

Two Police Reforms in Kenya

– Their Implications for Police Reform Policy –

Yoshiaki FURUZAWA¹

Research Fellow of the Japan Society for the Promotion of Science

Doctoral Student

Graduate School for International Development and Cooperation

Hiroshima University

1-5-1 Kagamiyama, Higashi-Hiroshima, 739-8529 Japan

E-mail: yfuru1205@hotmail.com

Abstract

While it is true that there was (and still is) skepticism among the public that the rhetoric behind the police reform may be a “public relations exercise” (National Task Force on Police Reform, 2009, 25), it is nevertheless also true that expectations are increasing since the Ransley Task Force was convened on May 18, 2009. It is interesting here, however, to point out that this is not the first time that Kenya has undergone police reform. Why are there two, seemingly separate police reforms taking place in Kenya? What are similarities and differences between the current police reform by the Ransley Task Force and that reform which started back in 2003? These are the questions to be addressed in this paper. The first part of the paper will examine the police forces and police oversight mechanisms in the country to understand the situation at the start of the police reforms. The second part will then examine each police reform in Kenya. The paper will conclude with implications of the case of Kenya for police reform policy.

1. Introduction

On September 8, 2009, the decision was reached by President Mwai Kibaki and Prime Minister Raila Odinga to remove the then-commissioner of the Kenya Police, Major General Hussein Ali, from office. What seemed a sudden removal was actually “just a matter of time and matter of timing” (Mukinda and Wabala, 2009). Three reports, the final report of the Commission of Inquiry into Post-Election Violence submitted on October 15, 2008 (commonly referred to as the Waki Report, named after the chair of the commission Justice Philip Waki), the report by the United Nations Special Rapporteur on Extrajudicial Executions, Philip Alston, released on May 28, 2009, and the interim report submitted to the Government of Kenya by the National Task Force on Police Reform on August 26, 2009 (commonly referred as the Ransley Task Force, named after the chair of the commission, Justice Philip Ransley), all referred to the necessity to remove the top leadership level of the police. Thus, the removal of the commissioner needs to be posited within the on-going police reform in Kenya.

While it is true that there was (and still is) skepticism among the public that the rhetoric behind the police reform may be a “public relations exercise” (National Task Force on Police Reform, 2009, 25), it is nevertheless also

true that expectations are increasing since the Ransley Task Force was convened on May 18, 2009. For example, though the Ransley Task Force did not submit the final report to the Government of Kenya until November 3, 2009, the Kenyan newspaper *Daily Nation* printed on September 2, 2009, that “[r]eforms in police start this month” (Nation Correspondent, 2009).

It is interesting here, however, to point out that this is not the first time that Kenya has undergone police reform. On April 27, 2004, Kibaki announced the launching of the community policing program in Nairobi, which was “the product of detailed work by the National Taskforce on Police Reform,” appointed in April 2003. Why are there two, seemingly separate police reforms taking place in Kenya? What are similarities and differences between the current police reform by the Ransley Task Force and that reform which started back in 2003? These are the questions to be addressed in this paper. The first part of the paper will examine the police forces and police oversight mechanisms in the country to understand the situation at the start of the police reforms. The second part will then examine each police reform in Kenya. The paper will conclude with implications of the case of Kenya for police reform policy.

Part 1. Police Forces and Police Oversight Mechanisms in Kenya

In order to understand the starting point of police reform in Kenya, the first part of the paper will describe the police forces and their oversight mechanisms in Kenya.

1.1. Two Police Forces in Kenya

Kenya has two police forces. The first is the Kenya Police (KP), established under the Police Act and headed by a Commissioner of Police who is appointed by the President under the Constitution. The second is the Administration Police (AP), which is established under the Administration Police Act, and is headed by the Administration Police Commandant, under the command of the Minister of Provincial Administration and Internal Security. The histories of the two forces are intertwined with the country’s colonial past. Historically, the KP dealt with civil matters and the AP dealt with customary law. However, the customary law system has been abolished, and currently the two forces have similar roles and areas of law enforcement.

The Kenya Police and its Colonial Roots

The origins of the KP can be traced back to as early as 1887 when the East Africa Trading Company – established in 1887 to develop trade in the far interior and in the Kingdom of Uganda and which later came to be known as the Imperial British East Africa Company – operated in the region as a vehicle to expand British interests. In order to provide some protection to its stores and premises, the Company, led by Sir William Mackinnon, recruited Indian Police and watchmen in 1887, invoking the laws of India – Penal Code, Criminal Procedure Code, Evidence Act, and Police Act (Foran, 1962, 6).ⁱⁱ By 1889 the Company had greatly expanded its influence along the caravan route between Mombasaⁱⁱⁱ and Uganda. Along the caravan route, the Company established trading-stations staffed with *askari* – locally-hired people under the orders of the official in charge of the post. *Askari* were often tasked to carry out construction and maintenance work, and they were more akin to armed guards than policemen (Foran, 1962, 4). In short, it was not until 1896 that a semblance of a police force was constituted at Mombasa.^{iv}

As the Company increased its influence, it discovered that it had shouldered a burden and responsibility far beyond its financial resources. Facing the possibility of the Company’s withdrawal from East Africa and Uganda, the British Foreign Office took up the responsibility of Uganda and the East Africa region, respectively in 1893 and 1895 (Foran, 1962, 4–5).^v In 1896, the Foreign Office selected R. M. Ewart to form a Police Force “of sorts” at Mombasa (Foran, 1962, 8).^{vi} In 1897 the Uganda Railway Police was formed – posted at newly-built railway stations to police

along the route of rail way construction (Foran, 1962, 7).^{vii} As a result, by 1902, there were (i) police forces “of sorts” at Mombasa, Nairobi, and Kisumu, (ii) the Uganda Railway Police, and (iii) small bodies of untrained *askari* under the direct responsibility of the Local Collector for the Assistant Collector (Foran, 1962, 8). While the third category developed independently, eventually turning into the AP which will be discussed in the next section, in 1904 the Railway Police was absorbed into the newly-created British East Africa Police (Foran, 1962, 10). Furthermore, another important development of the KP was the enactment of the Police Ordinance in 1906; legislation governing the force prior to 1906 had consisted of the Indian Police Act (1861) and the Indian Railway Act (1890) (Foran, 1962, 25).

The British East Africa Police was then organized along military lines and the training was military in nature. Put simply, the Royal Irish Constabulary Course for training European officers placed an emphasis on a military element at the expense of police training (Foran, 1962, 40), which is why the Training Depot was established in Nairobi in 1911. Because of the continuation of the British East Africa Police’s semi-military role, particularly during the First World War when the force was deployed in military service to fight alongside Kenyan soldiers, police training still was provided along military lines (Foran, 1962, 40). Furthermore, the British East Africa Police was often tasked to perform a variety of other tasks such as performing surgical operations in emergency situations, carrying out executions of convicted murderers, and were expected to deal as best as they could with outbreaks of fire in towns in the absence of a fire brigade (Foran, 1962, 29–30). The force remained entitled the British East Africa Police until the British East Africa protectorate, with the exception of the ten-mile-wide coastal strip leased from the Sultan of Zanzibar, was proclaimed a Crown Colony in July 1920, and its name was changed to Kenya Colony (Foran, 1962, 53). The name of the force was then changed to the Kenya Police, marking the foundation of the modern KP (Foran, 1962, 14).^{viii}

It was in 1929 when the motto *Salus Populi* (let the welfare of the people be the supreme law) was adopted by the KP, which appeared for the first time under the force’s crest on the cover of *The Kenya Police Review* of December 1929 (Foran, 1962, 79). Despite its motto, the early KP was described as “a punitive citizen containment squad,” serving as a tool of the colonial government (National Task Force on Police Reform, 2009, 14). This is because, “[c]olonial rule created new ‘crimes,’ many of which were offences against the imposed structure of colonial management” (Killingray, 1986, 413). As David Killingray (1986) points out, “[f]or colonial governments the maintenance of law and order meant taking firm action to deal with any threat to the continuing system of rule imposed by the British” (Killingray, 1986, 413). For example, in the case of Kenya, within the urban areas, the strategy of keeping Nairobi safe for the settlers meant containing the potential crime and disorder perceived to emanate from the Africans.

