

## Assisting the Police Forces of Fragile and Transitional Countries – Linking the Police Reform, SSR, and Peacebuilding –<sup>(1)</sup>

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### Abstract

Once perceived as taboo for many donors, assistance toward the police force of fragile and transitional countries was (re)introduced as a major component of development assistance for the international community in the post-Cold War era under the label of “police reform” and “security sector reform (SSR).” What makes this (re)introduction of police force assistance in the post-Cold War era important and distinguishes it from that of the Cold War? How can police reform be *understood* in the context of peacebuilding? These are the questions addressed in this paper. The first section will explain what changed in the 1990s that prepared the ground for (re)introduction of the assistance to the security sector, including the police force, as part of the development agenda. Put differently, how did this change come to take place in the post-Cold War period? The second section will illustrate how that development impacted upon the consideration of police reform: that is, how police reform is *understood* within the context of peacebuilding. The paper will conclude with some future agendas to be addressed in police reform literatures. In short, this is a research paper that seeks to critically examine how assistance to the police forces of fragile and transitional countries is *understood* and discussed in the context of peacebuilding.

### Introduction

Assistance to the police forces of fragile and transitional countries is not a new phenomenon of the post-Cold War period (Chanaa 2002; Hills 2002).<sup>(2)</sup> In 1962, for example, then-US President John F. Kennedy initiated a police training and advising program administered by the USAID called the Office of Public Safety (OPS) program (Bayley 2006; Marenin 1986). During the Cold War, however, because the governments of some of those countries receiving assistance were often non-democratic, representing only a small portion of population, this assistance tended to reinforce the security of the government and not that of the people. As Charles T. Call and Michael Barnett point out, “recipient regimes proceeded to use the program to improve their surveillance and persecution of political enemies, at times with the encouragement of anti-Communist US advisers” (Call and

Barnett 2000, 46). Assistance to the police was provided for political reasons.<sup>(3)</sup> This kind of assistance was then tolerated in part by the norm of sovereignty – the principle of non-intervention in the internal affairs of other states – maintained under the tensions of East/West rivalry. When such assistance and human rights violations were linked, however, assisting police forces abroad became taboo for many donors. The aforementioned OPS program by the USAID, for example, was eliminated in 1975 by the US Congress when the link between torture and the assistance was shown in Latin America and Vietnam.

This attitude, however, is changing, and in some cases since the end of the Cold War more intrusive outside interventions are becoming politically acceptable. An exemplary case of police reform in the 1990s was in Kosovo and Timor Leste by the UN, where the international community, even if only temporarily, assumed authority to enforce the law itself (Dwan 2002; Hansen 2002; Kaspersen et al 2004). Even in the case of bilateral assistance, since the prohibition enacted in 1974 in the USA, a series of exemptions has hollowed out the Foreign Assistance Act in various ways: (i) by amending the Act itself (i.e. Section 600 [b] in 1996 for the reconstruction of the civilian police in countries emerging from conflict); (ii) by adding explicit exemptions to the Act (i.e. Section 541 for military education and training at the discretion of the President under specified circumstances); and (iii) by setting separate legislation such as the Antiterrorism Assistance Act Program in 2001 (Bayley 2006).

Assistance to the police forces of fragile and transitional countries was (re)introduced as a major component of development assistance for the international community in the post-Cold War period under the label of the “police reform” and “security sector reform (SSR).” As David H. Bayley puts it, “the question is no longer whether the international community will assist” the police force abroad, but “how well it will do the job” (Bayley 2006, 13-14). What makes this (re)introduction of police force assistance in the post-Cold War era important and distinguishes it from that of the Cold War? How can police reform be *understood* in the context of peacebuilding? These are the questions addressed in this paper. The first section will explain what changed in the 1990s that prepared the ground for (re)introduction of the assistance to the security sector, including the police force, as part of the development agenda. Put differently, how did this change come to take place in the post-Cold War period? The second section will illustrate how that development impacted upon the consideration of police reform: that is, how police reform is *understood* within the context of peacebuilding. The paper will conclude with some future agendas to be addressed in police reform literatures. In short, this is a research paper that seeks to critically examine how assistance to the police forces of fragile and transitional countries is *understood* and discussed in the context of peacebuilding.<sup>(4)</sup>

## 1. Linking Police Reform, SSR, and the Peacebuilding

This section will answer the following question: What makes the (re)introduction of police force assistance on the development agenda in the post-Cold War period important and distinguishes it from that of the Cold War? In order to answer the question, this section will link the following three terms – police reform,<sup>(5)</sup> SSR,<sup>(6)</sup> and peacebuilding<sup>(7)</sup> – to illustrate the changing context in the post-Cold War period. The assumption here is that police reform is a component of the SSR.

One caveat to be mentioned here is the relationship between police reform and SSR. The concept of SSR is not introduced in literatures/articles covering the issue of police reform (Call 2003; Gronewald and Peake 2004; Hansen 2002; Holm and Eide 2000; Mani 2000; Neild 2001; Oakley et al 2002). One of the reasons for this lack of linkage may be because one does not need to use the term “SSR” to explain the best practice of police reform.

