

**UNIVERSITY OF NAIROBI**

**NATIONAL SECURITY AND COMMUNITY POLICING**

**A CASE STUDY OF KENYA**

**BY**

**MOHAMED BARRE MUHUMED**

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**DECLARATION**

**THIS DESERTATION IS MY ORIGINAL WORK AND HAS NOT BEEN PRESENTED  
FOR A DEGREE IN ANY OTHER UNIVERSITY**

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**THIS DESERTATION HAS BEEN SUBMITTED FOR EXAMINATION WITH MY  
APPROVAL AS A UNIVERSITY SUPERVISOR**

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## **DEDICATION**

THIS WORK IS DEDICATED TO MY MINISTRY, MINISTRY OF STATE FOR PROVINCIAL ADMINISTRATION AND INTERNAL SECURITY FOR GIVING ME THE OPPORTUNITY TO UNDERGO THE NDC COURSE.

## ACKNOWLEDGEMENTS

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Last but not the least my family members Abdimajid, Fatuma, Abubakar, Abdikadir, Omar, Issahk, Khathija and my dear wife for their patience during the course.

I take responsibility that any mistake(s) in this work is of my own.



## **ABSTRACT**

It is important to note that those most affected by insecurity, the public, have for a long time in the past not engaged the police directly in how security is provided to them. Due to changing circumstances of communities and shifting characteristics of crime and violence that affect the communities, policing practices that worked in the past have not remained effective in the near past. This is what necessitated that practice of community policing among other factors. Even before formal policing came into existence communities were involved in providing their own security through various means.

The study focuses on national security and community policing as concepts, the structures and mechanisms of national security as well as the relationship between national security and community policing. The study also looks at emerging issues related to community policing.

In carrying out the study secondary data from books and journals as well as internet sources were used. Primary data collected through Interviews and questionnaire was also included.

## **LIST OF ABBREVIATIONS**

PSIC	PROVINCIAL SECURITY AND INTELLIGENCE COMMITTEE
DSIC	DISTRICT SECURITY INTELLIGENCE COMMITTEE
POP	PROBLEM ORIENTED POLICING
CP	COMMUNITY POLICY
PC	PROVINCIAL COMMISSIONER
DC	DISTRICT COMMISSIONER
DO	DISTRICT OFFICER
UNDP	UNITED NATIONS DEVELOPMENT PROGRAMME
OCPD	OFFICER COMMANDING PLOCE DIVISION
OCS	OFFICER COMMANDING SATION
PPO	PRVINCIAL POLICE OFFICER
AP	ADMINISTRATION POLICE

## Table of Contents

Declaration.....	i
Dedication.....	ii
Acknowledgement.....	iii
Abstract.....	IV
List of Abbreviation.....	v
Table of Contents .....	vi
ABSTRACT.....	iii
LIST OF ABBREVIATIONS .....	iv
<b>INTRODUCTION TO THE STUDY .....</b>	<b>1</b>
1.1 Introduction and background to the study.....	1
1.2 Statement of the Research Problem.....	4
1.3 Objectives of the Study.....	6
1.4 Literature Review.....	6
1.4.1 Security and Development.....	7
1.4.2 Governance and Insecurity .....	10
1.4.3 Community Justice .....	14
1.4.4 Literature Gap .....	16
1.5 Justification of the Study.....	16
1.6 Hypotheses.....	18
1.7 Conceptual Framework.....	18
1.8 Methodology.....	20
1.9 Chapter summary.....	20
CHAPTER TWO .....	21
NATIONAL SECURITY AND COMMUNITY POLICING:.....	21
CONNECTING THE DOTS .....	21
2.1 Introduction .....	21
2.2 Security Re-defined: Definitional Problems? .....	23
2.3 National Security.....	24
2.4 Community Policing .....	27

2.5 International and Regional Trends.....	29
2.6 Conclusion.....	36
CHAPTER THREE .....	38
NATIONAL SECURITY AND COMMUNITY POLICING IN POST-INDEPENDENCE KENYA.....	38
3.1 Introduction .....	38
3.2 Background .....	40
3.3 Analysis of Community Policing In Post-Independence Kenya.....	42
3.4 Issues of Community Policing .....	45
3.5 Community policing in Kenya.....	45
3.6 Community policing and the rise of vigilantism.....	47
3.7 Responses to community policing in Kenya.....	50
3.8 Conclusion.....	51
CHAPTER FOUR .....	53
NATIONAL SECURITY AND COMMUNITY POLICING IN KENYA: A CRITICAL ANALYSIS.....	53
4.1 Introduction .....	53
4.2 Background .....	53
4.3 Emerging issues.....	56
Murungi M. (2007) Kenya: Perpetrators of Mob Justice Guilty of Murder: <a href="http://allafrica.com/stories/200709240383.html">http://allafrica.com/stories/200709240383.html</a> (Accessed on 28 January 2013). .....	69
4.4 Conclusion.....	71
CHAPTER FIVE .....	72
CONCLUSION AND RECOMMENDATIONS.....	72
5.0. Summary .....	72
5.1. Key findings .....	78
5.2. Recommendations .....	79
BIBLIOGRAPHY .....	80
Appendix .....	87
QUESTIONNAIRE.....	87

## CHAPTER ONE

### INTRODUCTION TO THE STUDY

#### 1.1 Introduction and background to the study

Security is vital for the development of the human person. Insecurity hinders socio-economic growth in different ways. These include threats to physical security, the absence of safe living environments, dangers that prevent people from achieving sustainable livelihoods, and the impact upon health and education services. As one of the main providers of security, the police play a pivotal role in creating the conditions in which development can take place.

However, all too often those who are most affected by insecurity have little opportunity to engage constructively with the police. This can result in feelings of mistrust between the police and the communities they serve. Furthermore, due to the changing nature of communities and the shifting characteristics of crime and violence that affect these communities, policing strategies that worked in the past are not always effective today.<sup>1</sup> Both the level and nature of crime in the country and the changing character of communities are causing police to seek more effective methods.

Hence the idea of community policing has come in handy to salvage the situation. Community policing is a philosophy and an organizational strategy that allows the police and community to work closely together in new ways to solve the problems of crime, fear of crime, physical and social disorder and neighbourhood decay.<sup>2</sup>

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<sup>1</sup> The Bangladesh Police, *Community Policing: National Strategy for Bangladesh*. Bangladesh: Department for International Development. p. 1

<sup>2</sup> *ibid*

This philosophy rests on the belief that law-abiding people in the community should contribute to the policing process. It also rests on the belief that solutions to contemporary problems demand freeing both citizens and the police to explore creative, new ways to address neighbourhood concerns beyond a narrow focus on individual incidents of crime.<sup>3</sup>

For community policing to succeed there should be a police service that is professional, representative, responsive, and accountable that works with the public. Police forces become more than crime fighters. In fact, many police departments have acknowledged their multiple roles in the mottoes stencilled on their patrol cars and shoulder patches: ‘To protect and Serve.’<sup>4</sup> The Kenya Police abide by the motto ‘*Utumishi Kwa Wote*’ (Service to all).

This study argues that in Africa, and more especially in Kenya, community policing has not been carried out as effectively as it ought to. The study argues that there are inefficiencies that need to be corrected so as to properly affect community policing strategies. Therefore, the study investigates these inefficiencies and seeks to come up with the best remedy to this problem.

Even before the advent of formal public policing, communities policed themselves, community members had norms and reinforced them. They had a developed awareness of their own site and they regularly scanned and surveyed it. As part of all this, communities also had systems in place – alternative dispute resolution, informal policing such as Headmen ,watch and ward systems – that allow police to tap into the community justice system and utilize the benefits of multi-choice policing.

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<sup>3</sup> Ibid

<sup>4</sup> K. Ellison, (2004). *Stress and the Police*. Illinois: Charles Thomas Publisher. p. 48

When Sir Robert Peel established the London Metropolitan Police, he set forth a number of principles, one of which could be considered the seed of community policing. The visionary of modern policing, Peel saw the new role of the police in 1829 as: ‘to maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police. The police, he said, were only members of the public that are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.’<sup>5</sup>

In 1979, Herman Goldstein developed and advanced the concept of “problem-oriented policing” (POP), which encouraged police to begin thinking differently about their purpose. Goldstein suggested that problem resolution constituted the true, substantive work of policing and advocated that police identify and address root causes of problems that lead to repeat calls for service. POP required a move from a reactive, incident-oriented stance to one that actively addressed the problems that continually drained police resources<sup>6</sup>.

In these contexts especially, the historic legacy of the police force therefore necessitates the adoption of a different philosophy of policing, removed from regime support and party politics and with a clear distinction of duties from that of the military. This philosophy is one of focusing on communities – the public – and their needs and by providing a more accountable policing service to the community combined with a respect for human rights.

Recognizing that communities are best placed to identify their own security and safety needs .and how they can be met; communities must be actively involved in planning and

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<sup>5</sup> Ibid

<sup>6</sup> South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons *Philosophy and principles of community-based policing* Saferworld, SEESAC and UNDP Stability Pact January 2007.

implementing locally-defined solutions to their problems. Community members also play a key role in monitoring progress and providing feedback.

The development of a national policy was identified as a key priority as early as 2002, but only started in earnest with the creation of the National Task Force on Police Reforms, appointed by the President in 2003, with a sub-committee charged with the development of the community policing policy. The aim was to develop a draft policy and Standard Operating Procedures for Community-Based Policing implementation. This process gained momentum at a time when the Governance, Justice, Law and Order programme was embracing a sector-wide approach to support policy and legislative reform

By November 2004, a draft policy was completed and published as an annex to the Government's Police Reform Framework. However, as outlined above, subsequent delays in the development and ratification of the national policy has hampered the process of implementing CBP in Kenya. A set of Standard Operating Procedures for community policing was launched by the President in April 2005

## **1.2 Statement of the Research Problem**

Since independence in 1963, Kenya has made considerable progress in terms of economic and political development and tends to be viewed as one of the most secure and stable countries in Africa. The country prides itself on playing a leading role in promoting peace and security in its region, for example, in the Somalia and Sudan peace processes.

Nevertheless, its citizens suffer from high levels of insecurity. Violent crime involving firearms is common and is a significant cause of social and economic degeneration in poor



communities. Insecurity was identified in the country's *Poverty Reduction Strategy Paper* as being a principal source of poverty<sup>7</sup>.

This confirmed the assertion of the former Secretary General of the UN, Kofi Annan, that 'there can be no security without development and no development without security, and neither can be sustained in the long term without being rooted in the rule of law and respect for human rights.'

In accordance to this fact, in December 2002, Kenya elected a government with a popular mandate for police reform. When the new government took power in 2003, it embarked on the development of new systems, partnerships and policies to address the high levels of crime and violence, and broader public dissatisfaction with the police. The new strategies, Community Policing included, that were ushered in, were largely expected to bring about massive positive changes in the area of security. To find out more about security and safety concerns of its citizens, a national consultation was undertaken, led by the Government of Kenya and supported by civil society organisations.

. However, these strategies, more so Community-Based Policing, have fallen short of the huge expectations of the public due to various reasons. There has been no significant reduction in the level of crime and violation of the laws in Kenya. Several insurgent groups, gangs and militia groups have come up and inflicted untold misery upon Kenyans. *Mungiki*, *Taliban*, Sabaot Land Defence Force (SLDF) and *Al Shabbab* are but a few of some of the groups that have continually terrorized innocent Kenyans.

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<sup>7</sup> Government of Kenya (2003). *The Economic Recovery Strategy for Wealth and Employment Creation 2003–2007*, Government Printers, Nairobi.

Proper information into their whereabouts, their operations, means of financing and other intelligence facts have been hampered by ineffective Community-Based Policing. Therefore, even at this very moment, Kenyans are suffering due to undue extortion and oppression from gangs such as the *Mungiki* and many are living in constant fear of terror attacks from the *Al Shabaab*.

Notably, these terrorists live with us in our communities and therefore flushing them out would require the mutual effort of the communities and the police. Unfortunately, though, there seems to be a widening gap between the police and the communities. Hence, this study will strive to answer the question: What is it that can be done to improve the efficiency and effectiveness of Community-Based Policing?

### **1.3 Objectives of the Study**

The overall objective of the study is to critically examine the relationship between national security and community policing in Kenya -- by identifying the existing gap in community policing and security systems in place -- since independence.

More specifically, the study will:-

- i) Provide an overview of community policing in Kenya;
- ii) Examine the relationship between national security and community policing in Kenya since 1963;
- iii) Draw lessons on community policing for the East and Horn of Africa sub-region.

## **1.4 Literature Review**

The Literature Review is concerned with three main concepts: Security, Development, Governance and Community Policing. The review of the literature indicates that national security is highly dependent on governance in that good governance of a country results in a secure society since issues like decision making and resource distribution are done in an inclusive manner. In the same manner, community policing helps improve national security since the overall internal security depends on intelligence information either on a crime committed or a crime to be committed. This information must come from the community because the criminals live among us in the societies.

Development, on the other hand, is dependent on security. Internal security is prerequisite to a peaceful environment that is conducive for foreign and local investment. A peaceful environment therefore helps bring progress in all aspects of human life. In this manner, this section will examine the interplay between these concepts: Security and Development, and Governance and Insecurity. Lastly, it will examine the concept of community policing.