The relationship between the KP and the indigenous Kenyan population deteriorated as a state of emergency was declared in October 1952 in response to the uprising of insurgent groups causing panic among the white settlers.^{ix} With the declaration of emergency, the army took over from the police as the primary law enforcement agency. During this period, the KP played a central role in developing torture as a tool to force confessions from those allegedly taking the Mau Mau oaths (CHRI and KHRC, 2006, 4), and proved itself to be completely aligned with the ruling administration.

The Administration Police and the Issue of Merger

Killingray (1986) explains that “[i]n all colonies a dual system of laws was established, an alien law based on the system then pertaining in England, and ‘customary law’” because, as illustrated in the previous section, “[i]ndirect rule was not concerned with the rule of law but with supporting the colonial structure” (Killingray, 1986, 413). Put differently, police forces in colonial Africa “did not exercise functions similar to those of European or modern police forces,” instead, “[t]hey acted as tax gatherers, distraining goods and firing villages if necessary when people refused to pay, and rounding-up labor and conscripts in time of war” (Killingray, 1986, 425–26). And this meant that “[v]ast areas of colonial Africa were unpoliced by central government,” and “[d]ay-to-day law enforcement, such as it was, was the responsibility of the native authority and local ‘tribal’ police forces subject to ‘traditional rules’” (Killingray, 1986,

426). And this is the root of today’s AP. While the KP focused its attention mainly on urban areas, the railway routes, and areas of the white settlers, the AP historically focused its activity in rural areas.

The origin of the AP can be traced back to 1902 with the enactment of the Village Headman Ordinance, which was enacted to bring the natives into the money economy, enforce tax, control livestock movement, and regulate agriculture, labor movement of people, and various other social and economic regulations (AP, 2004, 6). The village headmen, as the chiefs were then known, often implemented unpopular policies of the Colonial Government through young men in the village known as the Native Police, a system which obtained legal backing in 1929 through the enactment of the Tribal Police Ordinance (AP, 2004, 6). In 1958 the Tribal Police Ordinance was changed to the Administration Police Act, and also centralized the training of officers at Ruringu, Nyeri. When Kenya gained full independence in 1963, the Provincial Administration and Administration Police were moved from the auspices of the Ministry of Native Affairs to the Office of the Prime Minister, and then to the Office of the President, where they have remained ever since.

Table 1: A Comparison of KP and AP Mandates.

Mandate of KP	Mandate of AP
<ul style="list-style-type: none"> ■ Maintain law and order; ■ Preserve peace; ■ Protect life and property; ■ Prevent and detect crime; ■ Apprehend offenders; and ■ Enforce all laws and regulations with which it is charged. 	<ul style="list-style-type: none"> ■ Assisting all Government officers in exercise of their lawful duties; ■ Executing all orders and warrants lawfully issued by competent authority; ■ Preservation of the public space; ■ Preservation of commission of offences and apprehension of offenders; ■ Acting as messengers in any matter connected with the Administration or public service, enforcement of executive/administrative decisions; and ■ Defence of Kenya in event of war or emergency

(Source: KP [2004] and AP [2004])

As illustrated above, the AP was originally conceptualized during the colonial period as a tribal police force assisting the chiefs in their administrative duties and was not intended as an autonomous force, independent of the administration or parallel to the KP. Over time, however, the AP grew into a parallel police force, albeit closely tied to the administration. The AP underwent a gradual transformation from a localized force in 1958 to a police force with the national structure that it has today, and which continues to provide localized policing. There are various overlaps between the KP and AP, particularly in the maintenance of law and order, and the prevention of the commission of offences and the apprehension of offenders (See Table 1). There are those who advocate for a merger of the two forces, while there are also those who oppose this idea.

1.2. Impacts of Political Developments on the Police and their Oversight Mechanisms

The tainted image of the police, which originated from its colonial historical roots discussed in the previous section, was not the only problem facing police reform in Kenya. As Halvor Hartz aptly summarizes, “[t]he police

have a dual role: to act as the provider of security and safety for the inhabitants, and at the same time to be the fist of the ruling party” (Hartz, 1999, 39). This situation continued in Kenya after its independence in 1963, which not only affected the development of the two police forces in Kenya, but also their oversight mechanisms.

Politicization of the Police

The 1963 Constitution included provisions for the KP designed to establish a professional, neutral police:

- The Constitution gave autonomy to the police force (Article 157 Section [3]);
- The police would be set up by legislation and overseen by a Police Service Commission and a National Security Council (Article 159 Section [1] and Article 161);
- The Inspector General of the Police was to be appointed by the President on the advice of the Police Service Commission (Article 162 Section [1]); and
- The Inspector General of the Police can be removed by the President only if the question of his/her removal from office has been referred by a tribunal for inability to exercise the functions of his/her office or for misbehavior. (Article 162 Section [5]).

However, because of a series of constitutional amendments that culminated in a one-party state in 1982, these accountability initiatives were never implemented. For example, through a series of amendments, Article 108 (1) of the Kenyan Constitution vests the President with complete authority over the KP through the right to appoint and terminate the position of Commissioner of Police, allowing the President to directly influence the policy and operational decisions of the Commissioner. A former Commissioner of the KP, Bernard Njiru, described the circumstances of his own appointment under President Moi to a newspaper article in 2003:

The night before his appointment, the Commissioner received a call summoning him to State House first thing in the morning ... [Upon arrival] he was ushered into the President’s office and found the Head of State and Chief Secretary waiting. Without any ado, the President handed him a one-paragraph letter that read: “Owing to the confidence I have in you, I have appointed you the Police Commissioner with immediate effect. I hope you won’t betray my trust” ... the President beckoned him to sit down. “You are going to wait here until I give you the green light to go to your office,” the President said. Then turning to the Chief Secretary he ordered him to go and arrest the just dismissed Commissioner ... In less than half an hour, the Chief Secretary called back to say that the former Commissioner had indeed been arrested from his office by the head of operations at the CID headquarters, and was on his way to Kamiti Maximum-Security Prison. The President turned to the new man and said: “You will now go straight to the office and start working” (Ngotho, 2003).

In short, as CHRI and KHRC (2006) put it, “the police have been placed firmly under the executive thumb” (CHRI and KHRC, 2006, 36).

One of the main concerns about the AP is the fact that it is under the command of the Minister of Provincial Administration and Internal Security within the Office of the President. This arrangement opens “an armed, paramilitary force to direct political influence and undermines its political neutrality, autonomy, and professionalism” (National Task Force on Police Reform, 2009, 20). While its grassroots nature that entails dealing with people on a daily basis gives the AP the unique advantage, over the KP, of policing the community, the report of the National Task Force on Police Reform (commonly referred as the Ransley Task Force) cites misuses of the AP for political reasons, with some AP officers being used for guard duties and private chores by senior government officials, and the engaging of the AP for

the provision of security services to influential private citizens (National Task Force on Police Reform, 2009, 37).