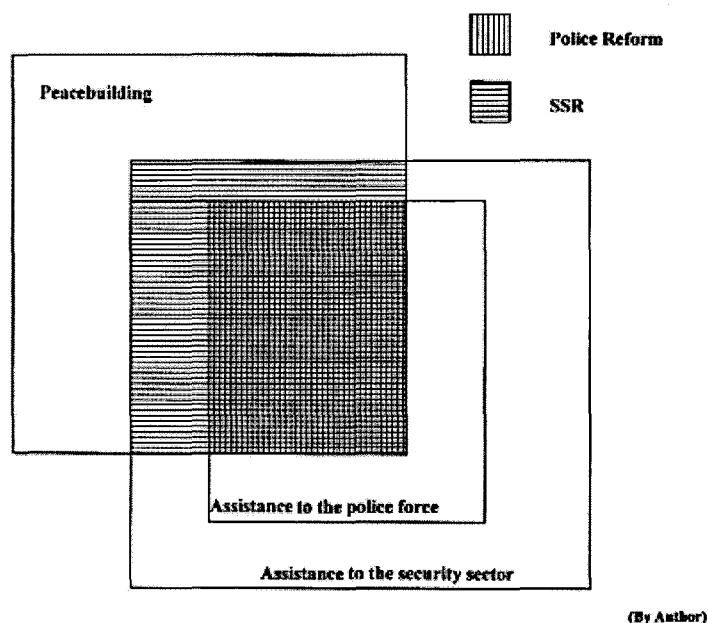


Figure 1. The Use of Terminologies in This Paper

Rather, it may be more suited to use the term like “demobilization dilemma” if one is trying to explain the best practice of police reform.<sup>(8)</sup> The aim of the paper, however, is not to explain in details of best practice of police reform as there are many articles addressing that matter. As SSR literature is suited to explain how environment surrounding police force assistance evolved since the end of the Cold War, this paper introduces SSR discussion in order to show how and where police reform fits within an overall discussion of peacebuilding. Therefore, while acknowledging the importance of “holistic view” which SSR discussion was able to bring in to the policy discussion, it is not the scope of this paper to elaborate on that point.

Identifying police reform as a component of SSR, this section argues that past assistance to the security sector, including the aforementioned OPS program by the USAID, does not *amount* either to the “SSR” or to “police reform” by itself. As illustrated in the Figure 1, a distinction between “assistance to the police force” and “police reform,” and “assistance to the security sector” and “security sector reform” is drawn intentionally to emphasize this point. The emergence of policy field in the 1990s known as peacebuilding established the ground for the emergence of police reform and SSR discourse in the post-Cold War era.

### 1.1 The Emergence of “Peacebuilding”: SSR and the Police Reform as a Development Agenda

The concept of SSR became increasingly popular in the late 1990s. It was first put forward to a larger public in a speech by Clare Short, the then United Kingdom Minister for International Development, in London in 1998 (Short 1998). Why was the phrase “SSR” introduced and mainstreamed in the late 1990s? One must look into the social context which influenced the way practitioners and researchers thought during that time. The emergence of the concept of SSR was heavily influenced by the emergence of the policy field known as “peacebuilding.”<sup>(9)</sup>

Development actors traditionally chose to work “around” conflict, treating conflict as a “negative

externality” to be avoided. They rarely chose to work “in” or “on” conflict – trying to minimize conflict-related risks and to address the inter-linkages between conflict and the development program respectively (DFID 2002). As Peter Uvin points out, “[w]hen violent conflict occurred, it was treated as an unfortunate occurrence, forcing development workers out and humanitarian in – an order to be reversed when the conflict was over and conditions were safe for normal development work to resume” (Uvin 2002, 5). However, as the proportion of intrastate conflict increased in the 1990s with the removal of the bipolar system of the Cold War, timing of third-party intervention “broadened” (Ramsbotham et al 2005): initiatives were taken to overcome the shortcomings by moving from working “around” to working “in” and/or “on” conflict.

As a result, the boundaries of traditional forms of development and humanitarian assistance became ambiguous, changing the conception of development to include political/security dimensions as well as the traditional socio-economic dimensions. As then-Vice President of External Affairs of the World Bank, Mark Malloch Brown indicated, “Post-conflict development is something that defies the exact boundaries of traditional forms of assistance: it is neither sustainable development nor is it humanitarian response” (Tschirgi 2003, 6). It was this response to an operational necessity to bridge the gap between humanitarian assistance and development aid that introduced the term “peacebuilding” to the international community.<sup>(10)</sup> As Otwin Marenin puts it, the term “peacebuilding” was introduced to justify “international and bilateral intervention in unstable and conflict-ridden societies, expanding conventional understandings of the reasons for and the roles of interveners in peacekeeping interventions” (Marenin 2005, 6).