### **1.4.1 Security and Development**

Development and Security are two interrelated phenomena. Security in this case can be defined as the quality or state of being secure. Purpura defines it as freedom from danger, and posits that it implies safety- freedom from anxiety or fear.<sup>8</sup> The birth of the modern concept of security can be traced to the seventeenth century, when it was articulated most

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<sup>8</sup> P. Purpura, (2011). *Security: An Introduction*. Boca Raton: CRC Press. p. 5

fully in the writings of Thomas Hobbes. Hobbes argued that without security, man remains in the 'state of nature.'<sup>9</sup>

Development, on the other hand, is defined by Zedner as a process of expanding the real freedoms that people enjoy.<sup>10</sup> Focussing on human freedoms contrasts with narrower views of development, such as identifying development with the growth of gross national product, or with the rise in personal incomes, or with industrialization, or with technological advance or with social modernization.<sup>11</sup> Development is therefore a key dimension of personal life, social relations, politics, economics and culture.<sup>12</sup>

Development and security has as its core the question of the relationship between government and civil society in their efforts to define and to pursue security.<sup>13</sup> Duffield explains that since the Cold War, the claim that development requires security and without security you cannot have development has been repeated to the point of monotony in countless government reports, policy statements, UN documents, briefings by non-governmental organizations.<sup>14</sup> He goes on to claim that such has been the widespread acceptance of this circular complementarity that it now qualifies as an accepted truth.<sup>15</sup>

The UN Secretary General in 2005 seemed to concur with this argument as he echoed the same sentiments: '...in an increasingly interconnected world, progress in the areas of

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<sup>9</sup> L. Zedner, (2009). *Security*. Routledge: New York. p. 26

<sup>10</sup> A. Sen, (1999). *Development as Freedom*. Oxford: Oxford University Press. p. 3

<sup>11</sup> Ibid

<sup>12</sup> J. Haynes, (2008). *Development Studies*. Cambridge: Cambridge Polity Press. p. 1

<sup>13</sup> D. Dewitt, and C. Hernandez, (2003). *Development and Security in South East Asia: Globalization*.

Hants: Ashgate Publishing Limited. p. 3

<sup>14</sup> M. Duffield, (2007). *Development, Security and Unending War*. Cambridge: Polity Press. p. 1

<sup>15</sup> Ibid

development, security and human rights must go hand in hand. <sup>16</sup>There will not be development without security and no security without development. And both development and security depend on respect for human rights and the rule of law.<sup>17</sup>

The President of the UN Security Council, in 2008, once again reiterated the same sentiments when he asserted that the Security Council recognizes that the establishment of an effective, accountable and professional security sector is one of the necessary elements for laying the foundations for peace and sustainable development.<sup>18</sup>

Since absence of security signifies the presence of conflict or fear of conflict, in essence, then, violent conflict is rightly seen as a profound development challenge. Schnabel and Farr are of the view that repeated cycles of political and criminal violence causes human misery and disrupts development.<sup>19</sup> Additionally, low levels of human development can contribute to instability and conflict.

Surprisingly though, few analysts and development practitioners have raised concerns in recent years about the apparently intensifying relationships taking place between the fields of international security and development.<sup>20</sup>

According to the World Development Report 2011, the tendency to see violence as interstate warfare and major civil war obscures the variety and prevalence of organized violence-and underestimates its impact on people's lives.<sup>21</sup> The organized violence that disrupts

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<sup>16</sup> A. Schnabel and V. Farr (Eds). (2012). *Back to the Roots: Security Sector Reform and Development*. Zurich: Geneva Centre for Democratic Control of Armed Forces. p. 3

<sup>17</sup> Ibid

<sup>18</sup> Ibid

<sup>19</sup> Ibid

<sup>20</sup> J. Mc Neish and J. Harald, (2010). *Security and Development*. New York: Berghan Books. p. 1

<sup>21</sup> World Bank Report, (2011). *Conflict, Security and Development*. Washington: The World Bank. p. 1

governance and compromises development also includes local violence involving militias or between ethnic groups, gang violence, local resource-related violence and violence linked to trafficking, violence associated with global ideological struggles.<sup>22</sup>

Efforts to maintain collective security are at the heart of human history; from the earliest times, the recognition that human safety depends on collaboration has been a motivating factor for the formation of village communities, cities and nation-states.<sup>23</sup> Zoellick, the president of the World Bank, asserted that indeed effort should be put on securing development, bringing security and development together first to smooth the transition from conflict to peace and then to embed stability so that development can take hold over a decade and beyond.<sup>24</sup>

Unfortunately, according to the World Bank Report of 2011, insecurity remains a major development challenge of our time. One and a half billion people live in areas affected by fragility, conflict or large-scale organized criminal violence, and no low-income fragile or conflict-affected country has to achieve a single United Nation Development goal. It is seen that while much of the world has made rapid progress in reduction of poverty in the past 60 years, areas characterized by repeated cycles of political and criminal violence are being left far behind, their economic growth compromised and their indications stagnant.

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<sup>22</sup> Ibid

<sup>23</sup> Ibid

<sup>24</sup> J. Mc Neish and J. Harald, (2010). *Security and Development*. New York: Berghan Books. p. 1

## 1.4.2 Governance and Insecurity

Conceptually, governance (as opposed to “good” governance) can be defined as the rule of the rulers, typically within a given set of rules. This is said to be the process by which authority is conferred on rulers, by which they make the rules, and by which those rules are enforced and modified.

*The UNDP definition adopted in 2000* describes governance as “the exercise of economic, political, and administrative authority to manage a country’s affairs at all levels. It comprises mechanisms, processes, and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations, and mediate their differences.”<sup>25</sup>

Central to any governance system, is the network of different pertinent institutions. Therefore understanding and shaping governance is the considerable understanding of these institutions, their functions and deficiencies; how they constrain or enable opportunities for enterprises, social groups and state actors. Decision-making rationality, the interplay between principals and agents, institutional design and capacity are central concepts, as well as public-private partnerships, policy networks, regulatory regimes, and organisational behaviour. Governance is now understood to include the wide range of ways in which the political, social, and administrative structure of a society affects the access of its members to basic opportunities and capabilities.

According to Worldwide Governance Indicators (WGI) project reports composite indicators of six dimensions of governance, covering over 200 countries and territories since 1996, and is updated annually. The study underlying the WGI come from a large number of individual

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<sup>25</sup> UNDP,(1996) *Human Development Report 1996* , New York, Oxford University Press

sources, and reflect the views on governance of thousands of survey respondents and public, private, and NGO sector experts worldwide. Key features and aggregate indicators that define governance in this case are listed as: Voice and Accountability, Political Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Regulatory Quality, Rule of Law, and Control of Corruption.

Deriving from this, good governance has been equated to “sound development management,” and is defined as “the manner in which power is exercised in the management of a country’s economic and social resources for development.” it is among other things participatory, transparent and accountable. It is also effective and equitable. And it promotes the rule of law.<sup>26</sup> Good governance provides basis for development, which in most cases lack of it has been the motivation behind a lot criminal activities and the resultant insecurity.

UNDP’s definition of human development is ‘expanding the choices for all people in society’. This means that men and women - particularly the poor and vulnerable - are at the centre of the development process. It also means "protection of the life opportunities of future generations and the natural systems on which all life depends."<sup>27</sup>

The institutions of governance in the three domains (state, civil society and the private sector) must be designed to contribute to sustainable human development by establishing the political, legal, economic and social circumstances for poverty reduction, job creation, environmental protection and the advancement of women.

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<sup>26</sup> Vladislav Todorov, *Terror and governance*, 2004, *Anti-Americanism Working Papers*, Budapest, Center for Policy Studies.

□ Huma Yusuf, 2010, *The Link with Governance*, Dawn.com  
<http://archives.dawn.com/archives/19672>

<sup>27</sup> *ibid*



Good governance ensures that political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources.

Putman in his books making democracy work states that the “Predatory Society” is the inverse of the civic community. In a predatory society, the powerful prey on the weak. There is no real community, no shared commitment to any common vision of the public good, and no respect for law. Behaviour here is cynical and opportunistic. People ally with one another in the quest for power and privilege, but not in a horizontal fashion. Rather, relations are steeply hierarchical and patronised. Blatant inequalities in power and status cumulate into "vertical bonds of dependency and exploitation," which constitute the way society is organized<sup>28</sup>.

The masses of ordinary people at the bottom of a predatory society cannot cooperate with one another because they are trapped in hierarchical networks, fragmented from one another, and generally distrustful. Political actors in the predatory society will use any means and break any rules in the quest for power and wealth. Institutions are a façade and in this context, neither democracy nor development can be sustained for long.

Family structure, the organisation of markets, the state, religious hierarchies, schools, the ways elites have exploited masses to extract surpluses from them, and the general set of values that governs society’s cultural outlook are part of the long list of key institutions.

According to Diamond, Poor governance is marked on the other hand by deficiency in those institutions, policies or political systems that might create situation of exploitation either by the ruler or the ruled. Poor governance stands as one of the main sources of different form of

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<sup>28</sup> Robert Putnam, 1994, *Making Democracy Work*, New York, Princeton University Press.

insecurity, therefore a strategy for safe and secure communities requires the creation of regimes that can achieve the universal goals of freedom and development<sup>29</sup>.

Political and economic development is founded on five forms of capital: financial, physical, human, institutional and social. The concepts of Structural Theory has been used in many policy and academic disciplines to identify social conditions (structures) that affect group access to services and other qualities-of-life measures. Example of social structures includes government policies administrative bureaucracies, spatial locations of the group, role of security forces and access to social institutions<sup>30</sup>.

The state is the key actor in structural theories of revolution. Therefore weaknesses in state structures encourage the potential for revolution. According to this view, a government beset by problems such as economic and military crises is vulnerable to challenges by insurgent forces. Countries that possess abundant social capital (and the strong public institutions and public life that result from it) are "civic communities;" in contrast, countries that lack such capital and institutions are "predatory societies."<sup>31</sup>

Diamond continues to state that: The starting point for overhauling predatory societies is the establishment of institutions of "horizontal accountability," whereby some state actors hold other state actors accountable to the law, the constitution and norms of good governance. In turn, this basic reform requires support from three directions: inside (from the state itself), below (from civil society), and outside (from the international community).

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<sup>29</sup> Larry Diamond, 2002, *Winning the New Cold War on Terrorism: The Democratic-Governance Imperative*, Institute For Global Democracy, Policy Paper No.1.

<sup>30</sup> Ibid

<sup>31</sup> ibid

### 1.4.3 Community Justice

To understand community's understanding of justice, it is important to appreciate what exactly it is that the police do. The police comprise the official government's body that has to maintain a secure internal state, which includes the personal security of that state's citizens. In order to do this effectively, the police must convince several audiences of their effectiveness: they must convince politicians that they have effectively executed the state's policy and the resources they were allocated; they must convince criminals that they are effective in fighting crime, and they must convince the public that they are effective in crime-prevention (or ensuring those citizens personal security).<sup>32</sup>

Having said this, the police's task in crime-prevention remains an issue of debate. As Burger<sup>33</sup> argues, there is only so much the police can do in crime-prevention. He believes the police as an institution should more contribute to crime-prevention, instead of being the main actor responsible for it. He points to the fact that the police's tasks are mostly short-term, like law enforcement. By doing these tasks effectively, they can create a deterrence for criminals and thus contribute to crime-prevention<sup>34</sup>. However, Burger mentions that crime-prevention on a larger scale lies in tackling the roots of crime, which are longer-term problems like socio-economic ones. The addressing of these issues is what is called social crime prevention and should be the responsibility of other institutions than the police.

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<sup>32</sup> Burger, Johan Strategic Perspectives on Crime and Policing in South Africa. Pretoria: Van Schaik Publishers, 2007.

<sup>33</sup> Ibid

<sup>34</sup> Jop Munneke 2012 The Eyes and The Ears of the Police? Questioning the Role of Community Policing in Durban, South Africa, Working Paper No 43, June 2012, International Police Executive Symposium.

This brings me to the wider concept of policing. A traditional idea is that policing is ‘that what police officers do’.<sup>35</sup> This is true in the case of public police. For them policing is not only about their effectiveness in maintaining order. Equally important is the capability to convince the audiences of their effectiveness (see also Perceptions of security). Today, the concept of policing is not limited to that what the state-police do anymore.<sup>36</sup> Other actors in policing now include private security companies and community policing initiatives like neighborhood watches.<sup>37</sup>

This broadening of the concept of policing brings along problems with governance and accountability. With most crime being of local character, the police need to gain correct and useful information, which is most often only obtainable from the public. Co-operation between the police and the public is thus essential.<sup>38</sup> In order to gain this information, the police need to be considered legitimate by the public.<sup>39</sup> But with more forms of policing surfacing, including Community Policing and Private Policing, the actors who govern these other forms of police, and the groups these other police have to account to; can become increasingly vague and diverse. This is especially so in a multi-ethnic society. Thus proper and clear accountability, and strong governance, are important for a well functioning police<sup>40</sup>. *Smootha and Hanif* argue that ‘Depending on the political system present in a particular society, the actors the police have to account to will differ’. As the police are an executive

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<sup>35</sup> Fleming & Wakefield, 2009, *The Sage Dictionary of Policing*, London, Sage Publishing

<sup>36</sup> Waddington, in Fleming & Wakefield, 2009, *The Sage Dictionary of Policing*, London, Sage Publishing

<sup>37</sup> R. Mawby (Ed.), *Policing around the world* (pp. 167-186). London: UCL Press

<sup>38</sup> Jones, T. (2003) *The Governance and Accountability of Policing* in Newburn, T. (Ed) *The Hand Book of Policing*, pp 603-627, Cullompton: William Publishing.

<sup>39</sup> Bayley & Shearing, (1996) *The Future of Policing*, *Journal of the Law and Society Association*: pp.588, New Jersey, Wiley

<sup>40</sup> Ibid

body of the government, they will treat citizens according to their government's behaviour. In a liberal democracy for example, in which all citizens are granted equal civil and political rights and are judged by merit, one would expect equal treatment of all citizens.<sup>41</sup> In dictatorship or Herrenvolk democracy (in which democratic rights are limited to the dominant ethnic group), however, the ruler or ruling party does not have to depend on votes from all parts of the population. This means that services, including policing services, might be unequally distributed to those on which the government depends on most. Thus, the issue of accountability here is important; the question of whom the police have to account their actions to influence their actions. Regardless of the political system, however, ethnic profiling (treating certain ethnic groups differently) by the police can result in unrest and unhappiness within a group. When this unrest grows past certain boundaries, it can result in that group considering the government and /or the police illegitimate which could pose an internal security threat.<sup>42</sup>

#### **1.4.4 Literature Gap**

The interrelation between community policing and national security has little evidence of adequate academic or policy research undertaken by the academic institutions, Non Governmental Organizations or Governmental agencies and other stakeholders with interest on the overall well-being of the society. This has lead to trickle effect on policy formulation and guidelines in the implementation of crime prevention strategies. However it should be noted that since the year 2002 there has been reforms taken by the government to deliberately address the policy gaps which the paper shall look at.