It is said, for example, during the mid-1980s, that police forces once again became the government’s tool for oppressing resistance groups. Following the first multi-party elections since independence in 1992, the police were alleged to have aided and abetted, either by acquiescing to the violence or by direct participation, the violent clashes between political and ethnic opponents. Though the statement was withdrawn a few days later, in 1998, the deputy police commissioner, Stephen Kimenchi, admitted that “powerful politicians” gave police officers orders to “cobber civilians and disperse peaceful demonstrations”(Achieng. 1998).

Internal and External Police Oversight Mechanisms in Kenya

An important distinction is between the internal and external oversight mechanisms.^x While the internal accountability mechanisms denote “the basic building blocks of the force” such as the chains of command and standing orders, the external accountability mechanisms are “the mechanisms which the police are held to account by individuals and institutions outside of the police force” (Auerbach, 2003, 8).^{xi}

Table 2: A List of Internal and External Police Accountability Mechanisms in Kenya.

Internal Accountability Mechanisms	External Accountability Mechanisms
<ul style="list-style-type: none"> ■ Complaints ■ Disciplinary Proceedings 	<ul style="list-style-type: none"> ■ Parliament ■ Judiciary ■ Government bodies (e.g. KNCHR and KACC) ■ Civil Society (e.g. Kenya Human Rights Commission, etc.) and Media

(Source: CHRI and KHRC [2006])

The Table 2 lists both internal and external police accountability mechanisms in Kenya. Regarding the internal accountability mechanisms, in addition to the history of political interference with the police forces mentioned in the previous section, the fact that 90% of police officers considered themselves corrupt and 64% of the population considered the police low in accountability illustrate that the internal accountability mechanisms (i.e. complaints against the police personnel and disciplinary proceedings) are not functioning well in Kenya (Kenya Police, 2004b, 17 and 23).

As for the external accountability mechanisms, years of executive dominance (i.e. a one party system) and tight controls exercised by the party over members of parliament meant that parliament possessed only a limited oversight role, as did the judiciary. Judges were impaired in their ability to act as an independent check and balance to the executive.^{xii} However, some government bodies are considered more independent, such as the Kenya National Commission of Human Rights (KNCHR), established in 2002, and the Kenya Anti-Corruption Commission (KACC), established in 2003. KNCHR expressed in its first annual report, published in August 2005, that the government had failed to implement the rules to allow the Commission to function and that KACC has limited powers in relation to the police. Neither of them has a dedicated focus on the police. In short, the police were unaccountable to anyone outside the ruling government.

1.3. Summary

Historically, the two police forces in Kenya were utilized as tools to impose “law and order” for the colonial administration and then, following independence, as tools for new, post-independence politicians to maintain their

power. As Killingray (1986) succinctly puts it, “law and order meant different things to different people at different times” (Killingray, 1986, 412).

Part 2. Two Police Reforms in Kenya

The need for police reform has been recognized as far as back as the early 1990s when Kenya amended its Constitution to allow a multi-party system, however, efforts by civil society and donors to engage the Government of Kenya in discussions on police reform were without much success. According to Saferworld (2008), a “breakthrough” occurred at “a regional meeting of government experts on gun control in Kampala in June 2001,” where Kenya Police senior officers left the conference with the idea of “community-based policing (CBP)” (Saferworld, 2008, 7). In March 2002, the Office of the President mandated the establishment of a national steering committee on community policing. Furthermore, on December 27, 2002, Kenya elected a new government with a popular mandate for police reform. With the change in government to the National Rainbow Coalitions (NARC), the role the police played in creating insecurity came to be acknowledged by the government: “In the last two decades the Kenya public security system deteriorated to the point where the government was unable to guarantee its citizens’ personal security, and that of their property” (Government of Kenya, 2003, 9).^{xiii} This part will examine the police reform that started in 2003, and then discuss the work of the Ransley Task Force.

2.1. NARC and Community Policing

In Kenya’s Economic Recovery Strategy for Wealth and Employment Creation (ERS) for 2003–2007, the Government of Kenya recognized “better governance, improved security and the restoration of the rule of law” as the “starting point” for economic recovery and for improving the lives of Kenyans (Government of Kenya, 2003, 8).

Recognizing that “the contribution of the efficient enforcement of law, the maintenance of public safety, and the guaranteeing of law and order to economic growth, to the improvement of quality of life cannot be over-emphasized,” police reform was identified as a particular priority in the Investment Program for the ERS:

- Increase the overall police to population ratio from current 1:850 to 1:450;
- Develop and implement a public education program to build trust between the police force and the public;
- Enhance police effectiveness and service coverage through recruitment and retraining on modern technology and emphasizing the need to operate within the law;
- Provide the police with modern equipment and technology;
- Improve housing and terms of conditions of work for the police. As a first step, complete all the stalled housing projects within the recovery program period;
- Review and enact appropriate laws to deal with modern crime challenges in terrorism, money laundering, cyber crime, tax evasion, among other areas; and
- Develop and enforce a framework for policing of cross border areas and territorial waters, and collaborative security management (Government of Kenya, 2003, 9).

A point to be noted here, however, is that while the security priorities are all-important and necessary, there is no specific priority given to improve police accountability. This is because police reform is perceived as a way of enhancing its operational effectiveness. As the KP and SRIC (2004) clearly states, “[p]olice reform in Kenya must, therefore, entail *professionalization* ... The end goal is to make the police more effective, strengthening the Force’s capability to enforce the law and to maintain public order ... Professionalization *may* integrate efforts to depoliticize

the police, making the Force politically autonomous and responsive to community needs” (KP and SRIC, 2004, 13, emphasis added). Here, there is a clear assumption that “[a] professionalized police force is accountable, law-abiding, humane, and closely integrated into the civilian community” (KP and SRIC, 2004, 13).

Within this framework, the Government of Kenya tasked CBP to facilitate accountability by establishing partnerships between the police and the community. In short, CBP was tasked to transform a paradigm of the police from “policing for government” to “policing for the people.”

Saferworld and Community-Based Policing in Kenya

In 2003, Saferworld (a UK-based international non-governmental organization) was requested by the Government of Kenya to support the police reform agenda: i.e. community-based policing. Working through the Office of the President, in collaboration with its local partner Peace and Development Network (PeaceNet: a local network NGO), Saferworld developed and implemented CBP in Kenya. The activities of Saferworld can be divided into following six categories:

- (i) Strategic management;
- (ii) National policy development;
- (iii) Training;
- (iv) Capacity-building and institutional development;
- (v) Establishment of pilot sites; and
- (vi) Media and outreach strategy (Saferworld, 2008, 9).

Saferworld assisted both the KP and the AP to produce their five-year strategic development plans, as well as a draft of the National Policy on Community Policing, which was completed in November 2004. Saferworld also implemented a pilot CBP project in Kibera and Isiolo, where a CBP steering committee was established, comprising elders, religious leaders, youth, the KP, the AP, and a local government official to exchange opinions and information in order to identify appropriate strategies to address crime in the area.^{xiv} Saferworld also provided assistance to develop a curriculum for training in CBP, which was launched in February 2004, as well as assisting data management and providing advice on communication and media strategies to both police forces.