The term “peacebuilding” was first used by Johan Galtung in 1975 (Galtung 1975). Peacebuilding as a policy term, however, first entered and mainstreamed in the international lexicon with *An Agenda for Peace* (1992) where imperatives for peace and development were linked.<sup>(11)</sup> Following *An Agenda for Peace*, a series of policy documents produced both from within and outside the UN provided concrete steps toward peacebuilding: for example, a series of documents from *An Agenda for Peace* (1992) to the *Brahimi Report* (2000) by the UN, and the *Helping Prevent Violent Conflict* (1997), which was supplemented in 2001, by the Development Assistance Committee (DAC) of the Organization for Economic Co-operation and Development (OECD). These series of report placed emphasis over areas that were not on the development agenda during the Cold War such as security and development, justice and reconciliation, and governance. Subsequent UN reports such as *A More Secure World* (2004) and *In Larger Freedom* (2005a) led to the *World Summit Outcomes* (2005b) in which member states decided to establish the Peacebuilding Commission “to bring together all relevant actors to marshal resources and to advise on and propose integrated strategies for post-conflict peacebuilding and recovery” (UN 2005b, para. 97 and 98), along with the Peacebuilding Support Office and Peacebuilding Fund.

The emergence of peacebuilding as a policy field led to the security/development nexus where the perception is that development is ultimately impossible without stability and, at the same time, security is not sustainable without development.<sup>(12)</sup> This has influenced the SSR discourse in the following two ways.<sup>(13)</sup> First, individuals and communities are recognized as the referent objective of the security, and security is treated as one of the essential public goods like education, public health, and clean water.<sup>(14)</sup> Second, a perception of the “security sector” is now understood more widely than that of the Cold War where heavy emphasis was put on the military. The term “security sector” in the SSR does not cover the military alone, but acknowledges the importance of the non-military security sector:

*Core security actors:* armed forces; police; gendarmerie, border guards, customs and immigration, and intelligence services;

*Security management and oversight bodies:* ministries of defense and internal affairs, financial

management bodies and public complaints commissions;

*Justice and law enforcement institutions:* the judiciary, prisons, prosecution services, traditional justice systems; and

*Non-statutory security force institutions:* private security companies, guerrilla armies, and private militias (OECD 2004, 20-21).

This development is important since viewing the security sector in a broader sense makes it clear that SSR is not fundamentally about the military alone, but also about non-military security sector. An inclusion of the security management and oversight bodies, for example, illustrates that SSR is also about the governance of the security sector. Within the context of peacebuilding under the wider notions of “security” and “security sector,” the security sectors are no longer merely part of the problem, but also a part of the solution.<sup>(15)</sup>

In summary, as donors’ approach shifted from working “around” conflict to working “in” and/or “on” conflict, peacebuilding emerged as a policy field in the post-Cold War era. This policy shift opened a way for assistance to the security sector with a wider conception of “security” and the “security sector.” Under these circumstances, establishing an “effective” police force to take full responsibility for public order and law enforcement became part of international development’s agenda. This was particularly the case in war-torn countries where the role and mission of military forces was reformed by the international community and restricted to external defense, and where indigenous public security structures were either absent or dysfunctional. But, what constitutes an “effective” police force and security sector? The answer to this question is the focus of the next section.

## **1.2 What is meant by being “effective” and “functional” in the post-Cold War?**

According to Alan Bryden and Heiner Hänggi, the aim of the SSR is “to turn a dysfunctional security sector into a functional one” (Bryden and Hänggi 2005, 27). A presumption here is that an unreformed security sector will impede peacebuilding process. An important point that needs to be addressed is what is meant by a “functional” security sector. Reforming the security sector can become a controversial process without any agreements on the end point because the aim behind the promotion of the idea seems to vary.

An oft-cited example is the speeches delivered by Clare Short, then of the UK Ministry for International Development and Lewis Moonie, then of the UK Ministry of Defence, on the topic of arms exports at a conference on SSR and the management of military expenditure in the year 2000. On the one hand, Short emphasized the negative consequences of excessive arms expenditure under the label of SSR, while on the other, Moonie stressed the traditional justification of arms sales (the right to self defense) but using the language of the SSR.<sup>(16)</sup> As illustrated in this case, a visible re-labeling of defense modernization can be re-packaged under the name of SSR. As Malcolm Chalmers points out, the difficulties of the SSR lie not in identifying the problems, “but in the nature of the proposed solutions” (Chanaa 2002, 11).

During the Cold War, security sector aid often took the form of training and the supply of equipment aimed to strengthen the operational capacity, or efficiency, of security sectors, with a heavy focus on the military, with no concern for democratic governance.<sup>(17)</sup> Aid was provided primarily in order to garner support within the context of the East-West rivalry through providing the capacity to resist overthrow by external invasion and/or internal insurrection. The result was often tolerance of a politicized security sector that disregarded the rule of law, often committing serious human rights violations, and spending high security budgets. Under this circumstance, security became a “private” good for the state, not a “public” good for individuals and communities that reside in the country. Security was defined and provided on an exclusionary basis, often in the interests of maintaining the state,

thus undermining the capacity and willingness of the state to “publicize” security, and so contributing to insecurity and instability (Ayoob 1991).