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<sup>41</sup> Smootha, Sammy, and Theodor Hanf 1992 The Diverse Modes of Conflict Regulation in Deeply Divided Societies. *International Journal of Comparative Sociology* 33(1-2):26-47

<sup>42</sup> Hasisi, Badi, 2008 Criminology: Police, Politics, and Culture in a Deeply Divided Society. *Journal of Criminal Law & Criminology* 98(3):1119-1145

## 1.5 Justification of the Study

Even though there have been attempts to address the problem of insecurity through various means, community policing included, the efficiency of the processes is questionable in relation to the ultimate goal of a secure citizenry<sup>43</sup>. Crime rates are still very high, there is widespread corruption, and policing approaches and actors are often victimized/ politicized. These challenges, alongside the uneven pace of reform, have limited developmental progress in Kenya.

In the bid to salvage the situation, the academia has assessed insecurity issues in Kenya so as to come up with the best strategies of improving the state of affairs. Their quest bore fruit since several approaches of addressing insecurity issues have been suggested and more importantly the government of Kenya has strived to implement these ideas. However, the idea of community policing has experienced numerous hiccups, the major obstacle being getting people (police and community) to change the way we have always done things to accepting new and innovative ideas<sup>44</sup>.

The study therefore takes a look at these challenges inhibiting proper implementation of the idea of community policing. It is by doing so that it ends up generating thought-provoking and efficient as well as effective ways of implementing the idea of community policing. It is thereby expected that the suggestions made in this study will be a great contribution to the world of academia

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<sup>43</sup> *ibid*

<sup>44</sup> Rhonda J. Tillman *The Effectiveness of Community Policing* Eastern Michigan University School of Police Staff & Command May 23, 2000

Moreover, implementation of recommendations proposed in this study will be of great policy relevance as it would certainly result in better community policing strategies. Consequently, our communities will be proud to be safer and freer from unwarranted worries brought about by violence, hooliganism, burglary and disrespect of the laws of the land.

Safer and freer communities will culminate into development of greater development of our societies since people would work without major setbacks. The local as well as foreign investors will be motivated to invest in the country and consequently create employment for many Kenyans as well as provide revenue to the government. In a nutshell, the study aims at improving the security situation in the country and thus propels the nation to greater heights.

## **1.6 Hypotheses**

The study aims at testing the following hypotheses:-

- i) Community policing has an impact on national security;
- ii) There is a wide gap between the police and the community;
- iii) Lack of proper knowledge on the key aspects of community policing negatively affects effective community policing.

## **1.7 Conceptual Framework**

The study will use the conceptual framework of partnership since community policing is all about partnership between the community and the police. Without partnership therefore, there cannot be community policing.

Partnership as a term has a positive resonance and implies a measure of equality or at least balance and reciprocity between partners.<sup>45</sup> The concept around which the study will therefore be built upon will be that community policing is not effective if the community is not adequately involved and engaged at all levels. Partnership working aims not only to promote 'joint-up government,' but to reduce bureaucratic and professional power, promoting decentralisation and participation from private, voluntary and community sectors as well as individual citizens.<sup>46</sup>

In this case, this aspect of partnership is a means by which the general public will own up peace-keeping initiatives and be at the forefront in the fight against crime. The idea of community policing dictates that the community is the police and the police is the community and so the search for security in the society becomes a joint effort of the two.

For partnership to prosper and yield good fruit there is need for growth and cultivation of trust between the teams partnering up for the common good. In the case of community policing, increased trust between the police officer and the citizens because of the long-term regular contact results in an enhanced flow of information to the police.<sup>47</sup> The police officer is usually continually accessible in person, by telephone or in a decentralized office with regular visibility in the neighbourhood.<sup>48</sup>

One of the features of partnership working is the need for practitioners to have real authentic knowledge of locality which is often best explained through front-line working. Moreover,

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<sup>45</sup> S. Ballach and M. Taylor, (2001). *Partnership Working: Policy and Practice*. Bristol: The Polity Press. p. 39

<sup>46</sup> Ibid

<sup>47</sup> L. Miller, K. Hess and C. Orthman, (2011). *Community Policing: Partnership for Problem-Solving*. New York: DELMAR CENGAGE Learning. p. 19

<sup>48</sup> Ibid



Sarason and Lorenz argue that their knowledge should arise through curiosity, rather than be passively obtained.<sup>49</sup> In the same way, community policing strategy requires greater emphasis on knowledge management, teamwork and partnerships with the community in order for the police agency to become more proactive and adaptable in dealing with crime as well as becoming more focussed on enhancing the quality of life for the community.<sup>50</sup>

Further advantages of partnership working across various stakeholders are that it enables a more streamlined approach to service delivery; it consolidates the opportunity for multi-disciplinary and joint-working, and that it provides an opportunity for a new breed of workers in the social work.<sup>51</sup> Partnership is therefore inevitable in the quest for enhancing safer and more secure societies.

## **1.8 Methodology**

Since the study focuses on improvement of community policing as a way of improving the security situation in the country, data will mainly be drawn from scholarly work done on security as well as community policing. Primary data will be acquired mainly through focus group discussions and interviews with the police, the state officials and the general public.

Secondary data will be obtained from the scholarly works of those who have deliberated on the issue of community policing. In the bid to be relevant and keep abreast with contemporary issues, newspaper articles, journals and television excerpts will be incorporated in the study. So as to come up with credible information fit for the study, comparisons will be

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<sup>49</sup> Miller, L, K Hess & C Orthmann, (2008) *Community Policing –Partnership for Problem Solving*, 6th Ed., Delmar Cengage Learning, California.

<sup>50</sup> Ibid

<sup>51</sup> A. Douglas, *Joint Working*. (New York: Routledge, 2009) p. 1

made between theory, as enumerated in the works of scholars, and practice through various interviews.

It is not expected that the study will lack challenges. Time, financial and travelling constraints will impede collection of data. Collection of relevant data and compilation is expected to take a period of four months after which suitable and indisputable conclusions and recommendations will be made.

### **1.9 Chapter summary**

The study is structured around five (5) chapters: Chapter I: Proposal/Introduction to the study Chapter II: National security and community policing: A theoretical discussion Chapter III: National security and community policing: The case of Kenya, 1963 – 2012 Chapter IV: National security and community policing in Kenya: A critical analysis and Chapter V which is Conclusion

## **CHAPTER TWO**

### **NATIONAL SECURITY AND COMMUNITY POLICING:**

#### **CONNECTING THE DOTS**

##### **2.1 Introduction**

This chapter will focus on national security as a concept, the structures and mechanisms of national security, community policing as a concept, the relationship between national security and community policing, and emerging international and regional trends. The success of national security depends to a large extent in the success of community policing policies, strategies and or programmes and vice versa. The objective of any nation or state is to provide its citizens with the assurance that their safety is guaranteed by the state organs in charge within and along its borders. This includes the defence forces for the external aggression and the police force for internal security requirements.

The correlation between these two concepts, national security and community policing, of the state is almost symbiotic. Due to lack of sufficient academic and policy research on this issue, the policies or guidelines on national security have been short sighted or non-inclusive in structure and design thus unsuccessful in its overall objective. While the provision of security to the citizenry has been the sole mandate of the police force and other government security

agencies, it has become obvious that this cannot be achieved without the input and participation of the community members.

It is therefore important that a critical analysis and understanding of the objective of national security strategies be done in relation to those of community policing. The above goes hand in hand with nature of governance and governance systems within a state which is of critical importance in the achievement of growth, development and political stability.<sup>52</sup> It determines the capacity and effectiveness of state power and management and the conditions that foster investments, economic growth and development. Some systems of governance can be 'growth enhancing and developmental'. In fact, technical support for Africa's governance systems has hinged on the belief that good governance facilitates effective management of overall progress and specifically achieves direct and quick improvements of macroeconomic and overall development<sup>53</sup>. This statement is equally true for national security. Good governance is key for successful innovation and implementation of security strategies.

## **2.2 Security Re-defined: Definitional Problems?**

Given such disagreement, defining security becomes a highly political matter. Different paradigms define security differently and their definitions incorporate biases about who is to be secured and how. The classical (realist) definition, advanced by writers such as Walter

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<sup>52</sup> Hans Morgenthau (1960.) *Politics Among Nations: The Struggle for Power and Peace*. 3<sup>rd</sup> Ed. New York: Knopf.

<sup>2</sup> Donald E. Nuechterlein(1976) *National Interests and Foreign Policy: A Conceptual Framework for Analysis and Decision-Making*, Vol. 2, No. 3 (Oct., 1976), pp. 246-266, Cambridge University Press

<sup>53</sup>

Lippmann and Arnold Wolfers, argues that a nation's security is determined by its ability to defend itself against threats to 'core' or 'acquired values', in war if necessary<sup>54</sup>

Hans Morgenthau defined 'national security' as 'the integrity of the national territory and its institutions' and said that it was 'the irreducible minimum that diplomacy must defend without compromise'. These definitions make the nation-state into the 'referent object' of security, and advocate vigilant and uncompromising policies backed by armed force. Morgenthau however did gesture towards an understanding of 'international' security dynamics, one taken up by liberals, when he argued that statesmen must try to see problems from the point of view of other nations and diplomacy must seek to make all nations equally secure.<sup>55</sup> Morgenthau therefore considered national security as the prime goal of nations.

This contrasts with the views of some realists that security is a zero-sum game; that a nation is secure to the extent that others are not. Buzan and his colleagues in the Copenhagen School offer a revealing 'extended realist' definition when they say that: security is about survival. . . when an issue is posed as constituting an existential threat to a designated referent object [the state . . . The special nature of security threats justifies the use of extraordinary measures to handle them.

## **2.3 National Security**

The traditional view of security put a strong emphasis on state military security as the key survival tool for states. Buzan however, states how a state is continuously faced with threats

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<sup>54</sup> Barry Buzan; *People (1991), States and Fear*. 2<sup>nd</sup> Ed. Hertfordshire: Harvester Wheat sheaf.

<sup>55</sup> Hans Morgenthau (1960) *Politics Among Nations: The Struggle for Power and Peace*. 3<sup>rd</sup> Ed New York: Knopf.

and vulnerabilities in ensuring its national security. As such, the concept of security evolves and develops. Post World War II viewpoints, offer a broader security perspective, incorporating non-military dimensions (non-traditional security), i.e. economic, social, and environmental dimensions. Also, the end of the Cold War prompted the further broadening and deepening of the concept of security, to include new security challenges.<sup>56</sup> This broader definition of security and threats to security now includes internal security. 'Intra-national' security threats are increasingly becoming more significant challenges to national security than international security threats.

Morgenthau goes ahead to describe national interests of a country as the acquisition of power based on prudence, expedience, and survival through the weighing of consequences of alternative policy options,<sup>57</sup> Nuechterlein in his article National Interests and Policies begins the first paragraph by stating that the term "National Interest" has been used by statesmen to describe the aspirations and goals of sovereign entities in the international arena.<sup>58</sup> He among many other scholars find the term useless. Such foreign policy actors when pressed usually take refuge in the old notion of national interest, the foreign policy actors prefer to hide behind a screen of presumed unity and collective responsibility rather than dissect their own real goals. Other Critical writers within this field have defined security very differently. They argue that security should be holistic and not focused primarily on the state or military conflict.

Every country must make certain claims for its survival in the external environment. States make such claims on basis of existing Nation security. Approaches to National security can

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<sup>56</sup> Barry Buzan (1991) *People, States and Fear*. 2<sup>nd</sup> Ed. Hertfordshire: Harvester Wheatsheaf, 1991.

<sup>57</sup> Hans Morgenthau (1960) *Politics Among Nations: The Struggle for Power and Peace*. 3<sup>rd</sup> Ed. New York: Knopf,

<sup>58</sup> Donald E. Nuechterlein(1976) *National Interests and Foreign Policy: A Conceptual Framework for Analysis and Decision-Making*, Vol. 2, No. 3 (Oct., 1976), pp. 246-266, Cambridge University Press

be done through national interest which we saw earlier is used as a platform for which foreign policy is based. However, the internal environment is now a major factor in a country's national security agenda and many of these scholars fail to address this issue. This may be seen as simply a reflection of the times they lived as opposed to a failure by the scholars.

Nuechterlein divides the national interest of a country into four basic needs, or requirements, which form the underpinnings of its policies: both domestic and foreign. These basic national interests may be described as follows: Defence interests: the protection of the nation-state and its citizens against the threat of physical violence directed from another state, and/or an externally inspired threat to its system of government; Economic interests: the enhancement of the nation-state's economic well-being in relations with other states; World Order interests: the maintenance of an international political and economic system in which the nation-state may feel secure, and in which its citizens and commerce may operate peacefully outside its borders; Ideological interests: the protection and furtherance of a set of values which the people of a nation-state share and believe to be universally good.<sup>59</sup>

Nuechterlein further notes that the order in which these four basic interests appear, does not suggest any priority of one over another, although it might be argued that, unless a nation-state has the capability of defending its territory and citizens (either through a strong military force or alliance with a major power), none of the other three basic interests is likely to matter much. Ideology for some states may be more important than either economic advancement or a stable world order. Again it is observed that according to Nuechterlein, domestic security threats are not considered to be a significant element of national security.

Kenya as a state has put in place several structures and mechanisms in its attempt to provide for its national security, which would in turn then secure its interests as a state in line with the

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<sup>59</sup> Donald E. Nuechterlein(1976) *National Interests and Foreign Policy: A Conceptual Framework for Analysis and Decision-Making*, Vol. 2, No. 3 (Oct., 1976), pp. 246-266, Cambridge University Press

definition of security above. These structures are in form of several security committees composed of heads of several national security agencies from the ministerial level to the office of the divisional/district officer. These committees are charged with ensuring the national internal security of the country, through gathering of intelligence and making decisions pertaining to continual training of the security agencies, equipping the security forces and other duties as directed by the president, these committees include: National Security advisory Committee, Provincial Security intelligence Committee, District intelligence Security Committee and the sub district Security Committee.

