in managing the institutions. Nevertheless, it is not in a democracy allowed to use the police to protect its own interest and to prevent the opposition to be active.<sup>90</sup> The politicisation of the police is a danger facing non-democratic countries, where the politicians in power misuse the police, for instance strike opposition groups under the pretext that they are performing its duty of maintaining social order. This constitutes one example of how law enforcement can be performed in different ways and by different means. It is therefore crucial to establish to establish what “law enforcement” comprises and what measures to take to perform that task. If it is a non-democratic regime in power, this implies that also non-democratic measures can be used to perform law enforcement. This is what took place in Eastern and Central Europe after World War II, when the Communist party endeavoured to take control over the police everywhere, in order to keep oppositional movements under control to ensure their own power.<sup>91</sup>

The concept of the rule of law is an essential element in a democracy. It can even be said that democracy is inseparable from the rule of law, but the enforcement of the rule of law in itself does not imply democratic governance.<sup>92</sup> The existence of laws and law enforcement mechanisms does not give democracy, the laws have to promote democracy and the law enforcement has to be executed following democratic principles. Both detection and prevention of crime are tasks that can be performed by most undemocratic means, such as excessive use of force or arbitrary arrests, since the rule of law rather regulates the substance of the laws than the contents. This implies that the rule

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<sup>89</sup> Council of Europe, 2002, p. 7.

<sup>90</sup> B. Babovic, p. 62.

<sup>91</sup> Ibid, p. 57.

<sup>92</sup> E. Alemika, 2003, p. 87.

of law could prevail under dictatorship.<sup>93</sup> The law in a transitional state is not always in accordance with human rights and democratic principles, especially at the early stage of the transition. People in traditional democracies find it extremely difficult to understand what occurs in the name of the rule of law and policing in countries that fall outside of the category of traditional democracies.<sup>94</sup> In these situations, the police will be in charge of enforcing laws that are not in accordance with human rights and democratic principles. They can for instance be obliged to actively enforce laws such as racial segregation, as in South Africa under apartheid<sup>95</sup>.

In a democracy, such a development is prevented by the separation of powers. This means that the police belonging to the executive branch of the government are separated from the legislative that is constituted by the parliament. The parliament is in democratic states elected by the citizens, and consequently the parliament is legislating laws built on the will of the people. Consequently, the police should only enforce laws adopted by the society. These should, if it is a democratic society, respect fundamental human rights. In a transitional society, the parliament might be far from fulfilling ideals such as the rule of law and fundamental human rights. Therefore, there can be situations where the required conduct by the police in relation to law enforcement and the requirements of human rights are conflicting. In these situations, the police officer face two alternatives; to follow laws as they stands, or to engage in such activity as interpreting laws according to human rights principles. To follow the laws as they are written, would imply a violation of human rights laws. The latter option would imply a margin of uncertainty, since it is leaving to the police officer to choose which laws he or she should enforce. This would endanger the principle of the rule of law, since it would imply a margin of uncertainty with respect to the law and its' application, and consequently, introduce the danger of arbitrariness. This situation can in a given situation present a moral and ethical dilemma for the individual police officer trained in and dedicated to the protection the human rights.<sup>96</sup>

The principle that the police should abide by the rule of law, can in transitional states constitute a dilemma, since the law in these cases not always are built on democratic values and human rights.

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<sup>93</sup> E. Alemika, 2003, pp. 87.

<sup>94</sup> B. Fernando, 2003, p. 33.

<sup>95</sup> J. Rauch, 2000, p. 121.

<sup>96</sup> L. Lindholt, 2003, pp. 17.

In these situations, it is important that the police institution itself set up mechanisms to promote those values in their work.

### **3.2.2 Mechanisms to protect human rights and democratic principles in a transitional state where the rule of law does not consist of those values**

The principle of the rule of law implies that all citizens should be subject to the law, including policemen. In a democratic country, this should not constitute a problem since fundamental human rights and the national law the police officers are to enforce coincide. But in a non-democratic state this is a challenge for the police to live up to.

#### *3.2.2.1 The incorporation of international human rights standards in national law and the implementation of a system of following up the respect of these laws*

One effective way of regulating this challenge is to use a mechanism already mentioned in the previous chapter: the incorporation of international human rights standards in national law. This implies that there will always be a provision in the law to support human rights and that each human rights violation will be seen as criminal offence. This doctrine prohibits arbitrariness such as disobedience of court orders and excessive use of force.<sup>97</sup> Once a democratic legal system is laid down, it is important to ensure that there is not a gap between the policy and the service delivered. A system on following up number of cases filed against the police ensures that the principle of the rule of law is correctly applied by the police institution.<sup>98</sup> If having incorporated international human rights law into national law, the citizens can make a case of police human rights violations. Collecting statistical data on this kind of violations will show how committed the police officers are to abide by the rule of law. There is, however, a risk when interpreting the result which is related to the people's confidence in the police institution. If the number of cases filed against the police is rather small, this could implicate that there are few violations of the police. On the other hand, it is possible that these numbers are a proof of the citizens' lack of trust in the police institution. In a transitional country the population does not have a tradition of filing complaints against the police since the police institution do not respond to those complaints according to democratic standards anyhow. There is therefore a risk in misinterpreting this information. This is also valid for the opposite situation, where a large number of cases show that the rule of law is not respected by the police officers in the work. On the other hand, it can be a positive implication that the legal system is functional and are following up on complaints against the police and that the citizens have trust in

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<sup>97</sup> E. Alemika, 2003, p. 88.