The emerging SSR discourse placed under the peacebuilding auspices must be understood as a holistic concept that perceived security in a wider sense, dealing not only with state security from external military threats, but also with the security of individuals and communities within the state from various threats such as crime, instability, and corruption. Thus, a police force that is efficient in maintaining public order, yet which is unaccountable and commits human rights violations, does not serve the wider interests of the people. Reforms aimed exclusively at building capacity or modernizing the military do not necessarily *amount to* SSR. And this is the answer to the question – What makes this reintroduction of the police reform in the post-Cold War era important and distinguishes it from that of the Cold War? In the post-Cold War period where “the defense of state sovereignty does not include any claim of the unlimited power of a state to do what it wants to its own people,” reconciliation between individuals and state institutions by (re)establishing trust is an important factor in pursuing a lasting peace (International Commission on Intervention and State Sovereignty 2001, 8).

However, SSR is not served by an exclusive focus on democratic control, since that, too, is also “only half the task” (Caparini 2004, 55). For example, an armed force under firm civilian and democratic control, yet which is not capable of defending the country from external attack, does not fulfill its basic responsibilities to provide external security. As the OECD suggested:

... a single-minded focus on downsizing the security forces and reducing military and/or security spending, often a component of donor conditionality may not be consistent with the end of the enhancing security as a foundation for development. Strengthening state capability to perform legitimate duties may help restore order and maintain security (OECD 2001, 39).

Simply put, democratization does not always guarantee either physical security or stability.

The crux of SSR, therefore, is to include efforts both (i) to provide security effectively through maintaining order and (ii) to gain legitimacy of the rule of law provided by the state as “public” goods in the eyes of the individuals and communities residing within the state. While the assistance to the security sector of the Cold War with heavy focus on the military component were about improving the effectiveness of maintaining the order, it is the latter’s emphasis on the accountability that made the (re)introduction of the term SSR into the international development discourse in the 1990s unique. Following section will examine how this development in the thinking of SSR within peacebuilding influenced the consideration of police reform in the post-Cold War period.

## **2. Police Reform within Peacebuilding**

Previous section of the paper illustrated changing environments surrounding assistance toward the security sector, including the police force, referring to SSR and peacebuilding: that is, the international community acknowledged the importance of creating “effective” law enforcement institutions that operate under the rule of law and with respect for human rights in the post-Cold War era. Put differently, the emphasis on the accountability aspect of the security sector is what made the SSR discussion unique from that of the Cold War. Using the term “democratic policing,” this section illustrates how this logic of SSR applies to the police reform in order to identify the characteristics of police reform within peacebuilding.

## 2.1 Democratizing the Police

The internationally recognized role of the police force has changed since the Cold War. The expected role of the police has become to be perceived as more than the enforcement of the law: that is, the content and objective of the law (e.g. respecting the human rights) has become an important component of the work carried out by the police (Mani 2000).<sup>(18)</sup> Rama Mani illustrates a contrast between police reform during and after the Cold War by using “maximalist” and “minimalist” conceptions of the rule of law. The former represents police reform based on widely accepted values such as human rights, while the latter is based on the arbitrary rule by a group of peoples not considering the content and objective of the law and focusing on the procedural aspect of the law. A lexicon of “democratic policing” emerged to illustrate this development of universal norms of policing: a transition from “regime policing” based on the “minimalist” conceptions of the rule of the law to “democratic policing” based on the “maximalist” conceptions of the rule of law.<sup>(19)</sup>

There is no agreed definition of “democratic policing,” however it usually refers to changes in police practice along the following four dimensions:

1. Conformity of actions to law;
2. Adherence to international standards of human rights, especially political rights;
3. Accountability to external authority based on the capacity to collect and the willingness to publicize information about operational activities; and
4. Responsiveness to the needs of ordinary citizens (Bayley 2006, 23).

The first point is that the police must be accountable to law rather than to government. The second point is that the police must protect human rights. The third point simply means that the police must be accountable to people outside their own organization who are tasked to regulate police activity (i.e. government bodies such as legislature and oversight commissions, the legal system through courts, the media, and the public through non-governmental organizations). Last but not least, the fourth point stresses the importance of the police to serve and be responsive to the needs of the people.