A draft of the National Policy on Community Policing, however, is still sitting in parliament and has not been ratified, mainly due to a silent struggle between the KP and the AP as to which of them should be the lead agency in implementing CBP. In the absence of legislation, the community-police partnership is based on the discretion of the security officers as to whether or not to consult or cooperate with the community.

In addition, while the term CBP has been widespread in Kenya, due to the lack of a national definition of what it constitutes, there is a situation where the term CBP is being abused. For example, in Kiriya District, Central Province, 28 people were killed by the vigilante group Mungiki on April 20, 2009 (Kenya National Assembly, 2009, 30). The important point here is that this was an act of revenge on the part of Mungiki for 14 of their members killed by a group of frustrated local people who took the law into their own hands, calling themselves a “community policing group.”^{xv} The logic to make the place “safer” by flushing out Mungiki sect members makes it difficult “to distinguish the work of the vigilante from that of community policing groups” (Kenya National Assembly, 2009, 31).

Was the CBP a sufficient policy choice to transform the police from “policing for government” to “policing for the people”? This question and an analysis of the activities of Saferworld will be revisited later in the paper following the explanation of the Ransley Task Force in 2009.

2.2. 2008 Post-Election Violence and the Ransley Task Force

The 2008 PEV in Kenya was triggered by the announcement of the presidential election results on December 30, 2007, which was widely regarded as being manipulated. The incumbent president, Mwai Kibaki of the Party of National Unity (PNU), was declared to have won the election over Raila Odinga, the candidate of the opposition Orange Democratic Movement (ODM). When the results of the election were made public, Kenya faced a crisis, that could have turned into a civil war, and which claimed lives of 1,133 people, 117,216 destroyed properties, and 350,000 internally displaced peoples (CIPEV, 2008, 383, 346, and 272). Because the supporters of the two parties to the election are largely divided along ethnic lines, the 2008 PEV had strong ethnopolitical features.^{xvi}

On January 24, 2008, a Panel of Eminent African Personalities named by the African Union to mediate the two parties concerned arrived in Kenya.^{xvii} The panel was led by the former United Nations Secretary General, Kofi Annan, and consisted of former President of Tanzania, Benjamin W. Mkapa, and president of the Foundation for Community Development in Mozambique, Graca Machel.^{xviii} Upon their arrival, the Panel initiated the Kenya National Dialogue and Reconciliation Process (KNDR). The first month of the process comprised of indirect talks held between two negotiating teams which included five representatives from both parties. The negotiation faced a deadlock when PNU had an interest in slowing down the negotiation, to render it difficult for the opposition to challenge the election results. On February 26, Annan suspended the negotiations between the both teams in favor of direct talks between Kibaki and Odinga. Only two days after the face-to-face meetings of Kibaki and Odinga, the negotiations reached a breakthrough: the Kenya National Accord and Reconciliation Act 2008 were signed to end the political crisis, agreeing that “neither is able to govern in Kenya without the other” (The National Accord and Reconciliation Act 2008). This powersharing agreement created the office of prime minister, to be held by Odinga. The following section will illustrate how police reform fits within the KNDR process, and is followed by the examination of the works of the Ransley Task Force.

Agenda Item IV and Waki Report

On February 1, 2008, within the KNDR framework, Kibaki and Odinga reached an agreement on four main agenda items for the purpose of ending the crisis. They were:

1. Agenda Item I: Stopping violence;
2. Agenda Item II: Addressing the humanitarian crisis and promoting healing and reconciliation;
3. Agenda Item III: Resolving the political crisis; and
4. Agenda Item IV: Addressing long term issues. (South Consulting, 2008a, 1-2)

The details under the Agenda Item IV were to be discussed in the future, and it was not until May 23, 2008 that the parties of the conflict officially agreed on identifying six long-term issues to be addressed under Agenda Item IV:

1. Constitutional, legal and institutional reforms;
2. Land reform;
3. Poverty, inequality and regional imbalances;
4. Unemployment, particularly among the youth;
5. Consolidation of national cohesion and unity; and
6. Transparency, accountability and impunity (South Consulting 2008b: 2).

They further agreed on July 30, 2008, that the “institutional reforms” would include parliamentary reform, judicial reform, executive reform, civil service reform, and police reform.

At the same time, as details of the Agenda Item IV were being discussed, on May 23, 2008, the parties to the KNDR constituted the Commission of Inquiry into Post-Election Violence (commonly referred as “Waki Commission” after the Chair, Justice Philip Waki) to investigate circumstances surrounding the acts of violence that followed the 2007 election, and to recommend measures to bring to justice those responsible for criminal acts. The Waki Commission submitted its report to the Government and the Panel of Eminent African Personalities in October 2008, 20% of the report was dedicated to one of the mandates of the commission: the investigation of the actions or omissions of state security agencies during the course of violence (South Consulting, 2009c, 62).^{xix}

The Commission concluded that the police forces were responsible for all of the 405 cases of deaths due to gunshots during the 2008 PEV, which represented 35.7% of the total deaths, pointing out that this questions “the contention that post-election violence was a citizen-to-citizen violence, and it validates the view that police action accounted for a good part of the post-election violence” (CIPEV, 2008, 342 and 346). Furthermore, the Commission cited that “there was credible evidence of criminal behavior [by the police] ... Instances ranged from murder to gang rape and looting” and, in some parts of Kenya such as the Rift Valley, “the activities of police officers [were] being driven by their ethnicity, political leanings or both” (CIPEV, 2008, 396 and 421).^{xx} The report explains this is because “members of the provincial administration and the police [understood] that it was sometimes in the interest of their personal survival to follow what they understood to be the directives or inclinations of either the President or MPs in their areas rather than to uphold the law. This led to some officials not following the law themselves” (CIPEV, 2008, 29). Thus, it is commonly understood that three forms of violence broke out during 2008 PEV in Kenya: (1) spontaneous and disorganized protests against persons and property; (2) organized militias set out to attack supporters of the opposite party; and (3) the Kenyan police forces reacting with disproportionate violence to the protests (Litscher, 2008, 48).

Table 3: IStructure and Major Recommendations Made in the Final Report

Structure of the Final Report		
Chapter 1: Introduction (pp.1–12) Chapter 2: An Overview of Policing in Kenya (pp.13–30) Chapter 3: Organizational Re-Structuring (pp.31–68) Chapter 4: Enhancing Police Accountability, Culture and Image (pp.69–88) Chapter 5: Professionalism, Terms and Conditions of Service (pp.89–148) Chapter 6: Logistical Capacity and Operational Preparedness (pp.149–170) Chapter 7: Community Policing and Partnerships (pp.171–186) Chapter 8: Enhancing National Security (pp.187–196) Chapter 9: Reforms Implementation, Monitoring and Evaluation (pp.197–216) Chapter 10: Summary of Recommendations (pp.217–252)		
Reform Issue	Corresponding Chapters	Major Recommendations
(i) Institutional, Policy, and Legal Reforms	3 and 8	Police Service Commission, National Policing Council, Provincial Policing Authorities, and National Policing Policy
(ii) Police Image, Accountability, and Partnership	4 and 7	Independent Policing Oversight Authority and Fast-tracking the National Policy on Community Policing
(iii) Operational Preparedness, Tooling and Logistical Capacity, Professionalism, and Terms and Conditions of Service	5 and 6	Improving welfare benefits and assessment of the exact needs logistical and technological capacity

(Source: National Task Force on Police Reform, 2009, 199)

With these findings, the Commission called for “the immediate establishment of a specialized and independent Police Reform Group” (CIPEV, 2008, 432). Ironically, the 2008 PEV provided an another opportunity for Kenya to address the issue of police reform. There is “a strong feeling that the level of PEV would have been minimized had the police responded in a professional, non-partisan manner” (National Task Force on Police Reform, 2009, 1).