<sup>98</sup> Council of Europe, 2000, p. 12.

the legal system since they are of the opinion that it is worth to file a complaint against the police. For example in Timor Leste, the total number of crimes reported raised dramatically during the first year of independence. In January 2000, only 87 crimes were reported, a number that had increased to 280 in October the same year.<sup>99</sup> In case of South Africa, the levels of reported crimes also rose significantly in the early transitional period in the early 1990's.<sup>100</sup> The development in these transitional countries can both be a proof of the fact that there was a law to support the people's files against the police concerning human rights violations and that they also found it worth the effort to complain since they trust in the police institution to handle the files. On the other hand, it could also be a proof of the new police's failure of applying the democratic rules in their practical work.

### *3.2.2.2 Offering legal advice and adopting internal documents and routines*

In the reformation of the police, it is crucial to introduce mechanisms that will prevent the enforcement of outdated laws which are not in accordance with human rights and democratic principles. The state, if leaving an authoritarian rule, has a history of changing rules according to the needs of the rulers or because of limited training, which confuses the police officers in which laws he or she is to enforce, which also implies a margin of uncertainty.<sup>101</sup> To prevent the police to enforce rules that are out of date after the fall of the former regime or that for other reasons are not in place, there should be a system in place for the police to get legal advice. This could be done by making case-law available to the police officers or by giving them the possibility to have a legal opinion or a specialist's advice on a specific topic.<sup>102</sup> This mechanism will ensure that there is no doubt for the individual police officer on how which laws that are in place and how to apply these rules in their work. Internally, the police could also become a more dynamic police force in being open to political changes during the transitional phase to adopt internal documents and routines that are in line with the democratic development of the state as was the case of the South African police in the transition from the apartheid regime to democracy. The police reform in South Africa was started in 1991 by internal initiatives. This reform was predominantly a response both to the changing political environment signalled by the release of Nelson Mandela and the unbanning of the liberation movements in 1990, and to the pressure of changing crime trends and international scrutiny. The police institution adopted the "South African Police Plan" which indicated the force

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<sup>99</sup> A. Saleem and W. Hayde, 2001, p. 10.

<sup>100</sup> J. Rauch, 2000, p. 125.

<sup>101</sup> E. Alemika, 2003, p. 89.

<sup>102</sup> Council of Europe, 2000, p. 12.

intention to manage itself, in the hope of ensuring that it would not have change thrust upon it later.<sup>103</sup> The South African Police reform is an example on how the police institution itself can pick up changes in the political environment and transform them into their own institution to develop a more democratic organisation dedicated to the rule of law. The principle that the police internally can transform political changes into their police framework must however follow the previous guidelines; it should always be the chief of command that adopt the new guidelines, and not up to the individual police officer to interpret the political changes and implement them according to his or her own ideas.

In a transitional state, the laws might not be in accordance with human rights and democratic principles. In the performance of law enforcement, this becomes a dilemma. When reforming the police institutions, mechanisms should be implemented ensuring that the police are only enforcing laws that are respecting human rights and democratic principles. I have suggested three different mechanisms. Firstly, that international human rights should be incorporated in national law, and that there should be a system on following up how these laws are respected by the police officers. Secondly, that there should be possibilities in the police institution to get legal advice, to avoid that outdated laws are enforced. The last mechanism suggested was that the police institution should adopt internal documents and routines in line with the democratic development of the state.

### **3.3 Democratic principles**

A third statement of the Council of Europe's reference guide is that the police organisation should be built on democratic principles. The document has included three different elements that are essential for democratic policing. These are; first, that the police should be answerable to an authority but still politically independent; secondly, it should be representative to the population; and thirdly, have a system for participatory decision-making.<sup>104</sup> The first element will be further elaborated in the chapter on good governance. To democratise a police force, mechanisms ensuring these elements are to be implemented. In a transitional society with a history of authoritarian rule, this implementation faces a number of challenges, which will be presented in this section.

#### **3.3.1 Representativeness**

The concept of representativeness is protecting the interests of marginalised groups in stating that the police force should be representative to the society that it serves. It is also important to ensure

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<sup>103</sup> J. Rauch, 2000, p. 120.