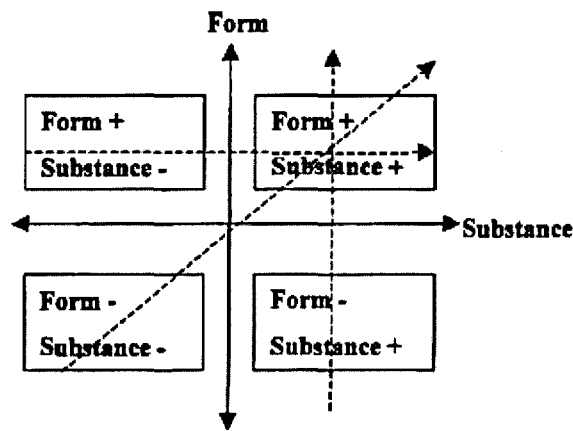
An assumption underlying democratic policing is the idea that “policing is not only a ‘technical’ profession: more importantly, it is a moral profession, requiring the confidence of those it serves in order to be effective” (Hartz 2000, 37). This is because it was understood that, as a public and visible arm of the state, the manner in which the police carry out their duty will determine the stability of the rule of law, as it will impact on the confidence of the public both in quality of the law and in the commitment of the government to respect it.

## 2.2 Crime Control and “undesirable”

It is important to note here that crime-control effectiveness is not raised as one of fundamental components of democratic policing. This is because the police have historically been expected to perform a dual role: to act as the provider of security for the people, and, at the same time, to be the tool of government. This is what Charles Tilly called “double-edged protection.”

Tilly illustrated two contrasting images of the term “protection”: one is comforting, the other ominous. On the one hand, the term “protection” calls up images of “shelter against danger provided by a powerful friend, a large insurance policy, or a sturdy rood” (Tilly 1994, 509). On the other hand, it also “evokes the racket in which a local strong man forces merchants to pay tribute in order to avoid damage – damage the strong man himself threatens to deliver” (ibid). Tilly continued that “which image the word ‘protection’ brings to mind depends mainly on our assessment of the reality and externality of the threat” (ibid).

Depending on where one is in the society, especially in the case of protection racket where governments sell their people as a source of support, criminal law can be perceived as tool of exclusion and illegal arbitrary use of power, an effort to eliminate the “undesirable.” As Jean-François Bayart, Stephen Ellis and Béatrice Hibou put it, “the very definition of what is and what is not criminal is, to be sure, eminently relative and varies over time even within a given society” (Bayart et al 1999, 13). Put differently, law itself can be perceived as an instrument of oppression in the service of the wealthy and powerful. In some cases, policing is “only popular with those in the locality who expect to gain from its presence” (Ferret 2004, 51-52). This is because normally police action occurs against those marginal elements who have never consented to policing and those who are on the “hard end” of policing.



(Source: Rama Mani, *Policing in Post-Conflict Situations*, Figure 2, p.4)

Figure 2 Typology of the Police Force

### 2.3 Synthesis

The Figure 2 shows different types of police forces. *Form* refers to institutions such as the judiciary, the police and the prison system, and their functioning. *Substance* refers to the content, or ethos, of the justice it dispenses. For example, the police force during Apartheid South Africa would be on the upper left hand quadrant (Form + Substance -), and the police force in Afghanistan right after Operation Enduring Freedom would be on the bottom left hand quadrant (Form - Substance -). Neighborhood watch programs ran by ordinary citizens in Kenya would be in the bottom right hand corner (Form - Substance +).<sup>(20)</sup>

A characteristic that makes police reform in the post-Cold War unique is encapsulated in the term “democratic policing”: moving the police forces from wherever they are in the quadrant toward the right hand quadrant. This, however, is only “half of the task.” It is understood that what is required in peacebuilding is to establish “effective” police force: that is, moving police force from wherever they are in the quadrant toward the upper right hand quadrant – a police force that operates under the rule of law with respect for human rights, while maintaining order efficiently.

In short, just as having the police under firm civilian and democratic control is “only half the task,” exclusive focus on crime control is also “only half the task.” It is the precarious balance between accountability and operational efficiency that is required to police reform in peacebuilding.



## Concluding Remarks

How can police reform be *understood* in the context of peacebuilding? This was the question set at the beginning of the paper. The first section illustrated that the emergence of peacebuilding as a policy field changed the definitions of “effective” and “functional” police. Then, using the term “democratic policing,” the second section illustrated that the characteristics of police reform is to establish a police force that operates under the rule of law and with respect for human rights, while “effectively” maintaining order at the same time. Police reform needs to be *understood* and implemented within the context of peacebuilding in order to gain the trust of the populace concerning the “peace” obtained through a peace agreement and for the “peace” to consolidate. This paper will conclude with two future agendas to be addressed in current police reform literatures.