The Ransley Task Force

Despite, the development within the KNDR framework, progress to radically transform the police force “was not visible by end of April 2009” (South Consulting, 2009c, 45).^{xxi} With local international pressure for the more determined implementation of the reforms under Agenda Item IV, President Kibaki announced the appointment of a National Task Force on Police Reform (Ransley Task Force) on May 8, 2009. The final report of the Ransley Task Force was submitted to the Government of Kenya on November 3, 2009 (See Table 3). This section will examine the final report according to its own categorization: (i) institutional, policy and legal reforms; (ii) police image, accountability, and partnership; and (iii) operational preparedness, tooling and logistical capacity, professionalism, and terms and conditions of service.

(i) Institutional, Policy, and Legal Reforms (Chapters 3 and 8)

Major changes proposed in Chapters 3 and 8 concerned the establishment of the Police Service Commission, National Policing Council, Provincial Policing Authorities, and the development of the National Policing Policy utilizing the proposed National Policing Council. Each will be examined briefly below.

The Police Service Commission

One of the recommendations in the final report was the establishment of a Police Service Commission (PSC) under the Constitution and legislation (National Task Force on Police Reform, 2009, 42).^{xxii} The idea is to establish one that is focusing solely on the police. The PSC is responsible for the following functions:

- (i) Recruitment and appointment of persons to hold or act in an office and to determine promotions in the service, while observing gender and Kenya regional balance;
- (ii) Keeping under review all matters relating to salaries, allowances and other terms and conditions of service;
- (iii) Exercising disciplinary control, including the hearing and disposal of appeals by persons in the service;
- (iv) Entering into performance contracts with senior officers; and
- (v) Liaising with the oversight authority in identifying patterns and trends in complaints against the police (National Task Force on Police Reform, 2009, 43–4)^{xxiii}

The main purpose of PSC is to insulate the police forces from executive/political interference. For example, the Inspector General of KP and the Commandant of AP are to “be appointed by the President on the recommendation of the Police Service Commission after a competitive process” (National Task Force on Police Reform, 2009, 49 and 62). Furthermore, with a view that such power “ought not to be delegated to an individual but should be vested and exercised by an institution,” the final report also stipulates the nine members of the PSC (National Task Force on Police Reform, 2009, 41):

- (i) A person qualified to be appointed as a judge of the High Court;
- (ii) Four persons of high moral character and integrity with knowledge and proven experience in the following professional disciplines; human resource management, employment and labor relations,

- financial management/audit, economics and public administration;
- (iii) Two retired senior police officers of high moral character and integrity not below the rank of assistant commissioner of police (ACP) or the equivalent in the Administration Police;
 - (iv) The Chairperson, Public Service Commission; and
 - (v) The Chairman, Permanent Public Service Remuneration Review Board (National Task Force on Police Reform, 2009, 42).

And the report disqualifies the following people from membership of PSC to prevent political interference with the police: (i) a member of public service, local authority, National Assembly, and Armed Forces; and (ii) any person who is a holder of an office in any political party (National Task Force on Police Reform, 2009, 43).

The National Policing Council and Provincial Policing Authorities

Concerning the idea of merging the two police forces, the final report recommends that the “separate existence between the Administration Police and the Kenya Police should continue at this point in time” (National Task Force on Police Reform, 2009, 38). This is for the reason that “[i]t would also not be advisable to carry out reforms while simultaneously absorbing approximately 32,000 more officers into the Kenya Police” (National Task Force on Police Reform, 2009, 38). Instead, the final report recommends establishing a National Policing Council and Provincial Policing Authorities. The National Policing Council will be composed of the following members:

- (a) Permanent Secretary responsible for police services as the chairperson and accounting officer;
- (b) Inspector General, Kenya Police Service;
- (c) Commandant General, Administration Police Service;
- (d) Director, Directorate of Criminal Investigations (DCI);
- (e) Commandant, General Service Unit (GSU);
- (f) Two other Commissioners representing the Association of Police Commissioners (one from the KP and the other from the AP);
- (g) Secretary to the council shall be the Secretary, Internal Security; and
- (h) Secretary of the proposed Police Service Commission (National Task Force on Police Reform, 2009, 45).

The National Policing Council will determine policing policy and promote the sharing of resources such as training facilities at the national level to avoid the overlap of functions and unhealthy competition between the two forces (National Task Force on Police Reform, 2009, 45–6).

While the National Policing Council addresses coordination between the two forces at the national level, Provincial Policing Authorities in each province would fill in this gap at the provincial level. Each Provincial Policing Authority will consist of “nine civilian members of good standing, representing business sector, civil society, professional bodies, and religious organizations, a third of whom must be women,” who “have been ordinarily resident in the Province for a period of not less than three years, or have for such a period been employed or owned immovable property in the Province” (National Task Force on Police Reform, 2009, 48). Each Provincial Policing Authority is required to “sit with the Provincial Police Commissioner and the Provincial Security and Intelligence Committee at least once every quarter,” and “[i]n preparing the budget and policing plan, the Provincial Police Commissioner shall consult with the [Provincial Policing Authority]” (National Task Force on Police Reform, 2009, 47). Currently, there are no procedures or mechanisms in place in the provinces through which the police account to the public for their policing activities.

National Policing Policy

Currently, although both the KP and the AP have strategic plans, Kenya does not have a written national policy on policing. While it may be implicit in documents produced by the KP and the AP, the final report emphasizes the importance of having “a clearly spelt out National Policing Policy to guide the operations of all police services in the country” (National Task Force on Police Reform, 2009, 192). The above-mentioned National Policing Council, comprising both the Police Commissioner of the KP and the Commandant of the AP, is envisaged to provide a structure for the KP and the AP to produce the National Policing Plan.

(ii) Police Image, Accountability, and Partnership (Chapters 4 and 7)

Significant changes proposed concerned the establishment of the Independent Policing Oversight Authority. As for the National Policy on Community Policing, the final report recommends that “the completion of the National Policy on Community Policing be fast-tracked” (National Task Force on Police Reform, 2009, 183). And it is hoped that the proposed structure of the National Policing Council would harmonize the unhealthy tension between the AP and the KP, which caused significant delay in developing a national policy. The Independent Policing Oversight Authority is explained below.

Independent Policing Oversight Authority

The final report recommends the establishment of “an Independent Policing Oversight Authority *under the Constitution and supporting legislation with jurisdiction clearly spelt out*” (National Task Force on Police Reform, 2009, 82, emphasis added). It will be comprised of seven civilians “selected through a competitive process to be conducted by the Public Service Commission” (National Task Force on Police Reform, 2009, 83):

- (i) Chairperson – who shall be a person qualified to be appointed a Judge of the High Court of Kenya;
- (ii) Six other members with knowledge and proven experience in their respective fields as follows:
 - a) Two from public administration
 - b) One with a human rights background
 - c) One from financial management
 - d) One from corporate management
 - e) One from religious leadership (National Task Force on Police Reform, 2009, 83)

By having all powers necessary for the execution of its function under the Constitution and legislation (e.g. the power to investigate complaints, to take over ongoing internal investigations where deemed appropriate, to demand mandatory cooperation from the police, to follow upon recommendations, and to enforce implementation of its decisions through the court), it “will protect the oversight from political, executive and police interference” (National Task Force on Police Reform, 2009, 82 and 84). For example, the failure to cooperate with the Oversight Authority is deemed a criminal offense (National Task Force on Police Reform, 2009, 84). These measures “will enhance public confidence that complaints about the police conduct will in future be investigated in an impartial manner and that transgressors will be called to account” (National Task Force on Police Reform, 2009, xxviii).