The National joint intelligence security Committee is composed of the, the Minister of Defence, the Permanent secretary to the cabinet, the Permanent Secretary Minister of Internal Security, the Permanent Secretary Minister of Defence, the Attorney General, Director of National Intelligence Services, Director Communications Commission, Chairman Central Bank of Kenya, Chief of General Staff, Inspector General and the Director Kenya Revenue Authority. Its Responsibilities and functioning include among others shall be determined by a Presidential Order. And the committee shall take decisions relating to all issues of security in the republic of Kenya. It meets once a week and at any time it is considered necessary. The attendance of Security Committee meetings is an obligation to its members. The committee is chaired by the Minister internal security may broaden and invite other people in the security committee meetings if considered necessary. Security Committee meetings shall be conducted in camera. The report of the Security Committee is submitted to the president of the republic of Kenya with a copy to the Minister in charge of internal security.

Provincial intelligence security Committee is composed of Provincial commissioner, Provincial police office, Provincial criminal investigation officer, regional coordinator; Faith based representative and is responsible to the National joint security Committee. The Security



Committee has the mandate to making decisions relating to all issues of security within the provinces (counties) of Kenya. It meets once quarterly and at any other time considered necessary.

District intelligence and security Committee is composed of District commissioner officer commanding police division (OCPD), District criminal investigation officer and sub regional coordinator (SRC), Faith based representatives.

Sub intelligence security Committee is composed of Officer commanding police station, district officer, chief, local communities' elders and Faith based representatives. The Security Committee oversees the volunteers who patrol the neighbourhoods and the Security Officers convey reports of incidents to the Security Committee.

## **2.4 Community Policing**

Policing is no longer solely the responsibility of the state-police. New forms of policing have developed over the years, with community policing being the state oriented one of these forms that can be seen more and more in present-day society. Community policing can be divided in two fold, namely formal and informal Community Policing<sup>60</sup>. Formal Community Policing is an official strategy used by a state's government to decentralize their policing obligations. Informal Community Policing, on the contrary, is community-initiated and often happens outside of the state's influence.<sup>61</sup>

Community-initiated Community Policing might surface when there is unhappiness about the state's approach to ensure a particular group of citizens' personal security or when it is absent

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<sup>60</sup> Fleming & Wakefield, (2009), *The Sage Dictionary of Policing*. London, Sage Publishing.

<sup>61</sup> Wisler, D., and I. D. Onwudiwe (2008) Community Policing in Comparison. *Police Quarterly* 11(4):427-446, London, Sage Publishing

altogether.<sup>62</sup> Wisler & Onwudiwe argue that when a group perceives the police as not doing enough, it might take matters into its own hands and initiate a community form of policing. When force is included as a main strategy in this form of Community Policing, it can be considered vigilantism.<sup>63</sup> This type of bottom-up Community Policing can surface when the contract between state and citizens (where the state is given monopoly on violence in return for the assurance of their citizens' (personal) security, is not met by the state. Minnaar points out that this is to a certain extent the case in South Africa where forms of vigilantism in South Africa are an expression of the failure of the whole criminal justice system and the inadequacies of the policing that is or is not occurring.<sup>64</sup>

Formal Community Policing, on the other hand, is an official strategy and policy of the state-police. It is introduced by and thus with the consent of this state-police; formal Community policing is also introduced as a policy without the state losing its monopoly on violence and is to be considered top-down Community Policing.<sup>65</sup> It does derive, however, from the idea that the current approach to policing can and should be improved<sup>66</sup>. Formal Community Policing can be introduced for multiple reasons, one of which is to include the community in matters of local security and to offer them the opportunity to have a say in the discussion about security matters.<sup>67</sup>

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<sup>62</sup> Tilley, Nick (2003) Community Policing, Problem-Oriented Policing and Intelligence-Led Policing. *In* Handbook of Policing. Tim Newburn, ed. Pp. 311-339. Devon: Willan Publishing.

<sup>63</sup> Wisler op. cit.

<sup>64</sup> . Minnaar, Anthony 2001 The New Vigilantism in Post-April 1994 South Africa: Crime Prevention Or an Expression of Lawlessness. Ph.D. dissertation, Institute for Human Rights and Criminal Justice Studies.

<sup>65</sup> Wisler, D., and I. D. Onwudiwe (2008) Community Policing in Comparison. *Police Quarterly* 11(4):427-446, London, Sage Publishing

<sup>66</sup> Tilley, Nick (2003) Community Policing, Problem-Oriented Policing and Intelligence-Led Policing. *In* Handbook of Policing. Tim Newburn, ed. Pp. 311-339. Devon: Willan Publishing.

<sup>67</sup> Klockars, Carl B. 2005 The Rhetoric of Community Policing. *In* Policing: Key Readings. Tim Newburn, ed. Pp. 442-459. Devon: Willan Publishing.

These two scholars reiterate that this inclusion of citizens could also improve police-community relations. Another reason is to decentralize command and create subdivisions of the police force that can effectively include the community in dealing with crime. The idea is that people who know best what is going on in the neighbourhood should be most effective in fighting crime.<sup>68</sup> Increased participation of the local community in these subdivisions, when done properly, can mean less work for the police. No matter what the reason for Community Policing, however, one of the aims of its introduction is always to secure a better relationship between the community and the police also stresses that Community Policing focuses on 'policing *with* and *for* the community rather than policing *of* the community'.

Bayley & Shearing believe that, the role of state-police as a quad against crime is transformed through Community Policing into a service the police provide in co-ordination with the community and that the ideal behind Community Policing is thus clearly an intense and successful co-operation between the community and the police in dealing with policing issues.<sup>69</sup>

## **2.5 International and Regional Trends**

In the recent years, Kenya, East Africa, the greater horn of Africa and the rest of the world has witnessed a threat to security termed as militias. Kenya and the world at large are still grappling with attempts to understand this phenomenon and develop different mechanisms to deal with it. With increase in militia groups especially in Africa, the states are faced with insurmountable task of assuring their citizens of the states capacity to provide security while contending with threats to their sovereignty by the increasing number of militia groupings.

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<sup>68</sup> Ibid ;454

<sup>69</sup> Bayley & Shearing, (1996) *The Future of Policing*, Journal of the Law and Society Association: pp.588, New Jersey, Wiley

Therefore questions to be covered in this discussion are: how do these groups undermine both human security and the state capacity to provide it and how are these groups dealt with at different levels, ranging from local to international?

Major presence in the African states is the multiplicity of armed non-state groups (ANSGs) that range from armed bands, vigilantes, cultist groups, private security companies, criminal bands, community/ethnic/religious/regional armies, armed wings of political parties and private armies to militias, Islamist militants ‘- rebel groups. These groupings have been key players in the political violence that severely undermined human security and the state capacity needed to guarantee it. Particularly militias, rebel groups and Islamist militant groups have been major actors in the ethnic, regional, religious and political conflicts, resource conflict and insurgency movements in Algeria, Angola, Burundi, the Central Africa Republic (CAR), Chad, the Democratic Republic of Congo.<sup>70</sup> Although ANSGs have existed in Africa in the pre-colonial, colonial and immediate post-independence periods, there has been resurgence since the 1990s, with groups being formed for dissent, resistance, civil defence, and struggles for self-determination, political reforms and resource control. Also notable has been the persistence and seeming entrenchment of this phenomenon in some countries such as the DRC, Somalia and Sudan where rebel groups have become a significant threat to domestic security. Sudan and South Sudan are examples of states that struggle with external aggression. However, their conflict also has a significant internal threat to security in the respective states.

The increased incidence and activities of these ANSGs raise serious concerns about the institutionalization of violence as a means of redressing grievances, its widespread use and

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<sup>70</sup> W. Okumu and A. Ikelegbe militias 2010, rebels and Islamist militants, *human insecurity and state crisis in Africa* (Ed) Institute for Security Studies

abuse by state and non-state actors, the exposure of the citizenry to vicious violence, and the loss of state monopoly over the use of violence. Violence also weakens the capacity of the state to provide the *res publica* (particularly democracy, public security and general welfare), and an environment that allows basic needs to be met. These and the possible linkages with human insecurity, humanitarian crises, development and governance crises, instability and conflicts, are among the reasons for a growing interest in critically interrogating and understanding the phenomenon of ANSGs in Africa<sup>71</sup>.

Most ANSGs are either unstructured or loosely structured hierarchical organizations, whose members, usually between a hundred and some thousands, are trained in the use of modern light weapons by retired and disengaged military, police and other security agents. Their arsenal usually comprises traditional weapons, assault rifles (the most popular being the AK-47), machine guns, rocket-propelled grenades, bazookas, hand grenades and explosives.<sup>72</sup>

ANSGs have a variety of characteristics and peculiarities. Some have been well organized, cohesive and disciplined, with a clear hierarchy and command and control structures, closely knit cells, well-coordinated systems, strict rules and decentralized operations. Some have clear objectives, a strong ideological foundation, political education and a framework of rules and regulations that guides operations and behaviour of followers as well as visionary, clear-headed and effective leaderships who weld the groups together, and inspire and sustain them. Among these are the NRA in Uganda and the EPLF in Eritrea. Clapham has noted that groups exhibiting these organizational and leadership characteristics were able to achieve

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<sup>71</sup> W. Okumu and A. Ikelegbe militias 2010, rebels and islamist militants, *human insecurity and state crisis in Africa* (Ed) institute for security studies

<sup>72</sup> Samuel Kale Ewusi 2012, *Weaving Peace*, Essays on Peace, Governance and Conflict Transformation in the Great Lakes Region of Africa, Trafford Publications.

success in the battlefield, a fair level of governance in the territories they controlled, positive relations with communities and local people and eventually attained their objectives.

However, the majority of ANSGs are disorganized and undisciplined with loose 'control over operations and activities, poor leadership, organizational problems, control and command problems and factional fighting, and are prone to fragmentation or fracturing into diverse armed bands. These problems often manifest in criminal activities, violent infighting, indiscriminate and gratuitous violence, exploitation and abuse of local communities, forceful conscription of children, and abuse of drugs and plundering of community resources.

A militia is an armed force of ordinary persons or, as Zahar puts it, 'an armed faction' engaged in combat or fighting or that resorts to violence to attain certain objectives. This presupposes first that it is a civil force or a privately organized group of armed persons and second that it is largely an informally organized force whose structures, hierarchies, commands, procedures and processes are usually not fixed and rigid. Third, it is generally mobilized voluntarily on the basis of some common identity challenges or general concerns and threats<sup>73</sup>.

According to Zahar, the essential characteristics of militias as irregular forces (outside regular military forces), informal (not usually formal state militaries or paramilitaries), private forces (established and commanded by private persons), illegal (not sanctioned by law), illegitimate (even though they may be adjuncts of or connected to regimes and recognize Political groups) and clandestine (support, funding, arms and management are often secret and outside the public view) The purpose or goals of militias relate to projecting or protecting, and fighting

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<sup>73</sup> Samuel Kale Ewusi, 2012, *Weaving Peace*, Essays on Peace, Governance and Conflict transformation in the Great Lakes region of Africa, Trafford publications.

for and defending certain private, group, communal, , ethnic, religious, sectional, regional, national, regime or related interests that may concern power and resource struggles, security and safety.

Historically, the militia is an organization of local defence service or duty, which acts in response to challenges of war, disaster and security. In the advanced Western countries, the militia was either a reserve army or an emergency force of the paramilitary type that was established by a government or communities. Militias of the resistance, rebellion, and liberation and self-defence persuasion existed in Europe and America until the mid-20th century in countries such as France, during the World War II German occupation, and Austria, after World War I.

The more contemporary form, particularly in Africa, is that of small and mobile bands, usually youths, who are voluntarily and selectively recruited, poorly trained and moderately armed, and organized to respond to immediate challenges that may be national, regional, sectional, ethnic, religious and communal and that may relate to issues of power, resources, self-determination, freedom, insurgency or counterinsurgency.

In Sudan, Liberia, Côte d'Ivoire and the DRC, governments have legitimized, supported or patronized some militia groups. In Sudan, the el-bashir government has used the Janjaweed militias to fight rebel groups in the Darfur region. In Côte d'Ivoire the government has used the Jeunes Patriotes (Young Patriots) in the civil war to target northerners, immigrants and the French. Apart from the above categories, militias can also be classified using other variables<sup>74</sup>. For example, the core reasons for the militia group formation could underpin its structure, roles, dynamics and methods and therefore one could polarize militias in terms of

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<sup>74</sup>       ibid

objectives or purposes. Thus there are political militias, insurgent militias, vigilante militias and self-determination militias. Vigilante militias are formed to resist state politics, policies and practices and particular issues of marginality, corruption and repression through armed insurrection. Governments or ruling elites may also form or sponsor counterinsurgent militias to silence or intimidate opponents of governments in the form of Individuals, groups, political parties or insurgent rebels. Vigilante militias can emerge from armed anti-crime and security control efforts, and then sometime transform themselves into insurgent or counterinsurgent groups. Criminal militia groups are armed bandits that engage in criminal acts such as piracy, kidnapping and political intimidation. These groups can further be differentiated militias by their social base, age and identity (ethnic, regional and religious) in terms of the breadth or extent of mobilization.

Rebel movements are organizations that essentially engage in armed opposition and resistance, and particularly insurrection or insurgency against governments and ruling regimes. It is the latter that defines the movement as rebel or creates the rebel tag. As Harbom and Wallensteen note, rebel movements are armed opposition or insurgent organizations that are incompatible with, disagree with and challenge existing national governments<sup>75</sup>. The central goal of a rebel movement is change in terms of displacement and replacement of existing governments, the change of existing frameworks to enable their participation in and possibly control of governments, the devolution of authority to grant autonomy to regional governments or the redesign or redrawing of national boundaries to grant separate existence to some regional or ethnic homeland.