First, despite the range of actors involved, contexts in which it will take place, and strengths and weaknesses inherent to each type of actors, the majority of researchers on this topic seem to focus on international organization, particularly peacekeeping operations (PKO) (i.e. Box 9 and 12 of Figure 3). In theory, numerous actors can technically be involved in a process of police reform ranging from individuals, national police forces, non-governmental organizations, national governments, private corporations to international organizations. Police reform often takes the form of PKO in countries such as Bosnia-Herzegovina, Cambodia, El Salvador, Guatemala, Haiti, Kosovo, Namibia, and Timor Leste. The UN was not the only multilateral organization that developed the capacity to take part in police reform in the 1990s. Others include international organizations such as the European Union (EU) and the Organization for Security and Cooperation in Europe (OSCE), and also donor countries such as Britain, Canada, Denmark, France, Germany, Japan, Norway, Sweden and the USA. Moreover, police reform takes place in both countries where governments are being replaced following civil war, government collapse, or international imposition, and in countries undergoing peaceful and/or post-authoritarian transition. In the former, the police needs to be (re)created, while the latter only requires assistance to facilitate the reform. Figure 3 illustrates 12 different types of the police reform that can be implemented by the international community.<sup>(21)</sup>

Each actor, however, has its own strengths and weaknesses in carrying out police reform, and this also applies to PKO. Due to the nature of PKO, the case handled by it will naturally focus on post-conflict countries. Therefore, although PKO takes part in efforts “to help countries emerging from protracted internal conflict re-build the foundations of a functioning state,” PKO is “neither designed nor equipped to engage in longer-term institution and capacity-building efforts” (UN DPKO 2008, 38, 28). In an operation in Mozambique, for example, the actual “police reform” efforts following the withdrawal of the UN mission concerning police reform were bilateral: Police training in Mozambique was conducted by the Spanish Guardia Civil. In short, PKO is only one of the actors involved and it cannot handle all the needs on the ground. Current literature on police reform does not pay enough attention to the following three aspects: (1) establishment of the long-term rule of law in form of multilateral assistance (i.e. Box 3 and 6); (2) help provided by bilateral assistance both in countries in transition and reconstruction (i.e. Box 2, 5, 8, and 11); and (3) any assistance provided by non-governmental organizations (i.e. Box 1, 4, 7, and 10).

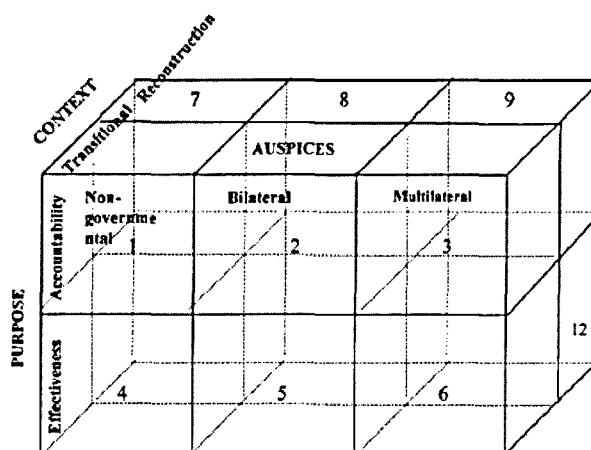


Figure 3 Diversity within Police Reform

Secondly, a criticism was made to the SSR literatures that there is “a lack of interest in what the security sector is actually *for*” (Chuter 2006, 6: emphasis original). Police reform is no exception to this criticism. Criticism here is that policy discussions that have taken place tended to be prescriptive, focusing more on outcomes of how it *should be*: that is, assumptions about how societies function are not critically examined. Just as any policy paper provides the direction in which a reform should take place and acknowledging the importance of being aware of which way a reform should take place, it is also important to keep in mind that the reason for police reform in each country varies. There is no “one size fits all” formula. Strategies of the police reform need to be context-specific, recognizing the gap between the policy prescription and the reality such as the politics of public order mentioned by Tilly as “double-edged protection.” This point can be summarized into a following question: What does it *mean* to provide assistances to the police force in the context of peacebuilding? How it is *understood* and its *meaning* are two different matters, and this question is to be addressed in the future researches.

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## End Note

- <sup>(1)</sup> The author gratefully acknowledges his indebtedness to the Rotary International District 2820 (Tsukuba Gakuen RC) and the Yoshida Scholarship Foundation. A generous grant from the former between 2004–2005 allowed the author to pursue studies on the issue of police reform at the University of Bradford in the UK without financial worries that would have otherwise distracted his mind from the study. A generous grant from the latter allowed the author to spend one year at the Democracy Program of the Carter Center in the USA as a research fellow between 2005–2006 to focus on issues of democratization and democratic governance. The author also would like to thank Hideaki Shinoda, Mark White, and anonymous referees for helpful comments and suggestions. Needless to say, the views represented in this paper do not represent any particular organizations, and responsibility for errors in this paper is mine alone.
- <sup>(2)</sup> Using conceptual framework of Robert I. Rotberg (2004), countries referred as "fragile and transitional countries" are those that are in between continuum of collapsed and strong states. Rotberg (2004) distinguishes strong states from weak