(iii) Operational Preparedness, Tooling and Logistical Capacity, Professionalism, and Terms and Conditions of Service (Chapters 5 and 6)

This part of the final report discussed mainly the operational aspect of the police forces and addressed issues that impact directly on police standards and morale:

- (i) Recruitment process and training standards;
- (ii) Disciplinary process and provisions;
- (iii) Career progression;
- (iv) Remuneration and other terms and conditions of service;
- (v) Housing and welfare;
- (vi) Exit and post-exit management; and
- (vii) Tooling, Logistical and Technology capacity.

For example, many recommendations are aimed at “improving conditions of service and at enhancing the provision of welfare benefits and greater security to police officers and their families” (National Task Force on Police Reform, 2009, xxix). In addition, the final report emphasized the importance of assessing the exact needs and specification of the tooling, logistical and technological capacity of the police in order to bring policing to international standards.

2.3. A Comparative Analysis of the Two Police Reforms

Why are there two, seemingly separate police reforms taking place in Kenya? Before answering this question, we first need to go back to the question posed in Section 2.1: Was the CBP a sufficient policy choice to transform the police from “policing for the government” to “policing for the people”? The theoretical framework proposed by Ball et al (2002) is useful in answering this question.

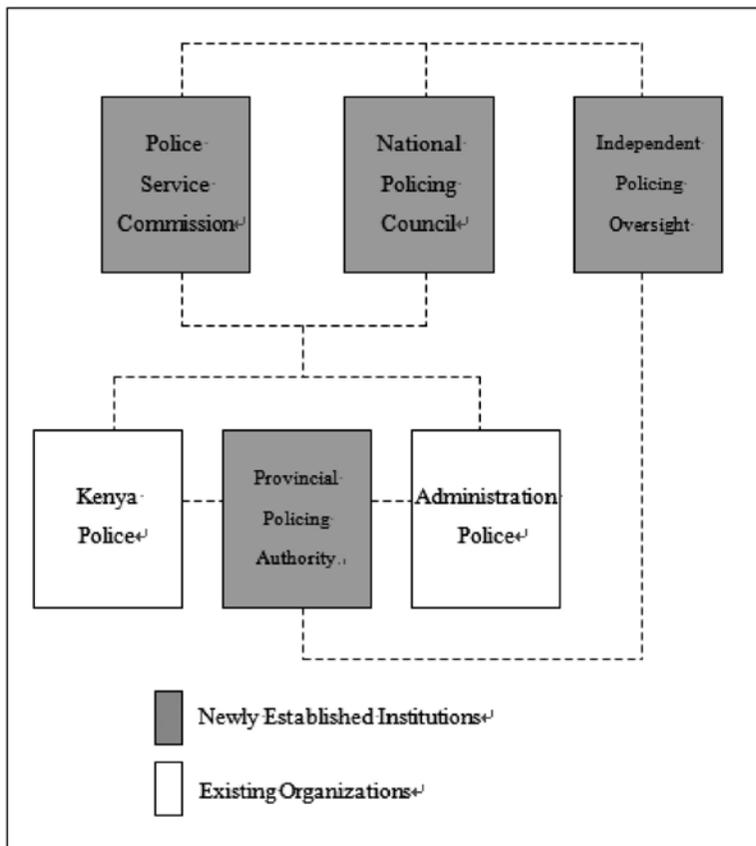
Ball et al (2002) points out that the accountability of the security forces, including the police, can be improved in two ways: (i) by strengthening norms; and (ii) by strengthening institutions (Ball et al, 2002, 30). This is because accountability of the security forces is impossible without the “society-wide acceptance of the notion that the security forces are subordinate to the civil authorities” and “norms and principles need to be enshrined in national laws and regulations” (Ball et al, 2002, 30 and 44). Where it is difficult and/or costly to hold the security sector accountable directly, it is also suggested that “institutional frameworks are needed for answerability to and enforceability of norms and principles” (Ball et al, 2002, 44). Put differently, strengthening norms and building institutions would create an environment in which “civil society can hold the security forces to account, both directly, for instance through legal action, and indirectly, through capable civil oversight bodies” (Ball et al, 2002, 30).

When reviewing the activities of Saferworld and PeaceNet in 2003, their activities can be characterized as pursuing the strengthening of both norms and institutions of CBP. For example, assistances provided by Saferworld to develop a five-year strategic development plan for the KP and the AP, a curriculum for training police officers in CBP, a citizen’s handbook on CBP, and a media and outreach strategy, all strengthened the norms of CBP to a point where there was an acknowledgement that there is a “need for a comprehensive Community Based Policing program in Kenya, which would be adopted nationwide” (PeaceNet et al, 2005, 2). At the same time, Saferworld also made contributions to institutionalizing the CBP through facilitating the development of a draft of the National Policy on Community Policing and implementing a pilot community-based policing program in Kibera and Isiolo.

Their activities were successful in spreading the term and idea of CBP throughout Kenya, institutionalization however did not go so well. Due to reasons beyond their control (i.e. unhealthy competition between the KP and the AP), a draft of the National Policy on Community Policing is still sitting in parliament. In addition, the idea to turn CBP pilot projects in Kibera and Isiolo into a model projects for the entirety of Kenya also collapsed after the 2008 PEV, especially in Kibera. Following police officers shooting at civilians during the 2008 PEV, with whom they are supposed to be working in fighting crime within the CBP framework, the idea of a community-police partnership seems to have collapsed.

This does not reject the idea of CBP all together, but it does hint that perhaps something else, in addition to CBP, could be done to change the status quo. CBP is “both a *philosophy* (a way of thinking) and an *organizational strategy* (a way of carrying out the philosophy), that allows the police and the community to work together in new ways to solve problems of crime, disorder and safety issues to improve the quality of life for everyone in that community” (Saferworld, 2008, 4). Put differently, it establishes a partnership between the police and community, to overcome the historically created divide between the people (the colonized) and the police (colonial authority) since the colonial time illustrated in the Section 1.1.

An important point here is that CBP is not a panacea and there is a limit to what CBP can achieve. CBP has certain aims to meet, and those particular aims may not necessarily match the needs of society. For example, CBP cannot address the issue of political interference illustrated in the Section 1.2, which became one of the issues during the 2008 PEV. This leads to the last question: Why are there two, seemingly separate police reforms taking place in Kenya? Put it differently, what are similarities and differences between the current police reform by the Ransley Task Force and that reform which started back in 2003?



(Source: By Author)

Figure 1: A Summary of Recommendations made by the Ransley Task Force

Similarities include that both reforms aim to transform the police from “policing for the government” to “policing for the people.” Differences are that the works of the Ransley Task Force is more concerned about establishing institutions to depoliticize the police, which is beyond the scope of CBP. And it is precisely this gap left behind CBP concerning the institution-building to address the issue of political interference, which the Ransley Task Force proposed to fill in by establishing the Police Service Commission, National Policing Council, Independent Policing Oversight Authority, and Provincial Policing Authority (See, Figure 1). In short, the two police reform initiatives complement each other.