<sup>104</sup> Council of Europe, 2000, pp. 12.

that there is not a gap between the policy and the delivery, meaning that this principle is not fulfilled only by having a fair number of the different groups in the police force, it is essential that the marginalised groups also have the same career possibilities as the majority.<sup>105</sup> The principle of representativeness is particularly important in a transitional country that has been through an ethnic conflict. To legitimise the police institution and to regain the citizens' trust in the institution, it is crucial that the different ethnic groups are represented in the police force, at all levels, from those acting on the street up to those at the decision-taking level. The marginalised groups in the society are usually suffering more than the majority concerning social and economic conditions, and have consequently a higher representation in the crime rates. Their contact with the police institution is therefore more regular and it is important that they have trust in the institution.

There are a number of ways of achieving a representative police force, for example through quota systems of recruitment or active enrolment of officers from groups that have lost their trust in the police system after having been subject to human rights abuses.<sup>106</sup> The implementation of these mechanisms in the transitional state is, however, encountered with a number of challenges that the police institution has to find a way to overcome. I will below present what these challenges can consist of, and how they can be dealt with.

### *3.3.1.1 The inclusion of former oppositional groups in the police force*

In certain cases, members of the former opposition are also representing the marginalised groups in the society, as for example the former guerrillas in El Salvador. Guerrillas usually have a history of violating human rights and excessive use of force in their methods of opposition. However, the incorporation of these previously disfranchised groups into the police can be both a means of political reconciliation as well as a source of legitimacy for the police. The incorporation of former guerrilla members into the national police force in El Salvador was a source of legitimacy and popular support for the new police force in areas where the support for the guerrilla was strong.<sup>107</sup> South Africa is a country where the majority of the population for several years lived with the oppression of the police representing the authoritarian minority regime. In this state, the inclusion of members of the former opposition parties through quota system has been an important tool in gaining the legitimisation of the population of the new police force. However, it has been difficult to reach the goals of representation even with quota systems. Since the black majority of the

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<sup>105</sup> L. Lindholt, 2003, p. 20.

<sup>106</sup> Ibid, pp. 20.

<sup>107</sup> C. Call, 1998, p. 11.



population traditionally is alienated from the police, the prospect of working in the police institution became a rather unattractive option. The South African police reform started out in 1991, and in 1995 the personnel on the higher ranks were still 80% white and there was only one female out of 202 higher posts. By mid-2002 the South African Police Service had however achieved most of its targets, with management ranks being over 50% black.<sup>108</sup>

An added value of including marginalised groups in the police force is that it can in some cases advance transparency and accountability. The presence of ex-soldiers, ex-guerrillas and civilians in the police force in El Salvador led to some police officers leaking information on questionable or abusive police action to the press. In one instance, a legislator on the National Assembly's Public Safety Committee publicised information he had received on an internal police officer's dubious order to erect roadblocks for the indiscriminate search and detention of vehicles coming into the capital purportedly for the illegal occupation of buildings. The director of the police force then publicly renounced the order.<sup>109</sup> This is an example on how including previous oppositional groups in the police force can promote transparency, due to lack of loyalty in the police force internally. This facilitates a public debate on the police methods, and the police institution becomes self-correcting.

### *3.3.1.2 The inclusion of representatives of the previous authoritarian regime in the police force*

The inclusion of former guerrilla members is as stated above highly controversial since they often have been participating in excessive use of force against supporters of the former authoritarian regime, as was the case in El Salvador. There is, however, another challenge that is equal to the character but that is highly more controversial for the population in a state in transition. In order to have all groups, be it ethnic or social groups, gender or race, this implies that also the former authoritarian regime should have representatives in the police institution. This can be rather controversial from the point of view of the population seeing this group as oppressors and not as guardians of human rights. When reforming a police force in a transitional country, it is essential to make a clean and definite break with the past. Including members of the former police force is contradictory to that principle. Furthermore, the task of the police as protectors of the authoritarian rule instead of being the service of the people does not require traditional policing skills. Instead it

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<sup>108</sup> J. Rauch, 2000, p. 123.

<sup>109</sup> C. Call, 1998, p. 12.

is rewarding political loyalty and allows large-scale abuse of power, which implies that those police officers do not possess the right qualifications to perform democratic policing.<sup>110</sup> However, to make the new police force representative, this group should also be included, so that also those who supported the previous authoritarian regime will feel protected.