- ones, and weak states from failed or collapsed ones by measuring the performance of nation state by the levels of their effective delivery of the political goods. *Strong* states unquestionably control their territories and deliver a full range and a high quality of political goods to their citizens. Whereas those categorized under the rubric of *weak* states include a broad continuum of states. This framework is based on the understanding that today's states are at the various level of statehood and, as Christopher Clapham (2004) points out, that the idea that the "state is a universal form of governance" is of very recent origin. One of the major events of the twentieth century is the entrance of unprecedented numbers of new "nation-state" into the system of states as a result of the decolonization process beginning in the 1940s in Asia and 1960s in Africa. It is important to realize that majority of these newly established states were not the exact copies of the "nation states" which emerged in western Europe since 1648 (to use it as a symbolic date). The majority of state-buildings after the 1945 were imposed state based on artificially constructed boundaries and territories, often referred to as "state-nation" rather than "nation-state." Unlike in the case of the western Europe, these "state-nations" attained juridical statehood before attaining empirical statehood, which is opposite of what took place in the western Europe. That is, for these newly established "state-nations" external factors are more likely than internal factors to provide an adequate explanation of the formation and persistence of states. See, Endo (2007), Giddens (1985), and Jackson (1990).
- (3) If one goes back through history, a form of policing was exported not only during the midst of the Cold War in attempts to prevent the encroachment of socialist ideas and rule, but also in the long legacy of colonial policing and post-World War II in attempts to transplant policing to defeated countries. See, Clayton and Killingray (1989).
- (4) As Jean Christian Cady points out, three factors can be raised as a rationale behind supporting the police forces of fragile and transitional countries: (i) increases in transnational crime, (ii) increases in terrorist activities in global scale, and (iii) increasing international development assistance role in fragile and transitional countries. This paper focuses on the third aspect raised by Cady. See, Cady (2007).
- (5) The term "police reform" is not the only way to denote assistances toward the police. As pointed out by Charles T. Call, for example, if one is focusing on the effectiveness of the police to counter crimes, then the term "professionalization" may be more appropriate in describing the effort. The terms "restructuring" or "reorganization" may be more appropriate to describe technical and less intrusive connotation compared with the term "reform." This paper, however, uses the term "police reform" because (i) it is the most commonly used terminology and (ii) to emphasize the importance of understanding police reform within the peacebuilding process. In addition, while acknowledging possible roles of non-state justice and security system, this paper only handles matters concerning the national police force, that is, policing done by the state. See, Call (2003).
- (6) Alternative terms also exist: such as "security system reform," used by the Development Assistance Committee (DAC) of the OECD; "justice and security sector reform," introduced by the UNDP; and "security sector transformation," used by some scholars to emphasize the need for fundamental change in governance processes in the security sector. Some use the term "security sector reconstruction" in post-conflict cases to emphasize the necessity to (re)construct the whole security sector. This paper will use the term "security sector reform" because it is most commonly used. Furthermore, for practitioners, the appeal of the SSR lies in placing various activities under one intellectual umbrella. In the past, however, projects related to the SSR were undertaken in a piecemeal fashion, often in isolation from other related parts of the security sector. Emergence of the term security sector puts emphasis on coordination, illustrating links among reforms in security sector. This paper however focuses on the conceptual aspect of the SSR and does not focus on this practical aspect of the term.
- (7) In defining the term "peacebuilding," different authors place emphasis on different points. In *Agenda for Peace*, peacebuilding was described as "actions to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict" (UN 1992, para.21). Ramsbotham et al (2005) defined peacebuilding with the following two components: first, the "negative" task of preventing relapse into war; and second, the "positive" tasks of

aiding national recovery and expediting the eventual removal of the underlying causes of internal war. Here, the distinction between “negative” and “positive” drew on the concept of “negative peace” and “positive peace” by Galtung (1990). Rama Mani (2002) emphasized (i) necessity for peacebuilding activities “to be domestically rooted and ‘owned’ by the local population, and not imported or imposed,” and (ii) addressing issues of justice and building peace simultaneously. While Oliver Richmond (2005) questions the “peace” that is being installed in post-conflict zones itself and Roger McGinty stresses “what is missing from many such internationally supported peacebuilding programmes is the thorny, but essential, affective dimension such as intergroup perceptions, trust-building (beyond handshakes between elites), and reconciliation (beyond high-profile truth-recovery events)” (Mac Ginty 2008, 125-26). Acknowledging points made by these literatures, this paper takes a stance that peacebuilding contains twin objective of building positive peace and preserving negative peace, while emphasizing the fact that the “peacebuilding” linked the agendas of peace, security, and development, which opened up a way for SSR and police reform in the post-Cold War period.

<sup>(8)</sup> The term “demobilization dilemma” emphasizes the importance of ratio of the number of new civilian recruits versus the personnel from former armed forces and police forces to be admitted into the reformed police, as the composition and structure of the new police is crucial in de-linking the military and the police. One of the most ingenious resolutions to the demobilization dilemma occurred in El Salvador. In El Salvador, the arrangement that was ultimately reached sought to balance the concerns of ex-combatants on both sides: “The military was reduced in size and its mandate restricted to external defense, and a new police force was created... No more than 20% of the PNC was to be composed of former police, up to 20% were FMLN combatants, and 60% were to be new civilian recruits” (Neild 2001, 25).