3. Concluding Remarks

Part I of the paper pointed out that historically the two police forces in Kenya were utilized as tools to impose law and order for the colonial administration and then, following independence, as tools for new, post-independence politicians to maintain their powers. Through a series of constitutional amendments, the police forces also became unaccountable to anyone outside the ruling government. Part II then examined two police reforms in Kenya since 2003, pointing out that these seemingly separate police reforms complement each other: i.e. the works of the Ransley Task Force, which is characterized by establishing institutions to depoliticize the police force, is filling in the gap left behind by the CBP, which is meant to overcome the historically constructed divide between the people (the colonized) and the police (the colonial authority). While one of the purposes of this article is to explore the relationship between the two police reforms in Kenya, another purpose of this article is to learn from the case of Kenya concerning its implications for police reform policy, and it is this point that will be elaborated here before concluding this paper.

Once perceived as taboo for many donors, 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).” An important point that needs to be emphasized here is that what is meant by a “functional” police and security sector changed over the time, particularly after the end of the Cold War. In the post-Cold War era, for example, the internationally expected role of the police has become to be perceived as more than the enforcement of the law: i.e. 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). As a result, 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. A lexicon of “democratic policing” emerged to illustrate this development of universal norms of policing, and the term is now treated as “synonymous with adherence to international principles of human rights” (Bayley, 2005, 207).

This emphasis on the accountability aspect of the police force/security sector is what made the police reform/SSR discussion of the 1990s unique from that of the Cold War (Furuzawa, 2009). But, what does it mean to pursue accountability in the police reform? For some, the preferred policy prescription has been CBP. According to Gronewald and Peake (2004), CBP with its emphasis on partnership, problem-solving, decentralization, crime prevention, and commitment to service shares many of the normative expectations which define democratic policing. This paper, through referring to the case of Kenya, however, made it clear that the CBP does not amount to the accountability aspect of the police reform on its own. Put it differently, the case of Kenya revealed the importance of institutional aspects of the police reform in making the police force more accountable to the public.

Some sarcastically comment that, in Kenya, there are many “good reports, but lack of political will.” As this saying points out, there is a possibility that the current police reform may lead to “only general administrative reforms of the police” (South Consulting, 2009d, 24), but it is also true that the Government showed its initial commitment to police reform by removing the then-Commissioner of the KP from office back in September 2009. Furthermore, as

stipulated in the final report, the Police Reform Implementation Commission was established in December 2009 to “oversee the implementation of the various reforms and operationalization of the new institutions that the Task Force has recommended” (National Task Force on Police Reform, 2009, 197).^{xxiv} It is indispensable that we pay close attention to the implementation phase of the Ransley Task Force, to ensure that this will not be “yet another reform initiative.”

Endnotes

- ⁱ This research is based on two visits to Kenya in May 2005 and September 2009, of which the latter was financially supported by the Grants-in-Aid for JSPS Fellows (21-08830). The author also would like to thank Dr. Hideaki Shinoda, all friends in Kenya and the around the globe whom I cannot mention all in this limited space, 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.
- ⁱⁱ It is noted that all three police stations in the country at the time – Mombasa, Nairobi and Kisumu – were then carrying out all office work and records maintaining in Urdu. This is because while some of the Indian Inspectors and Deputy Inspectors had a fair knowledge of Kiswahili, a few had any knowledge of English (Foran, 1962, 9–10).
- ⁱⁱⁱ Mombasa is the second largest city in Kenya along the coast on the Indian Ocean.
- ^{iv} No where else, however, in other parts of today’s Kenya.
- ^v The Foreign Office administered the British East Africa Protectorate between 1895 to 1905, and then the Colonial Office assumed full responsibility for the British East Africa and Uganda Protectorates in 1905 (Foran, 1962, 5).
- ^{vi} According to Foran (1962), Ewart was the first European Police Officer of British East Africa.
- ^{vii} According to Foran (1962), the majority of the Railway Police were recruited in India or from the Punjabi people building the railway. In addition, until the readjustment of the boundaries of Uganda and the British East Africa Protectorate on April 1, 1902, Uganda included what are now Nyanza and the Rift Valley, now within Kenya (Foran, 1962, 14).
- ^{viii} At this point, however, Africans were recruited to fill only the lowest ranks of the force – subservient to European and Asian officers.
- ^{ix} The state of emergency was not lifted until January 1960.
- ^x The external accountability mechanisms can further be categorized into supervisory and complaints mechanisms: the one with supervisory powers and the other with disciplinary powers.
- ^{xi} The trend in promoting police accountability is (i) broadening responsibility for controlling the police force beyond the executive branch of government, (ii) delineating the division of decision-making responsibilities between senior police officers and civilian leadership, (iii) blending internal and external accountability mechanisms, and (iv) establishing the accountability mechanisms solely focusing on the police force (Auerbach, 2003, 24–29).
- ^{xii} In 1988, security of judicial tenure was removed, but was later reinstated in 1990.
- ^{xiii} For a contrast between high expectations toward the NARC government after the 2002 elections and pessimisms that came to emerge after one year of its rule, see Tsuda (2003) and Tsuda (2004).
- ^{xiv} Kibera is one of the largest slums in Africa, located in the south-west of Nairobi, with an estimated 800,000 people. Isiolo is located in Eastern Province of Kenya, which is home to five ethnic communities – Borana, Turkana, Somali, Meru, and Samburu. Isiolo used to be referred as the “arms supermarket” of Kenya due to its location at the gateway to the North-Eastern Province bordering Ethiopia and Somalia (Saferworld, 2008, 20).
- ^{xv} Among many others, Mungiki were accused of extortion (e.g. 10,000 Kenyan Shillings for the setting up of a matatu operation, 5,000 Kenyan Shillings for the setting up of a motorcycle and taxi service, daily collections ranging from 50 to 500 Kenyan Shillings for buses, matatu and motor cycles, as well as 500 Kenyan Shillings for stone houses and 200 Kenyan Shillings for timber houses) (Kenya National Assembly, 2009, 4). For more information about vigilantes in Kenya, see Anderson (2002).
- ^{xvi} The strongholds of the PNU are the Central Province, Eastern Province, Nairobi Area, Coast Province, and the Rift Valley, which are dominated by the Kikuyu, Embu, and Meru ethnic groups. While the ODM receives strong support in the Western Province, Nyanza Province, and parts of the Rift Valley, where the majority of constituencies are made up of the Luo, Luhya, and Kalenjin ethnic groups. Though figures do vary, the Kikuyu are the largest ethnic group with about 20% of the population, followed by the Luo with roughly 14% and Kalenjin with about 12% (Litscher, 2008, 48).
- ^{xvii} On January 8, 2008, the chairman of the African Union and president of Ghana, John Kufuor, arrived in Kenya to lead the first official mediation mission. The solution, however, provided by Kufuor’s mission was refused by the PNU, which rejected the possibility of any election reruns.
- ^{xviii} The Panel was assisted by two staff members of the Geneva-based Centre for Humanitarian Dialogue.