This challenge has been dealt with in different ways depending on the contextual situation of the country in question. In South Africa, President Nelson Mandela insisted that the new government was opposed to, and had no intention of conducting, a witch-hunt against the police as a result of activities arising from orders given to the police by the apartheid regime. He stated that the police were instead to get on with the job of law enforcement and to develop a democratic police.<sup>111</sup> This forgiving way of dealing with the past is institutionalised in South Africa in the Truth and Reconciliation Commission that was established to make former leaders and perpetrators of human rights violations confess and avoid punishment. In Timor Leste, that earlier was under Indonesian rule, the challenge of representativeness has been dealt with in a different manner. The transition of Timor Leste is characterised by the fact that the UN transitional administration was charged to rebuild all state institutions from scratch, including the police institution. Therefore, there was no Timorese police force to build on. However, there were a number of Indonesian police officers who returned to Timor Leste after the destruction of the country in 1999. These police officers tended to be older than the average Timorese police applicants and the UN felt that, since they already had an extensive experience of the Indonesian laws still applicable in Timor Leste, the country's geography and culture, they could be helpful in the initial phase before enough Timorese police officers were graduated. However, it was not possible for all of them to be made police officers in the short term, as this led to public protest. To deal with this challenge, the UN decided to create a Police Assistance Group made up exclusively by former Indonesian police officers. Before getting a place in the group they had to be cleared by a UN body, having the duty to establish that the police officers did not have any recorded human rights violations behind them from their previous police performances. They were, however, not being given executive police powers but had a quasi-police authority. The Police Assistance Group is to be closed as soon as the police officers are assimilated into the Timorese police service.<sup>112</sup> In the particular context of Timor Leste, where the police force had to be built from scratch, the inclusion of former perpetrators of human rights abuses was an

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<sup>110</sup> J. Rauch, 2000, p. 121.

<sup>111</sup> N. Mandela, 1995, p. 8.

<sup>112</sup> A. Saleem and W. Hayde, 2001, p. 14.

important factor to make the police force effective. But this had to be dealt with great sensitivity, not to lose the people's confidence in the new police institution. El Salvador is an example of how the challenge of including representatives of the previous authoritarian regime, who do not enjoy any confidence from the population, can be dealt with in an early period of the transition. It was included already in a detailed way in the political peace accord. It was decided that at least 60% of both officer-level and the basic agent personnel of the national police force would be drawn by civilian applicants, that is, persons not having served as combatants during the war. No more than 20% could be ex-members of the former national police representing the authoritarian regime, and no more than 20% could be ex-guerrillas. Ex-combatants from both sides were required to pass entrance requirements on an individual basis, although relatively high education requirements were relaxed to facilitate their entry into a new police academy.<sup>113</sup>

Although high standards of entry into the newly reformed police force are generally important for the effectiveness and reputation of the police force, relaxing such standards to ensure representation of important political, religious, gender or ethnic groups into the police force may be worthwhile if such groups would otherwise be excluded or severely underrepresented in the police force.<sup>114</sup> Such affirmative actions can be favourable for making the police institution acceptable to and supported by all groups of the society.<sup>115</sup> However, if members of previous oppositional groups are included in the police force, also members of the previous authoritarian regime should be included. Likewise, this will have a positive impact on the support for the regime among the previous regime's supporters.

### **3.3.2 Participatory decision-making**

In the democratisation of the police force, a system of participatory decision-making should be included.<sup>116</sup> This means that the police should include personnel from all levels in the decisions concerning the institution. This practice will serve the purpose of making the individual police officer conscious about the regime change. Moreover, if the individual police officer acting on the street in a non-democratic context is to perform democratic policing, it is essential that the police institution is applying the same principles in the administrative branch of the institution. Therefore,

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<sup>113</sup> C. Call, 1998, p. 4.

<sup>114</sup> Ibid, p. 11.

<sup>115</sup> J. Rauch, 2000, p. 121.

<sup>116</sup> Council of Europe, 2000, p. 13.

the principle of participatory decisions-making is essential in introducing a democratic culture, and to institutionalise the democratic principles in the police force.

The principle of participatory decision-making can be implemented through regular meetings with the staff, bilaterally or multilaterally, on specific topics or in general.<sup>117</sup> It is also important to apply the principle at different levels. Communication is important between the responsible minister and the police, but also between the police management and the police officers. It is, however, a challenge to implement the democratic principle of participatory decision-making in a transitional state with a non-democratic setting. A police force in a transitional state risk not to have any, or at least very little, experience of democratic principles. The importance of attending these meetings organised to discuss and make decisions, might therefore not be clear to the individual police officer. It is important to find mechanisms to prevent such a reaction from the police officers. For instance, it is possible to make meeting with those who are governing the institution and those who are governed. In South Africa, in the initial period of the transition, the newly appointed Minister of Safety and Security, Sydney Mufamadi embarked on a nation-wide series of mass-meeting with the police personnel. These meetings were intended to reassure personnel regarding the African National Congress' (ANC) intentions to reform the police gradually, rather than radically, in cooperation with the police officers and its' management. This series of meetings was also critical in presenting the human face of the new ANC government that was not only using the police to serve its own interests, but were also co-operating with the police.<sup>118</sup> Since it was a meeting with an important politician at the national level, each police officer, had the possibility to meet with the person who were highest in the ranking.

I have in this section presented which democratic principles that are essential for a democratic police force, and how they have been introduced in transitional societies lacking a democratic setting. Firstly, I presented the difficulties in building a representative police force that would still be trustworthy in the eyes of all different parts of the population. The challenge in implementing this principle was related to the opposition inside the society, traditionally dividing the supporters of the previous authoritarian regime and the old oppositional groups. Secondly, I presented the principles of participatory decisions-making, essential to introduce a democratic culture in the police force, however difficult to implement in a police institution composed by police officers

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<sup>117</sup> Council of Europe, 2000, p. 13.