<sup>(9)</sup> One of the roots of the SSR can be trace back to the enlargement of Europe. While reshaping of the security institutions in the Central and Eastern European countries following the collapse of the Soviet Union can be perceived as a part of global reorientation of security sector changes in the post-Cold War period, it is different from the SSR discussed in this paper as incentives provided by the prospect of membership of NATO and EU is seen as a key factor in promoting the reform in cases of Central and Eastern European countries. See, Chanaa (2002).

<sup>(10)</sup> It was also around this time when the UN created the Office for the Coordination of Humanitarian Affairs (OCHA), the Department of Political Affairs (DPA), the Department of Peacekeeping Operations (DPKO), and the Office of the High Commissioner for Human Rights (OHCHR), and major donors also established new units such as the Post-Conflict Unit at the World Bank, the Office of Transition Initiatives at USAID, the Conflict and Humanitarian Assistance Department at DFID.

<sup>(11)</sup> The term “peacebuilding” was identified as one of several instruments available to address violent conflicts: preventive diplomacy, peace making, peacekeeping, and peacebuilding. See, UN (1992).

<sup>(12)</sup> Two points should be mentioned here. First, it is also pointed out that the emergence of peacebuilding as a policy field implies “a commitment to those strategies and forms of intervention that are geared to the direct attempt to transform whole societies, including the beliefs and attitudes of their member” (Duffield 2001, 121). Second, Tschirgi points out that “consensus among policymakers and advocates alike about the interdependence between security and development has served to obscure the difficulties in aligning security and development policies,” leading to “multiple layers of confusion, contradictions and policy dilemmas” (Tschirgi 2006, 39).

<sup>(13)</sup> The security-development nexus poses both opportunities and dangers. While “developmentalization of security” moves security discourse away from the state-centric one to one focusing more on individual needs, the “securitization of development” may shift toward short-term security goals of countries important to the Global War on Terror. This paper will focus on the former. More information concerning the latter can be found in following literature: see, Isacson and Ball (2006) and Hills (2006).

<sup>(14)</sup> Here the underlying thinking is that the concept of security has not changed since the Cold War, rather that what needs to be modified is the specification of security (such as for whom, for what value, by what means, from what threats, and by

whom). Put differently, specifications of security that were appropriate during the Cold War may not be appropriate under these changing circumstances. The key lesson of the 1990s is not that state-centric security is unimportant. It is that the new threats that confronted the international community do not lend themselves to traditional security approaches and require integrated, longer-term strategies. See, Baldwin (1997) and Terriff et al (1999).

- (15) In the 1980s, the military disappeared from the development policy agenda as the role of military and paramilitary groups and their absorption of resources came to be seen as a highly sensitive area. However, for example, during the 1960s, the military received a positive image in view of the often artificial borders drawn up in the decolonization process: (1) the military might play a role in uniting people and building nations; and (2) it might function as a key actor in advancing modernization and industrialization. This positive image disappeared as the military began to focus on nothing but growth and development.
- (16) While Short considered that it was “important that reformers in developing countries are not undermined by those who wish to sell them arms that are either inappropriate for the needs or beyond their capacity to afford,” Moonie commented that “we should offer assistance to all nations who seek to identify [their] security needs and reform their security sector and military expenditure to meet them. Defence exports need to be seen in this context. Developing nations, as much as anyone, need equipment to ensure against internal as well as external threats.” See, DFID (2000). Annex1, 26 and 34.
- (17) Although it is important to point out that emphasis was on the military, it is also important to understand that in situations where principal threats to the security of the state (or government) continued to derive from within state, and their regimes continued to organize their security forces to preserve power and confront internal threats, distinction between the military, paramilitary, and police forces was extremely vague.
- (18) Rama Mani points out that Ronald Dworkin also makes a similar distinction between the “rule of book” conception and the “rights” conception of the rule of law. See, Dworkin (1985). 9-32.
- (19) Within this trend, the preferred policy prescription has been community-based policing (CBP): CBP with its emphasis on partnership, problem-solving, decentralization, crime prevention, and commitment to service embodies many of the normative expectations which define democratic policing. See, Gronewald and Peake (2004).
- (20) From an interview with local neighborhood watch coordinator on June 17, 2005, in Nairobi, Kenya. A range of terms are commonly used to refer to the bottom right side box: traditional, informal, primary, etc. See, DFID (2004).
- (21) This figure is based on the Figure drawn by David H. Bayley, however. While Bayley’s figure focused on the police assistance provided by the US government hence focusing only on “bilateral” and “multilateral” aspects of the assistance, the aim of Figure 4 is to illustrate the diversity within police assistance. Therefore it also contained “non-governmental” under the label of “auspice.” Furthermore, terms used in the figure is modified to match terms used in this paper. See, Bayley (2006).