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<sup>75</sup> Samuel Kale Ewusi, *Weaving Peace*, essays on Peace, Governance and Conflict transformation in the Great Lakes region of Africa, 2012. Trattford publications



The concepts of rebel and rebellion are actually relative as they are merely rebels that are based on perceptions and opinion. Further, the designations ignore the other side that is being violently challenged, usually the government or regime, in terms of character, legality and legitimacy. Perhaps the most popular explanation in recent times is the ‘grievance versus greed’ discourse. The former is predicated on causality or conflict ‘initiation or onset’ on grievances and the drive for redress or justice around issues. The latter predicates incentives for conflicts and rebellion on struggles over resource appropriation and control opportunities and specifically the struggle for lootable resources.

According to Collier and Hoeffler, most rebellions are either pure loot-seeking or combine justice-seeking and loot-seeking. In the latter, grievances could be a start-up motivation for viable mobilization, but groups turn to looting for sustainment and predation. Thus grievance is merely a starting point, a justificatory and legitimizing narrative and a support-building and -mobilizing platform for conflicts and ANSGs. Though grievances exist and are articulated as a platform for agitation, it is merely a short-term smokescreen for larger and long term interests and objectives of resource appropriation.

Militant Islamist groups are a reflection of the resurgence of political Islam, radical Islamism and the global jihad. The groups, according to Kabir manifest themselves in politically extremist forms of violent resistance and dissidence against regimes, policies and society branded as impious, unislamic, or tainted by modernizing and Western influences<sup>76</sup>.

According to George and Ylönen as well as Kabir , identify several of these groups in Egypt, Algeria, Morocco and Nigeria, such as al-Jihad, the Armée Islamique du Salut (AIS), Groupe Salafiste pour la Predication et le Combat (Salafist Group for Preaching and Combat,

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<sup>76</sup>        ibid

GSPC), Egyptian Islamic Jihad, Boko Haram and Taleban. In Somalia, religious militias such as the Al-Ittihad al-Islami (Union of Islamic Courts, UIC), Al-Shabaab and ahlu Sunna, which control most of the countryside, have for several years made the country ungovernable<sup>77</sup>.

The strategy of militant Islamism groups to target Westerners, Western allies and Western interests has earned them membership on the 'terrorist list' compiled by the US State Department. Because of their perceived links to the global jihadist, al-Qaeda and Osama bin Laden, these groups have drawn keen interest from Western security institutions such as AFRICOM. Kubai, Kabir, George and Ylonen arguments provide an African perspective for understanding these groups and propose far-reaching measures of addressing the threats that they pose to the state and human security.

## **2.6 Conclusion**

In conclusion, the changing definitions and dimensions of security are a reflection of the evolving state of the international system. Threats to national security are now more internal than they are external. This means that threats from other states are less significant than threats from within the state. Even with the expanded notion of human security which highlights the significance of non-physical non-military threats to security, this does not warrant states ignoring this traditional notion of security and threats to security. It simply means that the focus of the state has to change from merely addressing external threats but focus more on internal threats.

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<sup>77</sup> <sup>77</sup>John Baylis and Steve Smith (2001), *The globalization of world politics: an introduction to international relations*. 2<sup>nd</sup> Ed Oxford, Oxford University Press.

Further, a connection between national security and community policing has been made. A case has been put forward that domestic threats to security must be addressed and the involvement of the community is important in order to make the initiatives a success. Community policing strategies are therefore useful in involving communities in matters of maintaining peace and security. This is in line with the notion that internal security agencies should be policing with the community and not policing the community and further that the community are the police and the police are the community.

It has further been shown that community policing initiatives have existed through-out society in various forms. However, in the modern state-system, if such community policing initiatives are not regulated by governments, they may grow to form significant threats to the internal security of a state and hence a threat to national security. These types of wayward community policing initiatives may mushroom into militias, vigilantes, rebel movements among others. This means that community policing should be a significant priority for any government. Effective policies and mechanisms should be developed to ensure that community policing has a positive impact on the state security system.

Non-state institutions of violence represent the most powerful, explicit and compelling challenge to state structures, state authority, state monopoly and state existence in Africa, and are the most potent instruments or vehicles of state collapse today. However, because corruption, self-interested government, abuse of power and civil rights, authoritarianism and state violence have persisted, some citizens have opted to remain outside the state security mechanism and have gone further to enforce security themselves. This poses a significant threat to the security of any state.

## **CHAPTER THREE**

### **NATIONAL SECURITY AND COMUNITY POLICING IN POST-INDEPENDENCE KENYA**

#### **3.1 Introduction**

Security is vital for the development of the human person. Insecurity hinders socio-economic growth in different ways: threats to physical security, the absence of safe living environments, dangers that prevent people from achieving sustainable livelihoods, and the

impact upon health and education services. As one of the main providers of security, the police play a pivotal role in creating the conditions in which development can take place.

However, all too often those who are most affected by insecurity have little opportunity to engage constructively with the police. This can result in feelings of mistrust between the police and the communities they serve. Furthermore, due to the changing nature of communities and the shifting characteristics of crime and violence that affect these communities, policing strategies that worked in the past are not always effective today.<sup>78</sup> Both the level and nature of crime in the country and the changing character of communities are causing police to seek more effective methods. Hence the idea of community policing has come in handy to salvage the situation.

“The movement toward community policing has gained momentum in recent years as police and community leaders search for more effective ways to promote public safety and to enhance the quality of life in their neighbourhoods.”<sup>79</sup>

Community policing is a philosophy and an organizational strategy that allows the police and community to work closely together in new ways to solve the problems of crime, fear of crime, physical and social disorder and neighbourhood decay.<sup>80</sup>

In essence, “Community policing encompasses a variety of philosophical and practical approaches and is still evolving rapidly. Community policing strategies vary depending on the needs and responses of the communities involved; however, certain basic principles and

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<sup>78</sup> The Bangladesh Police, *Community Policing: National Strategy for Bangladesh*. Bangladesh: Department for International Development. p. 1

<sup>79</sup> Bureau of Justice Assistance, (1994), *Understanding Community Policing; A Framework for Action-Monograph*. Washington DC: Office of Justice Programs. p.1.

<sup>80</sup> The Bangladesh Police, *Community Policing: National Strategy for Bangladesh*. Bangladesh: Department for International Development. p. 1

considerations are common to all community policing efforts.”<sup>81</sup> This philosophy rests on the belief that law-abiding people in the community deserve input into the police process. It also rests on the belief that solutions to contemporary problems demand releasing both citizens and the police to explore creative, new ways to address neighbourhood concerns beyond a narrow focus on individual incidents of crime.<sup>82</sup>

Under the community policing philosophy the ultimate goal is the creation of a professional, representative, responsive, and accountable institution that works with the public. Police forces become more than crime fighters. In fact, many police departments have acknowledged their multiple roles in the mottoes stencilled on their patrol cars and shoulder patches: ‘To Protect and Serve.’<sup>83</sup> The Kenya Police abide by the motto ‘*Utumishi Kwa Wote*’ (Service to all).

This study argues that in Africa, and especially in Kenya, community policing has not been carried out as effectively as it ought to. According to Omeje and Githigaro,<sup>84</sup>

“From a Weberian perspective, the Kenyan state does not have the monopoly of the legitimate use of force required to maintain law and order, as well as to guarantee internal and external sovereignty in a modern state... Apparently, the Kenyan state, like many in Africa and elsewhere in the developing regions, can scarcely guarantee security for its citizenry.”

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<sup>81</sup> Bureau of Justice Assistance, (1994), *Understanding Community Policing: A Framework for Action-Monograph*. Washington DC: Office of Justice Programs. p.1.

<sup>82</sup> Ibid

<sup>83</sup> K. Ellison, (2004). *Stress and the Police*. Illinois: Charles Thomas Publisher. p. 48

<sup>84</sup> Omeje K. & Githigaro J. M, (2010). *The Challenges of State Policing in Kenya, The Peace and Conflict Review: Volume 7, Issue 1*. University of Peace.7, Issue 1 - ISSN: 1659-3995

The study argues that there are inefficiencies that need to be corrected so as to properly affect community policing strategies. Therefore, the study investigates these inefficiencies and seeks to come up with the best solution to tackle this problem.

### 3.2 Background

When Sir Robert Peel established the London Metropolitan Police, he set forth a number of principles, one of which could be considered the seed of community policing. As the visionary of modern policing, Peel saw the new role of the police in 1829 as: ‘to maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police.’<sup>85</sup> The police, he said, were only members of the public that are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.’<sup>86</sup>

In 1979, Herman Goldstein developed and advanced the concept of “problem-oriented policing” (POP), which encouraged police to begin thinking differently about their purpose. Goldstein suggested that problem resolution constituted the true, substantive work of policing and advocated that police identify and address root causes of problems that lead to repeat calls for service. POP required a move from a reactive, incident-oriented stance to one that actively addressed the problems that continually drained police resources<sup>87</sup>.

In these contexts especially, the historic legacy of the police force therefore necessitates the adoption of a different philosophy of policing, one that is removed from regime support and party politics that constitutes a clear distinction of duties from that of the military. This

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<sup>85</sup> □ K. Ellison, (2004). *Stress and the Police*. p. 48

<sup>86</sup> Ibid

<sup>87</sup> *Philosophy and principles of community-based policing* Safer world, SEESAC and UNDP Stability

Pact

January 2007.

philosophy is one of focusing on communities; the public and their needs and by providing a more accountable policing service to the community combined with a respect for human rights.

Recognizing that communities are best placed to identify their own security and safety needs and how they can be met; communities must be actively involved in planning and implementing locally-defined solutions to their problems. Community members also play a key role in monitoring progress and providing feedback.

The development of a national policy was identified as a key priority as early as 2002, but only started in earnest with the creation of the National Task Force on Police Reforms, appointed by the President in 2003, with a sub-committee charged with the development of the community policing policy. The aim was to develop a draft policy and Standard Operating Procedures for Community-Based Policing implementation. This process gained momentum at a time when the Governance, Justice, Law and Order programme was embracing a sector-wide approach to support policy and legislative reform

By November 2004, a draft policy was completed and published as an annex to the Government's Police Reform Framework. However, subsequent delays in the development and ratification of the national policy have hampered the process of implementing CBP in Kenya. A set of Standard Operating Procedures for community policing was launched by the President in April 2005

### **3.3 Analysis of Community Policing In Post-Independence Kenya.**

Since independence in 1963, Kenya has made considerable progress in terms of economic and political development. Kenya is viewed as one of the most secure and stable countries in



Africa. The country prides itself on playing a leading role in promoting peace and security in its region, for example, in the Somalia and Sudan peace processes.

Nevertheless, its citizens suffer from high levels of insecurity. Violent crime involving firearms is common and is a significant cause of social and economic degeneration in poor communities. Insecurity was identified in the country's *Poverty Reduction Strategy Paper* as being a principal source of poverty.<sup>88</sup> Part of this can be attributed to lack of community involvement in policing. The community still views the police as an outside force that cannot be trusted. This has fuelled insecurity because the community does not assist the police in their work.

Since the community does not trust the police services to perform their duties, this has led to the rise of wayward informal community policing initiatives that sometimes operate outside the law. This causes major upheavals in the state's national security. Africa is constantly plagued by rebel movements that oppose the ruling parties of the state due to factors such as unequal distribution of state resources, lack of jobs... "As well as discontent with political oppression, foreign exploitation and economic inequality and poverty."<sup>89</sup> In maintaining security in the state, the government through its different organs and institutions seeks to maintain law and order. In the case of Kenya, through the use of the Kenya National Police Service (KNPS), it is important to note the two branches within the KNPS: "the Kenya Police (KP) and the Administration Police (AP). Both branches have previously been conceptualized

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<sup>88</sup> Government of Kenya (2003). *The Economic Recovery Strategy for Wealth and Employment Creation 2003–2007*, Nairobi.

<sup>89</sup> Ibid.

as forces: the KP through the Police Act (1961), and the AP through the Administration Police Act.”<sup>90</sup>

In accordance to this fact, in December 2002, Kenya elected a government with a popular mandate for police reform. When the new government took power in 2003, it embarked on the development of new systems, partnerships and policies to address the high levels of crime and violence, and broader public dissatisfaction with the police. To find out more about security and safety concerns of its citizens, a national consultation was undertaken, led by the Government of Kenya and supported by civil society organisations.

The new strategies, Community Policing included that were ushered in are expected to bring about massive positive changes in the area of security. However, these strategies, more so Community-Based Policing, have fallen short of the huge expectations of the public due to various reasons. In spite of this, the Bureau of Justice Assistance (1994) asserts that “community policing is democracy in action. It requires the active participation of local government, civic and business leaders, public and private agencies, residents, churches, schools, and hospitals. All who share a concern for the welfare of the neighbourhood should bear responsibility for safeguarding that welfare.”<sup>91</sup>

Therefore it can be stated that these shortfall of community policing can be attributed to the citizens not playing their part in community policing as well as the Kenya National Police Service not providing suitable channels through which the citizens can work with the police. It should be noted that “Effective community policing depends on optimizing positive contact between patrol officers and community members... Regular community meetings and forums

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<sup>90</sup> Liden T. (2010), Community Policing in Kikuyu: Assessing the need for organizational change within a Police department from an institutional Approach. Sweden: Linnaeus University, School of Social Sciences.

<sup>91</sup> Bureau of Justice Assistance, (1994), p.4

will afford police and community members an opportunity to air concerns and find ways to address them.”<sup>92</sup> This means that in order for community policing to be successful, the community must be willing to be actively involved, however, the government has a larger role to play in formalising the strategies.

Having this in mind and taking into consideration the levels of crime and violation of the laws in Kenya due to several insurgent groups, gangs and militia groups that have come up during the years after Kenya gained independence, community policing initiatives have had several challenges to face. Citing examples of this militia groups in Kenya has come across include the *Mungiki*, *Taliban*, Sabaot Land Defence Force (SLDF) and *Al Shabbab* that are but a few of some of the groups that have continually terrorized innocent Kenyans.

Proper information into their whereabouts, their operations, means of financing and other intelligence facts have been hampered by ineffective Community-Based Policing. Therefore, even at this very moment, Kenyans are suffering due to undue extortions and oppressions from gangs such as the *Mungiki* and many are living in constant fear of terror attacks from the *Al Shabaab*. It was also be important to consider that, some of these groups have also developed from what can be referred to as informal community initiatives.