<sup>118</sup> J. Rauch, 2000, p. 121.

without previous experiences in democratic principles. In the next section, I will present the fourth and the last of the Council of Europe's principles that should be included in a democratic police force, namely the principle of good governance. I will furthermore discuss the difficulties in implementing the principle in a transitional society.

### **3.4 Good governance**

The last principle the Council of Europe has considered essential in a democratic police force is the principle of good governance.<sup>119</sup> There is no common definition of the concept of good governance. The World Bank definition from 1994 is related to social and economic resources and development<sup>120</sup>. Closer to the good governance of the police organisation is the UNDP definition from 1997, defining it as "the exercise of economic, political and administrative authority to manage a country's affairs at all levels". The Danish researcher Hans-Otto Sano has yet another definition that suits my case even better, defining good governance as a standard of democratic power exertion, i.e. how power should be exercised democratically. This is a core principle, enshrining both of the two elements that Professor Bayley found common to all democratic police forces all over the world; accountability and responsiveness.<sup>121</sup>

Accountability means that "one primarily answers for an agency or organisation where one holds a position of power, in addition to answering for one's own actions as a consequence of the position of power held". It is a means of external control of the police, conducted by non-police personnel, however, independent of the ruling regime. This process might serve several needs. Very important for a country in transition is the feed-back on police behaviour. Such in-put is essential in rebuilding or reforming the police system to the better, essential in a transitional country. Moreover, it serves as a guarantee for the protection of human rights since there is a right to redress in case of violations.<sup>122</sup> Ultimately, it is the acceptance of an outside supervision and examination is distinguishing the democratic police forces from the non-democratic ones.<sup>123</sup> Responsiveness requires that the police orient their activities primarily to needs of the population, as well as of the state or the government.<sup>124</sup> It should also be responsive to changing needs in the society, and adopt

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<sup>119</sup> Council of Europe, 2000, p. 11.

<sup>120</sup> "The manner in which power is exercised in the management of a country's economic and social resources for development". The World Bank, 1994.

<sup>121</sup> Council of Europe, 2000, p. 13.

<sup>122</sup> L. Lindholt, 2003, p. 23.

<sup>123</sup> W. Lewis and E. Marks, 1997, p. 1.

<sup>124</sup> D. H. Bayley, 1997, p. 4.

their service according to those needs. As will be presented below, there are difficulties to introduce the concepts of accountability and responsiveness in a transitional society lacking a democratic culture.

### **3.4.1 Challenges in implementing good governance in a transitional society**

I have, through both the empirical and theoretical material, identified three different challenges that those designing the reformation of the police should be aware of and take into account. These will be presented in this section.

#### *3.4.1.1 Breaking the vicious circle of authoritarian methods in the police force*

Transitional states going from authoritarian regime towards democracy have usually experienced what is called “regime policing”. It is an authoritarian approach to policing, common in many countries of Africa, Asia and Latin America. It is characterised by the police not being responsive to the people, but to the ruling party. In regime policing, the police do not require public legitimacy to be effective. Therefore, the public responsiveness criterion does not serve any purpose for the regime police. This is disastrous for the effectiveness of the police force in performing its duties, since the concentration on policing for political control implies that the understanding and practice of crime prevention are poorly developed.<sup>125</sup> To change this structure of regime policing and implement the principle of responsiveness in a transitional state is, however, a challenge to the reformers. Transitional states usually have extremely weak governing structures. These countries pose particular challenges in determining how to enhance good governance in the police institution.<sup>126</sup> When trying to improve the performance of the criminal justice system in transitional states, the reformers will confront the legacies of authoritarianism. The population in a transitional state has experienced the police as a force rather than a service during the authoritarian regime. The experience of authoritarian policing, which built up social control and repressive functions at the expense of criminal investigation and crime prevention, has generated high levels of public mistrust in the police institution. This mistrust will have to be fought to gain the population’s trust in the police institution. Few criminal cases advance very far without some level of public co-operation in reporting the crime to the police and providing witness testimony. The police detect few crimes without public complaints and, when they cannot obtain public assistance with their investigations, they are all too likely to fall back on repressive methods such as torture of suspects to extract confessions. There is a real danger of a vicious circle in which a failure to act against crime

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<sup>125</sup> R. Neild, 1999, p. 4.

<sup>126</sup> N. Ball, 2002, p. 18.

reinforces public perceptions that the 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.<sup>127</sup> So the challenge to the reformers of the police institution, is to find mechanisms that will break this vicious circle, where the police falls back on authoritarian methods to detect crime and keep the social order.

