



International Center for Policy and Conflict

***Police Reforms Task Force:
The Herculean challenge***

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The Police Reform Task Force was formed to review existing policy, institutional, legislative and operational structures with objective of recommending comprehensive reforms to the discredited police force and establish democratic security. Every Kenyan hope the process shall adhere to the Commission of Inquiry into Post-Election Violence report recommendations. Experiences have shown the importance of security sector reform in ensuring peace, stability and fair development. Lack of security sector reforms (SSR) could become one of the causes for relapse into conflict or prolonged instability.

The issue of security sector reform is multidimensional and multifaceted. This is the enormous challenge to the Police Reform Task Force. The anticipated reforms should be viewed in the wider context of building democratic State institutions. It must be subjected to accountability. The security of the people and not just of a state is a precondition for development. Fair development contributes to lasting peace and security. Comprehensive security sector reform needs to be embedded in a national development and transitional justice framework.

Central to national security is human security. From this perspective, security threats are much wider and diverse in scope. Security is not limited to the role of the police and military in protecting the nation. However, for government, parliament and security actor, the concept of security pertains strictly to situations of maintaining public order and war threats. Security Sector reforms must be related to the broader democratization process and integrated into a human security framework. The freedom to obtain public information law is important. This enhances government transparency and accountability by guaranteeing the citizens' right to monitor public officials, obtain information, participate in public policy development, exercise freedom of expression, and enjoy witness protection.

At the forefront of security sector reform lies the stabilization of security and the achievement of comprehensive political and economic development. The overall objective of security sector reform is ensuring the discharge by the security institutions of their statutory functions; i.e. providing security and justice for the people efficiently and effectively. While reformed and restructured security sectors are crucial for post-conflict peacebuilding, the ultimate objective should be the improvement of everyday lives of the people. Security sector reform entails search for sustainable political stability as a precondition for setting a country on the path to development. Security sector reform aims at achieving effective, accountable and sustainable security institutions committed to the rule of law, protection of human rights and democratic State as the cornerstone of sustainable peace and security.

Four lessons have been learned on security sector reforms: first, security is a crucial and immediate condition for peacebuilding and long-term development. Secondly, security could not be restored and maintained in a vacuum as it is vital to address the needs and perspectives of the State and the communities within it. National ownership to security sector reform is crucial for it is an integral part in building sustainable peace. Thirdly, sustainable security goes beyond professional training and equipping individual police officers. Without effective and democratic security institutions, peace and political stability is short-lived. This calls for capable management, sustainable funding and effective oversight. Fourthly, building sustainable security after conflict requires engaging many stakeholders but all their efforts must be carefully coordinated.

The core institutions of State i.e. police, correctional services and judiciary are fulcrum to national stability and justice, good governance and the rule of law. The impartiality of these institutions reflects the strength of a country's democratic values. The processes of security sector reform are key ingredients of the post-conflict peacebuilding agenda. Without a secure environment recovery, reconstruction and sustainable development is not possible.

The security sector is itself complex, as it includes all institutions that have the authority to use, or to order the use of, force or threat of force to protect the State and its citizens, as well as those civil structures that are responsible for their management and oversight. Given that, a comprehensive and coordinated approach is required. Implementing security sector reform in a post-conflict country is possible provided there was adequate international support in the presence of responsible national ownership. All efforts in security sector reform require adequate and continuous support international players, including bilateral and international donors. Such reform is a worthy investment. That would guarantee the success of the reform process, with a view to consolidating peace, strengthening democratic institutions and creating the necessary conditions for the access to justice and the achievement of socio-economic progress.

It is necessary to develop an effective system for the administration of justice since without justice and the establishment of the rule of law; one cannot expect security and development. The success of any security sector reform hinges on the capacity of, and interrelationships between the various institutions concerned, in order to ensure lasting peace and stability. While police reforms are critical to re-establishing local and national public security institutions and the rule of law, a comprehensive approach requires not only policing, but also the involvement of the entire public security and justice systems. Building police capacity must be integrated with assistance to the judicial and penal systems so that policing becomes a vital precursor to peacebuilding. To that end, it is of paramount importance that the rule of law be established to prevent the re-emergence of political corruption and organized crime.

The police reform progress must go hand in hand with the protection of human rights and equality. Measures for arms control, particularly small arms and light weapons, are also important. The reforms should lead to the creation of institutions oriented towards an accountable public order. The effective application of security sector reform requires the implementation of policies on incentives, supervision and sanctions. The reform process should be complemented with due attention to economic and social factors that might cause poverty, marginalization and exclusion.

Security sector reform is a national responsibility that should be defined and owned by national stakeholders, informed by the best international standards and practices, and supported by the international community. National government should be willing and able to play a key role in the coordination and facilitating dialogue of national stakeholders in three key areas: shared analysis of what must be done and to what extent; development of a clear strategic implementation plan; and establishment of a mechanism for management, monitoring and evaluation of implementation.

When a country is in the grip of conflict, state institutions are the first to collapse, democracy eroded and the culture for human rights regress or disappear. All that lead to a general breakdown of trust of state institutions as citizens are left to conclude that democracy has been abandoned and human rights no longer matter. Security sector reform, therefore, is about building both the state institutions and the trust between the populations with the newly established democratic institutions.

The uncertainty brought about by the competing interests of donors and national actors often deepen the challenges faced by the post-conflict country. As a result, the process ends up favoring donors rather than promoting national reconciliation or nation-building. While external actors can inform and advise, they cannot prescribe, when it comes to matters of national security, and this can be achieved through an open and transparent national process, with the assistance of the international community. The rationale of security is to protect individuals. A democratic State has the duty and responsibility to offer security as a service with the same standards of quality regulating other public services and institutions. Under that perspective, the State's protection of democratic institutions and national integrity constitutes the way to guarantee sustainable human development. A holistic approach should be taken towards security sector reform, within the broader framework of improving governance

Building a well-managed security sector not only requires police reforms but also the construction of impartial and accessible judicial and corrections sectors. To be sustainable, those reforms must be based on the foundations of transparency, equality, civilian protection, democratic norms and respect for human rights. However, critical elements of security sector reform, notably justice and corrections, are not consistently addressed as well as strengthening civilian control and accountability and gender-mainstreaming.

Security sector reform is a political and often sensitive issue. It concerns both the effectiveness of security forces and the accountability of power and democratic control. It has to be a part of a framework of checks and balances.

Indeed, the sector deals with so many stakeholders including the police, defence, intelligence services, justice institutions, customs and border control, among others. If there is a fundamental lack of trust in the institutions that should be upholding the rule of law and respect for human rights, there would hardly be any progress in a post-conflict situation. In this regard, the Police Reform Task Force must strive to have a deep reflection on the reforms it intends to recommend.

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