Notably, these outlawed groups live with us in our communities and therefore flushing them out would require the mutual effort of the communities and the police. Lamentably, though, there seems to be a widening gap between the police and the communities.

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<sup>92</sup> Ibid. p.14

### **3.4 Issues of Community Policing**

With the interrelation between community policing and national security there is little evidence of adequate academic or policy research undertaken by the academic institutions, Non Governmental Organizations or Governmental agencies and other stakeholders with interest on the overall well-being of the society. This has lead to trickle effect on policy formulation and guidelines in the implementation of crime prevention strategies. Despite this identified gap, the use of primary data collected as well as review of the available secondary data on community policing will suffice for the study.

### **3.5 Community policing in Kenya**

With a history that stretches back to 1887 when the first policemen were recruited by the Imperial British East Africa, I.B.E.A the Kenya Police was born.<sup>93</sup> Up and until 1907, the Kenya Police was organized along military lines and by 1906; the Kenya Police was legally constituted by the Police Ordinance.

Once the role of the police was established in the state of Kenya, numerous roles were played and various organs for cooperation between the citizen, police force as an institution and State were established. Community policing is one of the ways in which the Kenya Police force works with the citizen s to ensure that there can be increased security amidst the diverse Kenyan population as security is a basic human right that is underlined by Article 3 of the Universal Declaration of Human Rights.<sup>94</sup>

Community policing by definition can be viewed as “a collaborative effort between the police and the community that identifies problems of crime and disorder and involves all elements

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<sup>93</sup> [http://www.kenyapolice.go.ke/community\\_policing.asp](http://www.kenyapolice.go.ke/community_policing.asp) (accessed on 28 January 2013)

<sup>94</sup> <http://www.un.org/en/documents/udhr/index.shtml#a3> (accessed on 28 January 2013)

of the community in the search for solutions to these problems.”<sup>95</sup> Thus community policing is understood to be a means through which the police working together with civilians can promote quality safety.

Having understood the premise of community policing which is “a collaborative effort between the police and the community that identifies problems of crime and disorder and involves all elements of the community in the search for solutions to these problems. Community policing is based on the premise that police alone cannot control crime and disorder and promote residents’ quality of life. In community policing—in contrast to traditional policing—the public’s involvement is viewed as a “co-producer” of community safety and wellness”<sup>96</sup> the Kenya Police website identifies what the partnerships between the police and civilians should attain through shared responsibility creating an active and equal partnership in the various roles that both parties will play in crime prevention. <sup>97</sup> The International Centre for the Prevention of Crime in their Thematic Report<sup>98</sup> of 2008 identifies that the police and civilian partnerships should:-

“Arrive at the role of both the police and that of the community regarding  
Crime prevention; Identify the safety needs of the community through consultation;  
Share both the decision-making and the responsibility of securing the  
Community; Apply a problem-solving approach; and Educate and build the capacity  
of both parties to enable a problem-solving approach.”<sup>99</sup>

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<sup>95</sup> Bureau of Justice Assistance, (1994), Understanding Community Policing; A Framework for Action-Monograph. Washington DC: Office of Justice Programs. p.1.

<sup>96</sup> Fridell L. (2004), “The Defining Characteristics of Community Policing” from Community Policing: The Past, Present and Future. (Eds) Fridel L. and Wycoff M. Washington DC: Police Executive Research Forum, The Annie E. Casey Foundation

<sup>97</sup> See <http://www.kenyapolice.go.ke/community%20policing.asp>(accessed on 28 January 2013)

<sup>98</sup> Spuy E.and Röntsch R, (2008) Police and Crime Prevention in Africa: A Brief Appraisal of Structures, Policies and Practices. South Africa: The International Centre for the Prevention of Crime. p.16.

<sup>99</sup> Ibid.

In addition to this, the Kenya Police through their document *Kenyan Police Strategic Plan for 2003- 2007* indicates the ways through which the police will get involved in Community Policing. Through the *Kenyan Police Strategic Plan for 2003-2007* the Kenyan Police seeks to promote collaborative partnerships between the three stakeholders of community security: the communities, the local authorities and police service. The development of mechanisms to handle domestic violence and child abuse, the establishment of Victims Support Units, the control of the proliferation of illicit small arms and light weapons and the control of drug trafficking.

Charles Wahongo Owino, the Deputy Police Spokesman in the Kenya National Police Service stated that for community policing to be a success, trust between the police and members of the public needs to be made.<sup>100</sup>

### **3.6 Community policing and the rise of vigilantism.**

Different policy makers hold different views to the understanding of community policing in Kenya where various considerations are taken into account. Simon Martin an International Law Enforcement Advisor<sup>101</sup> states that the components of a successful community policing program should include ethical policing that is accountable through regular monitoring and evaluation. In addition to this he states that the public need to be involved in development of local policing plans as the public should be properly trained on community policing.

This training should encourage making citizen arrests as opposed to vigilantism where the community take the law into their own hands; example being the classic case of “mob justice that the Kenyan media reports of every once in awhile.

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<sup>100</sup> Interview held on 10<sup>th</sup> December 2012, Nairobi

<sup>101</sup> Interview held on January 2013, Nairobi

“Mob justice, a term used to refer to crowd violence - usually in the form of an execution through free-for-all public beating conceived of by its perpetrators as extra-judicial punishment for an offence - can have tragic consequences not only for the victim but also for the perpetrators. David Chege Njogu was part of a mob that had fatally assaulted Joseph Kiama early in August 2000 upon his suspicion of having been involved in a burglary.”<sup>102</sup>

To better understand the term vigilantism, Baker, states that, “vigilantism is a category of non- state or self- policing. It not only acts independently of national police agencies, but often does not co-operate with them and is prepared to break national law to achieve its goals of protection and investigation (or even trails and sentencing). It is characterized by reactive, ad hoc and often violent methods of control.”<sup>103</sup>

Fredrick Sjomark<sup>104</sup>, a Swedish Police Advisor currently working in the Police Reforms Unit in the Office of the President, Ministry of State for Provincial Administration & Internal Security insists that for the community policing programme to be successful, the community should embrace the police in the community. This will lead to the change in the mindset of the police and the community thus leading to a fruitful and sustainable partnership between the community and the police.

From the above two views to the components of community policing we can analyze the impact of community policing to countering the earlier mentioned militia groups and gangs.

For purposes of zeroing in on a specific area- the militia group that will be focused on is the *Mungiki*.\* “At its inception, the *Mungiki* was basically an outfit whose main agenda was the economic emancipation of Kikuyu families that had been forcibly evicted from their homes

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<sup>102</sup> Murungi M. (2007) Kenya: Perpetrators of Mob Justice Guilty of Murder. See <http://allafrica.com/stories/200709240383.html> (Accessed on 28 January 2013)

<sup>103</sup> Baker B. (2002) “When the Bakassi Boys Came: Eastern Nigeria Confronts Vigilantism”, *Journal of Contemporary African Studies* 20(2)p.223

<sup>104</sup> Interview held in January 2013, Nairobi

\*Mungiki-is a word derived from the Gikuyu word Muingi, meaning masses or people.

in Rift Valley province owing to the political tensions that accompanied the re-introduction of pluralism in the early 1990s.”<sup>105</sup> With time and under the corruption of its original inception “the *Mungiki* has grown into a formidable militant pseudo-communist ideals (such as pooling resources and holding land in communal trust) clothed in socio-cultural epithets of communal justice and equity.”<sup>106</sup> With the *Mungiki* appealing to the landless, homeless and jobless its sometime unruly member resorted to using violence and threats to extort money from the public.

It should be noted that the *Mungiki* was made up of a majority of Kikuyu youth which according to Engels B. (2010) “in African contexts being young often implies potentially being excluded, exploited and marginalized. Consequently, youth is not desirable but a social status one tries to escape. Resulting from the socioeconomic crisis, low levels of formal education, and lack of access to land and other sufficient means to earn a living.”<sup>107</sup>

“By March 2009, the *Mungiki* had become what the then Police Commissioner, Major General Hussein Ali, described as the most serious internal security threat to Kenya.”<sup>108</sup>

“Almost all contemporary armed movements”<sup>109</sup> like the *Mungiki*... “On the African continent share commonalities which are rooted in experiences and narratives about corruption, violence (political and economic) and poverty. These common experiences have overtime contributed to the creation of deeply entrenched sentiments about social exclusion

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<sup>105</sup> Oloo A.(2010), “Marginalization and the Rise of Militia Groups in Kenya” from Okumu W. & Ikelegbe A. (Eds.) (2010), *Militias, Rebels and Islamist Militants*, South Africa: Institute for Security Studies.p.152-165

<sup>106</sup> Ibid. p.152

<sup>107</sup> Engels B. (2010), “Mapping the Phenomenon of Militias and Rebels in Africa” from Okumu W. & Ikelegbe A. (Eds.) (2010), *Militias, Rebels and Islamist Militants*, South Africa: Institute for Security Studies.p.81-82

<sup>108</sup> Ibid.

<sup>109</sup> □ Kubai A. (2010), “Historical and Cultural Dimensions of Militia and Rebel Groups in Africa”.p.56



and marginality, especially among the young...A shared experience of brutalization, abuse and marginalization informs the worldview of those fighting for these movements.”<sup>110</sup>

With time the *Mungiki* has fizzled out of the limelight as the Mungiki has advanced its ability to camouflage and change tactics and styles that has made it almost impossible to pin down the gang.<sup>111</sup> With the analysis of various community policing initiatives that this paper will provide, the case of Mungiki can be further understood and tackled. Oloo A. (2010) affirms that “the gang’s capacity to mutate when faced with danger has made it very difficult for the state to destroy it.”<sup>112</sup>

### **3.7 Responses to community policing in Kenya**

Working in partnership with communities aims not only to promote ‘joint-up government,’ but to reduce bureaucratic and professional power, promoting decentralisation and participation from private, voluntary and community sectors as well as individual citizens.<sup>113</sup> In this case, this aspect of partnership is a means by which the general public will own up peace-keeping initiatives and be at the forefront in the fight against crime. The idea of community policing dictates that the community is the police and the police is the community and so the search for security in the society becomes a joint effort of the two.

For partnership to prosper and yield good fruit there is need for growth and cultivation of trust between the teams partnering up for the common good. In the case of community policing, increased trust between the police officer and the citizens because of the long-term

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<sup>110</sup> Ibid.

<sup>111</sup> Ibid. p.165

<sup>112</sup> Oloo A. (2010), “Marginalization and the Rise of Militia Groups in Kenya”. p.165.

<sup>113</sup> Ibid

regular contact results in an enhanced flow of information to the police.<sup>114</sup> The police officer is usually continually accessible in person, by telephone or in a decentralized office with regular visibility in the neighbourhood.<sup>115</sup>

Partnership working has become the main vehicle for policy implementation across a broad range of activities. Every new government strategy majors on partnership. Partnership working, at this point in time is non-negotiable.<sup>116</sup> It should however, not be seen as a service or an end in itself. Rather, it is a process and a mindset, one outcome of which may be a better service.<sup>117</sup>

One of the features of partnership working is the need for practitioners to have real authentic knowledge of locality which is often best explained through front-line working. Moreover, Sarason and Lorenz argue that their knowledge should arise through curiosity, rather than be passively obtained.<sup>118</sup> In the same way, community policing strategy requires greater emphasis on knowledge management, teamwork and partnerships with the community in order for the police agency to become more proactive and adaptable in dealing with crime as well as becoming more focussed on enhancing the quality of life for the community.<sup>119</sup>

Further advantages of partnership working across various stakeholders are that it enables a more streamlined approach to service delivery; it consolidates the opportunity for multi-disciplinary and joint-working, and that it provides an opportunity for a new breed of workers

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<sup>114</sup> L. Miller, K. Hess and C. Orthman, (2011). *Community Policing: Partnership for Problem-Solving*. New York: DELMAR CENGAGE Learning. p. 19

<sup>115</sup> Ibid

<sup>116</sup> A. Douglas, (2009). *Joint Working*. New York: Routledge. p. 1

<sup>117</sup> Ibid. p.2

<sup>118</sup> Opcit. L. Miller, K. Hess and C. Orthman. p. 4

<sup>119</sup> Ibid

in the social work.<sup>120</sup> Partnership is therefore inevitable in the quest for enhancing safer and more secure societies.

### **3.8 Conclusion**

Though this study has gone to show the importance of Community Policing in order to secure national security, Kenya is seen to have a poor record in implementing the same. Though the police system has existed since colonial times, the move towards increasing the participation of the community in the policing has not been evident.

This has led to the rise of informal community policing initiatives which are not governed by the government and are therefore outside the ambit of national security strategies. This has caused some of these initiatives to go awry and actual enter into illegal activities that actually harm the community as well as pose a threat to the national security.

For community partnerships to succeed the police need to understand the communities they serve and it is at this point of recognition that community policing can succeed. One of the Kenya National Police Inspector Bwanga' Ongan'yo states that the Government has to build trust with all the stake holders involved in maintaining national and internal peace.<sup>121</sup>

Once the Government provides a platform from which the community can interact with each other comfortably, peace can be sustained.

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<sup>120</sup> Opcit, A. Douglas, p.2

<sup>121</sup> Interview held on 10<sup>th</sup> January 2012

## **CHAPTER FOUR**

### **NATIONAL SECURITY AND COMMUNITY POLICING IN KENYA: A CRITICAL ANALYSIS**

#### **4.1 Introduction**

The previous chapter provided an analysis of national security and community policing in Kenya with a case study of Kenya since independence. It showed that security is vital for human development and that insecurity hinders socio-economic growth in different ways. This includes; threats to physical security, the absence of safe living environments, dangers that prevent people from achieving sustainable livelihoods, as well as factors that have an impact on health and education services. The police play a pivotal role in creating the conditions in which development can take place.

This chapter aims to critically analyse the key emerging issues from the study: namely development and security, the issue of governance, the link with human development, the role of the state, the definitional problem with the term 'security', 'the issues and perspectives in community policing in Kenya, the role of history as well as the successes of community policing in Kenya.