#### *3.4.1.2 Overcoming the corruption in the police*

Another challenge facing the reformers of the police when trying to implement the principle of good governance is the corruption of the police force. In some countries, the police force has even been responsible for the widespread criminalisation of the society. Under an authoritarian regime, there are no mechanisms to prevent the corruption in the police institution. As a result many police officers established ties with the growing criminal milieu. In a centralised police system with corrupted and criminal chains of command, the rest of the organisation rapidly becomes corrupted in a large scale. The democratisation of the police force, implementing mechanisms to ensure accountability, will not automatically change this situation. The reason is the following: when the political changes have been initiated and achieved to some extent, the police officers that are still in service after the regime change, abruptly have lost their powers and privileges and even their livelihoods. This is an incentive for them to continue their criminal activity, in order to uphold their social status and economic situation.<sup>128</sup> The challenge when democratising the police force in transitional states is therefore to establish mechanisms that ensure that the police officers who are still active in the criminal milieu are held accountable by an external body.

#### *3.4.1.3 The challenge to fulfil the responsiveness criteria in a homogeneous society*

The last challenge when democratising the police in transitional states that will be presented is related to the ethnic, social and demographic structure of the state. Responsiveness criterion requires that the police are responsive to the public, and not only the government. This principle implies that the police should be responsive not only to the majority of the public, but to the whole population, which includes the ethnic minorities and marginalised groups. It is, however, less challenging to be responsive and to recognise the public's needs in a homogeneous society.<sup>129</sup> The fulfilment of the responsiveness criterion demands more human and economic resources and different strategies in identifying the different groups' needs. As was stated earlier, the marginalised

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<sup>127</sup> R. Neild, 1999, p. 2.

<sup>128</sup> P. Neyroud and A. Beckley, 2001, p. 21.

<sup>129</sup> Council of Europe, 2000, p. 14.

groups tend to have higher representation in the criminal milieu, and consequently have a more frequent contact with the police than the majority. This logic emphasises the importance of a police force that is responsive to all groups of the society. Transitional states, especially those that have experienced an ethnic conflict, such as the Balkans, or a racist authoritarian regime, such as South Africa, have to find mechanisms to deal with the challenge of being responsive to all groups of the society, not only the majority.

Whether the police have a tradition of regime policing, is corrupted or are not respecting the principle of responsiveness correctly, the outcome is similar: the police are brutal, ineffective and lack the trust of the population.<sup>130</sup> In order to prevent this, the police should in the democratisation process implement mechanisms ensuring the responsibility and accountability of the police force. Examples of mechanisms will be presented below.

### **3.4.2 Mechanisms to fulfil the good governance criteria**

I have identified three different mechanisms to implement the criterion of good governance in the police system in a transitional society. These will be presented below along with a number of examples on how they have been introduced in previous international police missions.

#### **3.4.2.1 Community-policing**

An authoritarian regime police, being inefficient in crime prevention and responsive to the regime instead of the people, usually tend to promote vigilantism. This tends to further weaken and undermine official criminal justice channels and creates alternative centres of coercion outside the state security apparatus. A reaction to this problem has been to establish a public-state partnership in the social security sector. Community-based police groups have been organised in different shapes, for example as neighbourhood-based crime prevention programs, crime prevention councils and police-citizen problem solving. In Asian countries such as Japan, China, Korea and Singapore, this sort of public-state partnership is the hallmark of policing.<sup>131</sup> Also in South Africa, that experienced institutionalised racial discrimination for several years, implemented community policing in the early 1990's. The South African Police (SAP) established a Division for Community Relations in 1992. This division set about establishing police-community forums at local level in all areas of the SAP jurisdiction. The Interim Constitution that came about in 1994, contained detailed requirement that there should be a Community Police Forum at every police station. Essential for

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<sup>130</sup> R. Neild, 1999, p. 6.

<sup>131</sup> D. H. Bayley, 1997, p. 4.



the success of this initiative was that membership of these forums was not limited to political parties, but could include any community group and interested individual.<sup>132</sup>

Community-policing is also an appropriate method to deal with the challenge of fulfilling the responsiveness criterion on in a heterogeneous society. Community policing is a method in policing, aiming at creating stable communities, where the police take the lead in defining the solutions on how to arrive to such communities. The professional police officer should be perceived as a “social mediator” dressed in uniform, whose core skills are those of problem solving and negotiation.<sup>133</sup> In this role, the police can approach and include parts of the society that would otherwise be excluded, and build sustainable relationships. If properly conducted, this will ensure that even in a non-democratic society, where the marginalised groups do not have the regular means to make their voices heard through politics, they are reached and heard directly by the police institution. Moreover, this will have the added value of increasing the legitimacy of the police institution among the marginalised groups.