- ^{xix} The other two mandates of the commission were as follows: (1) investigating the facts and surrounding circumstances related to acts of violence that followed the 2007 general elections; and (2) recommending measures of a legal, political or administrative nature, as appropriate, including measures with regard to bringing to justice those persons responsible for criminal acts. The Commission was to prevent the repeat of similar deeds and in general eradicate impunity and promote national reconciliation (South Consulting, 2009c, 62).
- ^{xx} The report cites that, in Rift Valley province, some witnesses provided statements that “that police stood by and watched as homes of the non-Kalenjin were being burned and looted” (CIPEV, 2008, 421).
- ^{xxi} In September 2008, a Civilian Oversight Board was established, but is criticized for lacking independence, powers, funding, and staffing. Furthermore, it is alleged that the Board originated from the Minister for Provincial Administration and Internal Security without consultation with the police forces, which led to a lack of ownership by the police (South Consulting, 2009b, 10; and South Consulting, 2009c, 45).
- ^{xxii} The idea of establishing the Police Service Commission is not new in Kenya. As mentioned in the previous section, Section 157 of the Independence Constitution (1963) established the Police Force under the command of the Inspector General who was to be appointed by the Head of the State with the advice of Police Service Commission. However amendments of the constitution abolished the Police Service Commission and placed it, instead, under the auspices of the Public Service Commission.
- ^{xxiii} The PSC is also responsible for (i) keeping under review all matters relating to the standards or qualifications required of members of the service; (ii) exercising such other functions as are provided for by the Constitution or an Act of Parliament; (iii) entering into performance contracts with senior officers; and (iv) approval of applications for engagement of police officers in trade and other businesses. (National Task Force on Police Reform, 2009, 44)
- ^{xxiv} The Commission will remain in place until institutions such as the Police Service Commission and the Independent Policing Oversight Authority are established “in any case within a maximum period of 2 years” (National Task Force on Police Reform, 2009, 198).

References

- Achieng, J. (1998), “Cleaning Up the Image of the Police,” *Inter Press Service*, December 22.
- Administration Police (2004), *Administration Police Strategic Plan 2004-2009*, Nairobi, Administration Police.
- Anderson, D. M. (2002), Vigilantes, Violence and the Politics of Public Order in Kenya, *African Affairs*, 101(405), pp.531-55.
- Auerbach, J. N. (2003), Police Accountability in Kenya: Seize the Moment, Commonwealth Human Rights Initiative, ed., *Police as a Service Organization: An Agenda for Change*. New Delhi, CHRI, pp.1-30.
- Ball, N., et al. (2002), *Voice and Accountability in the Security Sector*, Bonn, BICC.
- Bayley, D. H. (2005), Police Reform as Foreign Policy, *The Australian and New Zealand Journal of Criminology*, 28(2), pp.206-15.
- Commission of Inquiry into Post-Election Violence (2008), *Report of the Commission of Inquiry into Post-Election Violence*, Nairobi, Commission of Inquiry into Post-Election Violence.
- Commonwealth Human Rights Initiative and the Kenya Human Rights Commission (2006), *The Police, The People, The Politics: Police Accountability in Kenya*, New Delhi, CHRI.
- Foran, W. R. (1962), *The Kenya Police: 1887-1960*, London, Robert Hale Limited.
- Furuzawa, Y. (2009), Assisting the Police Force of Fragile and Transitional Countries – Linking the Police Reform, SSR, and Peacebuilding, *Journal of International Development and Cooperation*, 15(1-2), pp.213-28.
- Government of Kenya (2003), *Economic Recovery Strategy for Wealth and Employment Creation 2003-2007*, Nairobi, Government of Kenya.
- Gronewald, H. and Peake, G. (2004), *Police Reform through Community-Based Policing: Philosophy and Guidelines for Implementation*, New York, Saferworld and International Peace Academy.
- Hartz, H. (2000), CIVPOL: The UN Instrument for Police Reform, T. T. Holm et al., eds., *Peacebuilding and Police*

- Reform*, London, Frank Cass, pp. 27-42.
- Kenya National Assembly (2009), *Report of the Committee on Administration, National Security and Local Authorities During Its Fact Finding Mission to Nyeri East, Kiriyaga Central, West and South Districts Between 8th and 9th May 2009, to Establish the Number of Persons Killed by Vigilante Groups in the Months of April and May, 2009*, Nairobi, Clerk's Chambers.
- Kenya Police (2004a), *The Kenya Police Service Strategic Plan 2004-2008*, Nairobi, Kenya Police.
- (2004b), *The Kenya Police Reforms Framework*, Nairobi, Kenya Police and Security Research & Information Centre.
- Killingray, D. (1986), The Maintenance of Law and Order in British Colonial Africa, *African Affairs*, 83(340), pp.411-37.
- Litscher, J. (2008), Kenya, The National Accord and Reconciliation Act 2008, S. J.A. Mason, ed., *Unpacking the Mystery of Mediation in African Peace Processes*, Bern and Zürich, Center for Security Studies and Swisspeace, pp.51-59.
- Mani, R. (2000), Contextualizing Police Reform: Security, the Rule of Law and Post-Conflict Peacebuilding, T. T. Holm and E. B. Eide, eds., *Peacebuilding and Police Reform*, London, Frank Cass, pp. 9–26.
- Mukinda, F. and Wabala, D. (2009), "Change of Guard in Kenya's Police Force," *Daily Nation*, September 9.
- Nation Correspondent (2009), "Reforms in Police Start This Month," *Daily Nation*, September 2.
- National Task Force on Police Reforms (2009), *Report of the National Task Force on Police Reforms*, Nairobi, The Government Printer.
- Ngotho, K. (2003), "Former Police Chief Speaks out on the 'Mwakenya' Crackdown," *Sunday Nation*, March, 2.
- Peace and Development Network-Kenya, et al. (2005), *Report on Community Based Policing Partners Forum – Consolidating Experiences*, Nairobi, PeaceNet, Saferworld and DED.
- Saferworld (2008), *Implementing Community-Based Policing in Kenya*, London, Saferworld.
- South Consulting (2008a), *Annotated Agenda for the Kenya Dialogue and Reconciliation*, Nairobi, Kenya National Dialogue and Reconciliation.
- (2008b), *Statement of Principles on Long-Term Issues and Solutions*, Nairobi, Kenya National Dialogue and Reconciliation.
- (2009a), *The Kenya National Dialogue and Reconciliation Monitoring Project: Project Context and Summary of Findings*, Nairobi, Kenya National Dialogue and Reconciliation.
- (2009b), *The Kenya National Dialogue and Reconciliation Monitoring Project: Agenda Item 4 Long-Standing Issues and Solutions*, Nairobi, Kenya National Dialogue and Reconciliation.
- (2009c), *The Kenya National Dialogue and Reconciliation Monitoring Project: Status of Implementation of Agenda Items 1-4*, Nairobi, Kenya National Dialogue and Reconciliation.
- (2009d), *The Kenya National Dialogue and Reconciliation Monitoring Project: Status of Implementation of Agenda Items 1-4*, Nairobi, Kenya National Dialogue and Reconciliation.
- (2009e), *The Kenya National Dialogue and Reconciliation Monitoring Project: Status of Implementation of Agenda Items 1-4*, Nairobi, Kenya National Dialogue and Reconciliation.
- (2010), *The Kenya National Dialogue and Reconciliation Monitoring Project: Status of Implementation of Agenda Items 1-4*, Nairobi, Kenya National Dialogue and Reconciliation.
- Tsuda, M. (2003), 2002 Nen Kenia Sosenkyo [The 2002 General Elections in Kenya: originally written in Japanese], *Africa Reports*, 36, pp.21-26.
- (2004), Uragirareta Kitai [Hope Betrayed: originally written in Japanese], *Africa Reports*, 38, pp.22-26.