## 4.2 Background

Policing is no longer solely the responsibility of the state-police anymore. New forms of policing have surfaced over the years, with community policing being the state oriented one of these forms that can be seen more and more in present-day society. Community policing can be divided in two fold, namely formal and informal Community Policing<sup>122</sup>. Formal Community Policing is an official strategy used by a state's government to decentralize their policing obligations. Informal Community Policing, on the contrary, is community-initiated and often happens outside of the state's influence.<sup>123</sup>

As was mentioned in Chapter Three, before the advent of formal public policing, communities has been informally policing themselves. Community members had norms and reinforced them against each other. They had a developed awareness of their own habitat and they regularly scanned and surveyed it. Communities also had systems in place such as alternative dispute resolution, informal policing systems such as Headmen watch and ward

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<sup>122</sup> Fleming & Wakefield, *The Sage Dictionary of Policing*. (London: Sage Publishing, 2009)

<sup>123</sup> Wisler, D. and I. D. Onwudiwe, (2008) *Community Policing in Comparison*. (London: Sage Publishing, 2008) *Police Quarterly* 11(4):427-446.

systems. These systems allow police to tap into the community's existing justice structure and utilize the benefits of multi-choice policing.

When Sir Robert Peel established the London Metropolitan Police, he set forth a number of principles, one of which could be considered the seed of community policing. Considered a visionary of modern policing, Peel saw the new role of the police as: 'to maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police. The police, he said, were only members of the public that are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.'<sup>124</sup>

The historic legacy of the police force therefore necessitates the adoption of a different philosophy of policing, removed from regime support and party politics and with a clear distinction of duties from that of the military. This philosophy is one of focusing on communities – the public – and their needs and by providing a more accountable policing service to the community combined with a respect for human rights.

This new philosophy of policy away from the regimes control also raises pertinent questions. Social theory suggests that a social contract exists between the state and the citizens whereby the citizen gives up some rights and freedoms in exchange for security provided by the government. Therefore, this new philosophy flies in the face of the social contract by giving back this power back to the people. One can therefore argue that if everyone is in charge, no one is in charge.

This type of bottom-up Community Policing can surface when the contract between state and citizens (where the state is given monopoly on violence in return for the assurance

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<sup>124</sup>

Ibid.

of their citizens' (personal) security, is not met by the state. Minnaar points out that this is to a certain extent the case in South Africa where forms of vigilantism in South Africa are an expression of the failure of the whole criminal justice system and the inadequacies of the policing that is or is not occurring.<sup>125</sup>

The development of a national policy was identified as a key priority as early as 2002, but it only started in earnest with the creation of the National Task Force on Police Reforms, appointed by the President in 2003, with a sub-committee charged with the development of the community policing policy. The aim was to develop a draft policy and Standard Operating Procedures for Community-Based Policing implementation. This process gained momentum at a time when the Governance, Justice, Law and Order programme was embracing a sector-wide approach to support policy and legislative reform.

By November 2004, a draft policy was completed and published as an annex to the Government's Police Reform Framework. However, delays in the development and ratification of the national policy have hampered the process of implementing CBP in Kenya. A set of Standard Operating Procedures for community policing was launched by the President in April 2005

Since independence, Kenya has made considerable progress in terms of economic and political development and tends to be viewed as one of the most secure and stable countries in Africa. The country prides itself on playing a leading role in promoting peace and security in its region, for example, in the Somalia and Sudan peace processes.

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<sup>125</sup> Minnaar, Anthony, *The New Vigilantism in Post-April 1994 South Africa: Crime Prevention Or an Expression of Lawlessness*. (Ph.D. dissertation, Institute for Human Rights and Criminal Justice Studies, 2001)

Nevertheless, its citizens suffer from high levels of insecurity. Violent crime involving firearms is common and is a significant cause of social and economic degeneration in poorer communities. Insecurity was identified in the country's Poverty Reduction Strategy Paper as being a principal source of poverty<sup>126</sup>.

### 4.3 Emerging issues

#### i) Development and security

There will not be development without security and no security without development. And both development and security depend on respect for human rights and the rule of law. Development and security are two interrelated phenomena. Security in this case can be defined as the quality or state of being secure. Purpura defines it as freedom from danger, and posits that it implies safety-freedom from anxiety or fear.<sup>127</sup>

Development is defined by Zedneras a process of expanding the real freedoms that people enjoy.<sup>128</sup> Development is therefore a key dimension of personal life, social relations, politics, economics and culture.<sup>129</sup>

There is therefore a clear relationship between development and security. Without security, one cannot achieve their development agenda because security is intrinsically connected to all aspects of human existence. On the other hand, security can be consider a freedom in itself and hence falling under the ambit of development. Duffield explains that since the Cold War, the claim that development requires security and without security you

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<sup>126</sup> Government of Kenya (2003). *The Economic Recovery Strategy for Wealth and Employment Creation 2003–2007*, Nairobi.

<sup>127</sup> P.Purpura, (2011), *Security: An Introduction*. Boca Raton: CRC Press. p.5.

<sup>128</sup> A. Sen, (1999). *Development as Freedom*. Oxford: Oxford University Press. p.3.

<sup>129</sup> J. Haynes, (2008). *Development Studies*. Cambridge: Cambridge Polity Press. p.1.



cannot have development has been repeated to the point of monotony in countless government reports, policy statements, UN documents, briefings by non-governmental organizations.<sup>130</sup>

The UN Secretary General in 2005 seemed to concur with this argument as he echoed the same sentiments: ‘...in an increasingly interconnected world, progress in the areas of development, security and human rights must go hand in hand.’<sup>131</sup> This argument however creates a conundrum in itself. A ‘catch-22’ of sorts. If the argument is that one cannot have development without security and vice-versa, this means that any country lacking either development or security is likely to be stuck in that state. One may further argue that in order to remove the state from this situation, the state should focus on developing one or the other first since it may be difficult to pursue both simultaneously.

Since absence of security signifies the presence of conflict or fear of conflict, in essence, then, violent conflict is rightly seen as a profound development challenge. Schnabel and Farr are of the view that repeated cycles of political and criminal violence causes human misery and disrupts development.<sup>132</sup> Additionally, low levels of human development can contribute to instability and conflict.

What then is the role of community policing in the interplay of development and national security? Community policing is meant to contribute significantly to national security by involving the citizenry in the maintenance of law and order. Theoretically,

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<sup>130</sup> M. Duffield, (2007). *Development, Security and Unending War*. Cambridge: Polity Press. p.1.

<sup>131</sup> A. Schnabel and V. Farr (Eds). (2012). *Back to the Roots: Security Sector Reform and Development*. Zurich: Geneva Centre for Democratic Control of Armed Forces. p.3.

<sup>132</sup> Ibid.

successful community policing policies should lead to increased development in a self-feeding loop of development and security.

However, the opposite can also be considered to be true. Failed community policing policy or indeed a failed security structure may lead to dissatisfaction among the citizenry. Wisler & Onwudiwe argue that when a group perceives the police as not doing enough, it might take matters into its own hands and initiate a community form of policing. When force is included as a main strategy in this form of Community Policing, it can be considered vigilantism. Vigilantism may be considered as community policing gone wrong. In this instance, the community takes the law into its own hands in an effort to bridge the security gap. Eventually, vigilantism causes insecurity which in return has a negative impact on development. This argument demonstrates the role of community policing on the interplay of security and development.

The organized violence that disrupts governance and compromises development also includes local violence involving militias or between ethnic groups, gang violence, local resource-related violence and violence linked to trafficking, violence associated with global ideological struggles.<sup>133</sup> The organisation of violence in the name of community policing is therefore a phenomena that requires further investigation due to its broad impact on the wider notions of security and development.

## **ii) The issue of governance**

The United Nations Development Programme (UNDP) definition adopted in 2000 describes governance as “the exercise of economic, political, and administrative authority to manage a country’s affairs at all levels. It comprises mechanisms, processes, and institutions,

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<sup>133</sup> Ibid.

through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations, and mediate their differences.”<sup>134</sup>

National security is therefore a significant contributor to what may be considered as good governance. The exercise of economic, political, and administrative authority is not possible, or is very difficult, in areas devoid of security. Community policing as a contributor to national security therefore contributes the notion of governance. Another aspect to consider is that in this definition of governance, a central idea is that governance provides for a mechanism through which citizens articulate their interests. Therefore community policing may be seen as one of these mechanisms that the community addresses their security interests.

However, a further examination of the issue of governance reveals that though the citizens may articulate their interests, this is done through institutions and prescribed process. This therefore puts into question the validity of informal community policing as part of governance. This argument seems to suggest that community policing that may not be institutionalised is outside the ambit of good governance and may therefore be detrimental to the community. Baker, states that, “vigilantism is a category of non-state or self-policing. It not only acts independently of national police agencies, but often does not co-operate with them and is prepared to break national law to achieve its goals of protection and investigation (or even trails and sentencing). It is characterized by reactive, ad hoc and often violent methods of control.”<sup>135</sup> This discussion by Baker strengthen the argument that though institutionalised community policing may contribute to good governance,

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<sup>134</sup> UNDP’s 1996 *Human Development Report*.

<sup>135</sup> Baker. B (2002) “When the Bakassi Boys came: Eastern Nigeria Confronts Vigilantism.” *Journal of contemporary African Studies* 20 (2), P.223

### **iii) The link with human development**

UNDP's definition of human development is "expanding the choices for all people in society". This means that men and women - particularly the poor and vulnerable - are at the centre of the development process. It also means "protection of the life opportunities of future generations and the natural systems on which all life depends."<sup>136</sup> The link between community policing and human development is that community policing expands the society's choices by strengthening security. Community policing that may be implemented successfully can impact on national security which in turns allows or provides the space for human development. Community policing also expands the choices of the society by promoting a cooperative approach of governance between the state and its citizens. This encourages ownership of the community's security towards the community itself as opposed to a situation where the community itself is not involved. The latter situation leads to a disconnect in the pursuit of national security as well as the fragmentation of efforts.

The institutions of governance in the three domains (state, civil society and the private sector) must be designed to contribute to sustainable human development by establishing the political, legal, economic and social circumstances for poverty reduction, job creation, environmental protection and the advancement of women. None of these are possible in the absence of security.

Putman in his books making democracy work states that the "Predatory Society" is the inverse of the civic community. In a predatory society, the powerful prey on the weak. There is no real community, no shared commitment to any common vision of the public good, and no respect for law. Behaviour here is cynical and opportunistic. People ally with

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<sup>136</sup>

Ibid.

one another in the quest for power and privilege, but not in a horizontal fashion. Rather, relations are steeply hierarchical and patronised. Blatant inequalities in power and status cumulate into "vertical bonds of dependency and exploitation," which constitute the way society is organized.<sup>137</sup>

Community policing may be considered as a response to the 'predatory society' In this case the masses find comfort in numbers by working together to ensure that they are not exploited by those with power and the lawless.

#### **iv) The role of the state**

Diamond states that: The starting point for overhauling predatory societies is the establishment of institutions of "horizontal accountability," whereby some state actors hold other state actors accountable to the law, the constitution and norms of good governance. In turn, this basic reform requires support from three directions: inside (from the state itself), below (from civil society), and outside (from the international community).

To understand community's understanding of justice, it is important to appreciate what exactly it is that the police do. The police comprise the official government's body that has to maintain a secure internal state, which includes the personal security of that state's citizens. In order to do this effectively, the police must convince several audiences of their effectiveness: they must convince politicians that they have effectively executed the state's policy and the resources they were allocated; they must convince criminals that they are effective in fighting crime, and they must convince the public that they are effective in crime-prevention, or ensuring those citizens personal security.<sup>138</sup>

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<sup>137</sup> Robert Putnam, *Making Democracy Work*, (New York: Princeton University Press, 1994)

<sup>138</sup> Burger, Johan, *Strategic Perspectives on Crime and Policing in South Africa*. (Pretoria: Van Schaik Publishers, 2007.)

Having said this, the police's task in crime-prevention remains an issue of debate. As Burger (2007)<sup>139</sup> argues, there is only so much the police can do in crime-prevention. He believes the police as an institution should contribute more to crime-prevention, instead of being the main actor responsible for it. He points to the fact that the police's tasks are mostly short-term, like law enforcement. By doing these tasks effectively, they can create a deterrence for criminals and thus contribute to crime-prevention<sup>140</sup>. However, Burger mentions that crime-prevention on a larger scale lies in tackling the roots of crime, which are longer-term problems like socio-economic ones. The addressing of these issues is what is called social crime prevention and should be the responsibility of other institutions than the police.

This broadening of the concept of policing brings along problems with governance and accountability. With most crime being of local character, the police need to gain correct and useful information, which is most often only obtainable from the public. Co-operation between the police and the public is thus essential.<sup>141</sup> In order to gain this information, the police need to be considered legitimate by the public.<sup>142</sup> This legitimacy can be obtained through accountability: the need for the police to justify and answer for their conduct to several different parties, including their government and the public.<sup>143</sup> But with more forms of policing surfacing, including Community Policing and Private Policing, the actors who

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<sup>139</sup> A. Schnabel and V. Farr (Eds). *Back to the Roots: Security Sector Reform and Development*. (Zurich: Geneva Centre for Democratic Control of Armed Forces, 2012). p. 3

<sup>140</sup> Jop Muneke, *The Eyes and The Ears of the Police? Questioning the Role of Community Policing in Durban, South Africa*, 2011.

<sup>141</sup> Jones, T., *The Governance and Accountability of Policing in Newburn*, T. (Ed) *The Hand Book of Policing*, pp 603-627, (Cullompton: William Publishing, 2003)

<sup>142</sup> Bayley & Shearing, *The Future of Policing*, *Journal of the Law and Society Association*. (New Jersey: Wiley, 1996) pp.588.

<sup>143</sup> Lewis, Collen, *Accountability*. In the SAGE Dictionary of Policing. Alison: 2009

govern these other forms of police, and the groups these other police have to account to; can become increasingly vague and diverse. Thus proper and clear accountability, and strong governance, are important for a functioning police<sup>144</sup>.