#### *3.4.2.2 Constitutional structure*

To handle the challenge of implementing democratic structures in the police institution with a history of authoritarian policing, it is essential to implement mechanisms of accountability. The Council of Europe suggests that putting a constitutional and legal framework in place will position the police force within the state administration and regulate the police’s juridical situation. Basic constitutional structures that should be fulfilled in order to democratise the police is that the separation of power including an independent judiciary. At an early stage of the transition, these basic principles might, however, not yet be fulfilled. In these situations, it is useful to make the police answerable only to the parliament or another democratically elected body, and not to a body representing the authoritarian state. Furthermore, empirical examples from Eastern Europe have shown that if the executive power retains a dominant position, the police’s abuse of power has a tendency to be disregarded. Therefore, democratisation of the police institution is facilitated if the legislative political body has more power than the executive.<sup>134</sup> This way of making the police accountable will ensure that the police are made answerable to the community, by an act of a legislative body.<sup>135</sup>

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<sup>132</sup> J. Rauch, 2000, p. 124.

<sup>133</sup> P. Neyroud and A. Beckley, 2001, p. 31.

<sup>134</sup> B. Babovic, 2003, pp. 61.

<sup>135</sup> L. Lindholt, 2003, p. 58.

### 3.4.2.3 Oversight mechanisms

I presented above how the legislative part of the government can oversee the police activity. It is, however, important that there also is an oversight system that is not politically dependent. The third and the last mechanism to implement the principles of accountability and responsiveness that will be presented here, is the civilian oversight institution. This refers to when complaints against the police are monitored by an independent body, as opposed to the mechanism presented above, where the police are made accountable to a legislative body. By definition, civilian oversight involves people outside the police gaining access to previously non-public or secret internal police processes in order to hold law enforcement officials accountable for its actions, policies and priorities. In practice, however, there is always a division of responsibility between external review and the police's internal review systems. The internal reviews have the advantage of being better equipped in terms of resources and expertise. Yet it is always difficult for a police officer to judge another officer, which makes the internal review mechanism susceptible to bias and distortion. Therefore, the internal review should be complemented by an external review system. This is particularly important in transitional states where the police traditionally have poor controls over their own behaviour. These states face, however, also the problem of under-funded civilian oversight mechanisms. Under these circumstances, rather than trying to become an alternative to the internal review, the civilian oversight institution should, work in collaboration with the police and its internal oversight body, to make the police effectively accountable. The introduction of oversight mechanisms also has the added value of discovering trends in police behaviour. In close examination of the pool of complaints against police officers, key trends in police abuses can be revealed, which would in the long run promote a more effective oversight of the police. Most oversight institutions that receive and respond to complaints work with members of the general public who have been insulted, injured or just poorly served by the police. Yet to render the oversight mechanism even more effective, they can extend their public to receive complaints also from police officers. Low-ranked police officers might want to have a forum outside the police department to express their own grievances. In this way, the oversight body will get inside information about the governance and the management of the police institution, and make it accountable for not only for its actions but also for its policies.<sup>136</sup>

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<sup>136</sup> E. Phillips and J. Brown, 2002, p. 6.

A civilian oversight institution should be designed as an institution with competence over public authorities, administrative bodies, including the complaints against the police.<sup>137</sup> Furthermore, the institution should be both politically and financially independent, and be accessible and visible to the citizens.<sup>138</sup> The visibility can yet be a pose a problem to transitional states where the police have scarce resources. In South Africa, the Independent Complaints Directorate (CDI) uses the government's information services as well as traditional tribal hierarchies to spread the word about its services, particularly to the hard-to-reach areas.<sup>139</sup> ICD has been considered a central component in the success of the transitional period in South Africa. The history of the police in South Africa a key instrument in enforcing apartheid means that the ICD has an obligation to provide all members of previously disfranchised groups with an opportunity to report any insult or injury suffered at the hands of the police, and to know that they are taken seriously. Making the police accountable, has in South Africa had effects on the democratisation process.<sup>140</sup>

Almost all countries in transition to democracy have set up mechanisms designed to ensure police answerability to society. The ombudsman institution seems to be the most attractive and also the most helpful for these countries.<sup>141</sup> For instance in El Salvador, a Human Rights Ombudswoman was established to receive complaints from the citizens on the police behaviour, and became soon the most utilised mechanism for receiving citizens complaints, surpassing other government agencies and even non-governmental groups in this function.<sup>142</sup>

In this last section of the chapter on how to implement principles essential to a democratic police force in a transitional society, I have dealt with the fourth principles; good governance. This principle enshrines both the elements of accountability and responsiveness, which are considered by David H. Bayley to be core elements in a democratic police force. Its implementation is, therefore, crucial in the democratisation of the police institution. Yet there are difficulties in implementing this principle in a transitional state. The history of an authoritarian regime can be so deep-rooted in the police institution, so that it is hard to break through and make the police responsive to the people instead of the regime. This can, however, be overcome by introducing community policing

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<sup>137</sup> B. Babovic, 2003, p. 60.

<sup>138</sup> L. Lindholt, 2003, p. 24. For further information, see the Paris Principles on the status and functioning of national institutions for protection and promotion of the human rights.

<sup>139</sup> E. Phillips and J. Trone, 2002, p. 5.

<sup>140</sup> Ibid, p. 2.

<sup>141</sup> B. Babovic, 2003, p. 60.

<sup>142</sup> C. Call, 1998, p. 20.

where the state police is collaborating in an institutionalised way with the citizens. In order to introduce the concept of accountability in a state where the governing body is not democratic, the system of civilian oversight mechanisms is appropriate to ensure that the police are made answerable for its actions and policies.

### **3.5 Conclusion**

I have in this chapter developed a framework on how peace-keeping forces can contribute to the democratisation of the police force in a transitional society. The framework is built on four principles that the peace-keeping forces should aim at implementing in the police institutions. The principles were human rights, the rule of law, democratic principles and good governance. Introducing these principles in a police institution in a transitional state will, as established in the previous chapter, render the police force more effective in performing its task, i.e. creating a safe environment where economic and political goods can effectively be delivered to the public. However, there are challenges facing the international police forces in implementing these democratic principles in police force in a transitional society with a non-democratic setting. Therefore, the framework also includes a number of mechanisms on how to overcome these challenges. Furthermore, empirical examples on how these mechanisms can be implemented were added to the framework, to visualise the practical implementation of the principles ensuring a democratic and effective police institution.

## IV. Summary and Conclusions

I started my thesis by stating that democratic states do not fight each other, and I ended in the last chapter by showing how international police forces can contribute to a more peaceful world by democratising the local police institutions in transitional states. In between those statements, there was a long chain of arguments that has been developed throughout the thesis, which I will here briefly recall.

Democratic peace theorists argue that democratic states are far less likely to wage war on one another. Consequently, democratisation of non-democratic states would be a means to keep peace and stability in the world.<sup>143</sup> This finding made it possible to launch peace-keeping operations in support of human rights and democracy.<sup>144</sup> In this context, the primary issue for the theory of democratic peace would be how the international peace-keeping forces can contribute to achieve democracy in non-democratic states.

Linz and Stepan have stated that public support for the regime is essential for its consolidation. In an instrumentally valued regime, the public base their support for the regime on its ability to deliver consumable goods, such as economic development and political rights. I argued that the state institutions have a crucial role in the process of delivering goods, either by delivering the goods themselves, or by creating favourable conditions that render the deliverance of goods possible in the society. Their part in the process of the deliverance of goods is to constrain the individuals' behaviour in order to maximise the wealth and utility of the principals, i.e. the citizens of the society. Maximising the wealth and utility of the citizens equals, in my interpretation, the deliverance of goods.

I then proceeded in making a case-study on one particular institution, the police institution, stating that it plays an important role in creating conditions rendering the deliverance of goods possible. A society with high crime-rates, do not have the favourable conditions that are critical for economic development, which constituted a part of the goods from the economic basket. Since the deliverance of goods is enhancing public support for the new regime, the international police forces (being a

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<sup>143</sup> M. Kelstrup, 2002, p. 1-2.

<sup>144</sup> P. V. Jakobsen, 2002, p. 268.

part of the international peace-keeping forces) should focus on the rebuilding of an effective police institution.

Referring to the famous scholar D. H. Bayley, stating that accountability renders an organisation effective, I argued that in implementing rules constraining the behaviour of the police officers, would make the police institution more effective in fighting crime and keeping social order. This would imply that rules and norms are institutionalised in the institutions themselves. A police institution that is subject to restrictions through mechanisms of accountability and responsiveness, will more effectively contribute to the creation of favourable conditions for the deliverance of goods.

Given the aforementioned reasoning, the international police forces should focus on implementing a democratic structure in the local police force in order to achieve the objective of the peace-keeping operations: a sustainable democracy. My contribution to this discourse, was the development of a framework, on how international police forces can contribute to the democratisation of a local police force in a transitional society.

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E.MA in Human Rights and Democratisation

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# **Democratisation of the Police Force**

***—A Means to Achieving Democratic  
Peace?***

**By Annika Öberg**

**Supervisor: Lone Lindholt  
Danish Institute for Human Rights  
Copenhagen**

## *Abstract*

*The democratic peace discourse is one of the central discourses in international relations debates today. Its main argument is that democratic states do not fight each other. The discourse has implicated a change in the nature of peace-keeping operations, now focusing rather on building sustainable democracies than on the suppression of violence. In creating a sustainable democratic regime, public support for the new regime is indispensable for its consolidation. Consequently, there is a challenge for the peace-keeping forces to achieve the population's support for the new regime. In the theoretical part of this thesis, it will be established that the public's support for a regime in a transitional country is based on the performance of the regime in delivering consumable goods, such as job opportunities and political rights. This finding will then be applied on a case-study on how the police force in a transitional state can contribute to the performance of the regime in the deliverance of these goods. The case-study will show that the implementation of democratic principles in the police institution, will enhance its effectiveness in performing its task and increase the contribution to the deliverance of goods. The last element of the thesis is the development of a framework on how international police forces can contribute to democratising a police force in a transitional state, with the purpose of enhancing public support for the new regime.*