The same therefore goes for community policing. For this type of initiative to be legitimate there have to be methods of promoting and enhancing accountability. This therefore raises the questions of how this accountability can be upheld where such initiatives are outside any formal institutions. The state must therefore be conscience about the accountability aspect of community policing since the notion of accountability is key to good governance.

**v) Security: A definitional problem?**

Defining security has always been a highly politicised matter. Different paradigms define security differently and their definitions incorporate biases about who is to be secured and how.<sup>145</sup>

Hans Morgenthau defined 'national security' as 'the integrity of the national territory and its institutions' and said that it was 'the irreducible minimum that diplomacy must defend without compromise'. These definitions make the nation-state into the 'referent object' of security, and advocate vigilant and uncompromising policies backed by armed force. Morgenthau however did gesture towards an understanding of 'international' security dynamics, one taken up by liberals, when he argued that statesmen must try to see problems

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<sup>144</sup> Ibid.

<sup>145</sup> Barry Buzan; *People ,States and Fear*. 2<sup>nd</sup> Ed. Hertfordshire: Harvester Wheat sheaf, 1991.

from the point of view of other nations and diplomacy must seek to make all nations equally secure.<sup>146</sup>

The traditional view of security put a strong emphasis on state military security as the key survival tool for states. Buzan states that a state is continuously faced with threats and vulnerabilities in ensuring its national security. As such, the concept of security evolves and develops. Post World War II viewpoints, offer a broader security perspective, incorporating non-military dimensions (non-traditional security), i.e. economic, social, and environmental dimensions. Also, the end of the Cold War prompted the further broadening and deepening of the concept of security, to include new security challenges.<sup>147</sup>

The debate about the definition of security is very pertinent to the issue of community policing and national security. This is because traditionally, the definition of security tended to be militaristic and threats to the state were mostly from external. However, in the recent past, the world has observed a sharp decline in the inter-state conflicts and the world is currently dominated by intra-state conflicts which include civil wars, rebel movements among other forms of intra-state conflict. This therefore means that now, more than ever, the domestic security concerns are of paramount importance. Initiatives such as community policing therefore have a significant impact on national security.

Another argument that arises from the debate on the definitions of security is the notion of human security.

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<sup>146</sup> Hans Morgenthau: *Politics Among Nations: The Struggle for Power and Peace*. 3<sup>rd</sup> Ed New York: Knopf, 1960; also John Baylis and Steve Smith, *The Globalization of World Politics: An Introduction to International Relations*, 2<sup>nd</sup> ed (Oxford: Oxford University Press, 2001), p.255.

<sup>147</sup> Barry Buzan. *People, States and Fear*. 2<sup>nd</sup> Ed. Hertfordshire: Harvester Wheatsheaf, 1991.



The concept of human security is deeply intertwined in a country's national security framework and strategy. The United Nations Human Development Report offers a comprehensive definition, which includes "safety from chronic threats such as hunger, disease, and repression, as well as protection from sudden and harmful disruptions in the patterns of daily life."<sup>148</sup> This definition is broader than the traditional definition which highlighted physical security. This broader definition of security seems to highlight the inadequacy of community policing as a contributor to national security. This is because community policing, as it exists currently, has a strong focus on physical security. According to this argument, aspects of security are far broader than were traditionally defined. The factors that affect national security issues are therefore wide ranging and a question is raised over the relevance of community policing in this broader scheme.

#### **vi) Community policing in Kenya: Issues and perspectives**

Since independence, Kenya has made considerable progress in terms of economic and political development. Hence, Kenya is viewed as one of the most secure and stable countries in Africa. The country prides itself on playing a leading role in promoting peace and security in its region, for example, in the Somalia and Sudan peace processes.

Nevertheless, its citizens suffer from high levels of insecurity. Violent crime involving firearms is common and is a significant cause of social and economic degeneration in poor communities. Insecurity was identified in the country's Poverty Reduction Strategy Paper as being a principal source of poverty.<sup>149</sup> This reflects the changing nature of conflict management in the region. Whereas it is important to ensure that there is stability in the region, it is equally, if not more important, to strengthen policies on domestic security.

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<sup>148</sup> UNDP's 1994 *Human Development Report*.

<sup>149</sup> Government of Kenya (2003). *The Economic Recovery Strategy for Wealth and Employment Creation 2003–2007*, Nairobi.

Africa continues to attain dissimilar levels of development, "... cultures remain vibrant and are playing a leading role in the efforts to cope with the forces affecting African societies."<sup>150</sup> Africa is constantly plagued by rebel movements that oppose the ruling parties of the state due to factors such as unequal distribution of state resources, lack of jobs... "as well as discontent with political oppression, foreign exploitation and economic inequality and poverty."<sup>151</sup> In maintaining security in the state, the government through its different organs and institutions seeks to maintain law and order. In Kenya, this is done through the use of the Kenya National Police Service (KNPS).

In December 2002, Kenya elected a government with a popular mandate for police reform. The new government embarked on the development of new systems, partnerships and policies to address the high levels of crime and violence, and broader public dissatisfaction with the police. To find out more about security and safety concerns of its citizens, a national consultation was undertaken, led by the Government of Kenya and supported by civil society organisations. The new strategies, Community Policing included, that were ushered in are expected to bring about massive positive changes in the area of security. However, these strategies, including Community-Based Policing, have fallen short of the huge expectations of the public due to various reasons.

It can be stated that these shortfalls of community policing can be attributed to the citizens not playing their part in community policing as well as the Kenya National Police Service not providing suitable channels through which the citizens can work with the police. It should be noted that "Effective community policing depends on optimizing positive contact between patrol officers and community members... Regular community meetings and forums

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<sup>150</sup> Kubai A. (2010), "Historical and Cultural Dimensions of Militia and Rebel Groups in Africa", from Okumu W. & Ikelegbe A. (Eds.) *Militias, Rebels and Islamist Militants*, (Pretoria: ISS, 2012), p.54.

<sup>151</sup> Ibid.

will afford police and community members an opportunity to air concerns and find ways to address them.”<sup>152</sup> The Bureau of Justice Assistance (1994) asserts that “community policing is democracy in action. It requires the active participation of local government, civic and business leaders, public and private agencies, residents, churches, schools, and hospitals. All who share a concern for the welfare of the neighbourhood should bear responsibility for safeguarding that welfare.”<sup>153</sup>

Having this in mind and taking into consideration the levels of crime and violation of the laws in Kenya due to several insurgent groups, gangs and militia groups that have come up during the years after Kenya gained independence, community policing has had several challenges to face. Citing examples of this militia groups in Kenya has come across include the Mungiki, Taliban, Sabaot Land Defence Force (SLDF) and Al Shabaab that are but a few of some of the groups that have terrorized innocent Kenyans.

#### **vii) The role of history**

With a history that stretches back to 1887 when the first policemen were recruited by the Imperial British East Africa, I.B.E.A the Kenya Police was born.<sup>154</sup> Up and till 1907, the Kenya Police was organized along military lines and by 1906; the Kenya Police was legally constituted by the Police Ordinance.

Once the role of the police was established in the state of Kenya, numerous roles were played and various organs for cooperation between the citizen, police force as an institution and State were established. Community policing is one of the ways in which the Kenya

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<sup>152</sup> Ibid.

<sup>153</sup> Bureau of Justice Assistance, (1994), *Understanding Community Policing: A Framework for Action* Monograph, Washington DC: Office of Justice Programs, p4

<sup>154</sup> [http://www.kenyapolice.go.ke/community\\_policing.asp](http://www.kenyapolice.go.ke/community_policing.asp) (accessed on 28 January 2013)

Police force works with the citizens to ensure that there can be increased security amidst the diverse Kenyan population as security is a basic human right that is underlined by Article 3 of the Universal Declaration of Human Rights.<sup>155</sup>

Community policing by definition can be viewed as “a collaborative effort between the police and the community that identifies problems of crime and disorder and involves all elements of the community in the search for solutions to these problems.”<sup>156</sup> Thus community policing is understood to be a means through which the police working together with civilians can promote security.

The International Centre for the Prevention of Crime in their Thematic Report<sup>157</sup> of 2008 identifies that the police and civilian partnerships should Arrive at the role of both the police and that of the community regarding crime prevention, identify the safety needs of the community through consultation, share both the decision-making and the responsibility of securing the community, apply a problem-solving approach; and educate and build the capacity of both parties to enable a problem-solving approach.

In addition to this, the Kenya Police through their document Kenya Police Strategic Plan for 2003- 2007 indicates the ways through which the police will get involved in Community Policing. This documents sets out the objectives of community policing as the prevention and detection of crime, maintenance of law and order, and bringing offenders to justice. The police force intends on achieving this by Promoting collaborative partnerships between the communities, local authorities and police service. The intended outputs of this strategy include developing a Partnership policy with the community, enhancing the

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<sup>155</sup> <http://www.un.org/en/documents/udhr/index.shtml#a3> (accessed on 28 January 2013)

<sup>156</sup> Bureau of Justice Assistance, (1994), *Understanding Community Policing; A Framework for Action-* Monograph, Washington DC: Office of Justice Programs. p.1.

<sup>157</sup> SpuyE.andRöntsch R, (2008) *Police and Crime Prevention in Africa: A Brief Appraisal of Structures, Policies and Practices. South Africa*, The International Centre for the Prevention of Crime. p.16.

knowledge of officers on community policing, creating networks within the community, and conducting public awareness initiatives.

Charles Wahongo Owino, the Deputy Police Spokesman in the Kenya National Police Service states that for community policing to be a success, trust between the police and members of the public needs to be made.<sup>158</sup> The success or lack thereof of the strategy is therefore hinged upon the development of a good relationship between the police and the community. In Kenya, this relationship requires a lot of mending to the distrust of the Police who are viewed by the community with suspicion and distrust. This is down to historical injustices and corruption that are still seen as prevailing within the police service. The question that arises is whether the police force in Kenya has put in place measures to correct this perception. This is because without a re-invention of the image of the police, community policing policy faces challenges in implementation.

**viii) The successes of community policing in Kenya**

Different policy makers hold different views to the understanding of community policing in Kenya where various considerations are taken into account. Simon Martin an International Law Enforcement Advisor<sup>159</sup> states that the components of a successful community policing program should include ethical policing that is accountable through regular monitoring and evaluation. In addition to this he states that the public need to be involved in development of local policing plans as the public should be properly trained on community policing.

This training should encourage making citizen arrests as opposed to vigilantism where the community take the law into their own hands; for example the case of “mob justice”.

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<sup>158</sup> Interview held on 10<sup>th</sup> December 2012, Nairobi with Charles Wahongo Owino, the Deputy Police Spokesman in the Kenya National Police Service.

<sup>159</sup> Interview held on January 2013, Nairobi with Simon Martin, an International Law Enforcement Advisor.

*“Mob justice, a term used to refer to crowd violence - usually in the form of an execution through free-for-all public beating conceived of by its perpetrators as extra-judicial punishment for an offence - can have tragic consequences not only for the victim but also for the perpetrators. David Ciayu Njogu was part of a mob that had fatally assaulted Joseph Kiama early in August 2000 upon his suspicion of having been involved in a burglary.”<sup>160</sup>*

Fredrick Sjomark<sup>161</sup>, a Swedish Police Advisor currently working in the Police Reforms Unit in the Office of the President, Ministry of State for Provincial Administration & Internal Security insists that for the community policing programme to be successful, the community should embrace the police in the community. This will lead to the change in the mind-set if the police and the community thus leading to a fruitful and sustainable partnership between the community and the police.

From the above two views to the components of community policing we can examine the impact of community policing in countering militia groups and gangs.

For purposes of zeroing in on a specific area- the militia group that will be focused on is the Mungiki.<sup>162</sup>

“At its inception, the Mungiki was basically an outfit whose main agenda was the economic emancipation of Kikuyu families that had been forcibly evicted from their homes in Rift Valley province owing to the political tensions that accompanied the re-introduction

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<sup>160</sup> Murungi M. (2007) *Kenya: Perpetrators of Mob Justice Guilty of Murder*: <http://allafrica.com/stories/200709240383.html> (Accessed on 28 January 2013).

<sup>161</sup> Interview held in January 2013, Nairobi with Fredrick Sjomark<sup>□</sup>, a Swedish Police Advisor currently working in the Police Reforms Unit in the Office of the President, Ministry of State for Provincial Administration & Internal Security.

<sup>162</sup> The term *Mungiki* is derived from the Gikuyu word *Muingi*, meaning masses or people.

of pluralism in the early 1990s.”<sup>163</sup> With time and under the corruption of its original inception “the Mungiki has grown into a formidable militia with pseudo-communist ideals (such as pooling resources and holding land in communal trust) clothed in socio-cultural epithets of communal justice and equity.”<sup>164</sup>With the Mungiki appealing to the landless, homeless and jobless, its sometime unruly members resorted to using violence and threats to extort money from the public.

The Mungiki is therefore a lost opportunity in community policing. The group had come together as an avenue for articulating their interests but unfortunately, this positive aspect was not recognized by the government. As a community policing initiative outside the institutional framework and lacking accountability to Law, the Mungiki developed into a threat on domestic security and national security. In developing community policing strategy, the police should therefore be keenly aware of the potential of these groupings turning against the law due to lack of accountability and trust in the systems of governance.

#### **4.4 Conclusion**

Building on the previous chapters, for example the concept of ‘national security,’ the structures and mechanisms of national security, the concept of ‘community policing,’ the relationship between the two as well as the existing international and regional trends in the subject matter, the Chapter critically analysed the key emerging issues from the study: namely development and security, the issue of governance, the link with human development, the role of the state, the definitional problem with the term ‘security,’ the issues and perspectives in community policing in Kenya, the role of history as well as the successes of community policing in Kenya.

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<sup>163</sup> Oloo A, “Marginalization and the Rise of Militia Groups in Kenya,” in Okumu W. & Ikelegbe A. (Eds.) (2010), *Militias, Rebels and Islamist Militants*, (Pretoria: ISS, 2010), pp.152-165.

<sup>164</sup> Ibid. p.152.

The Chapter argues that the success of national security depends to a great length in the success of community policing policies, strategies and or programmes and vice versa. The objective of any nation or state is to provide its citizens with the assurance that their safety is guaranteed by the state organs in charge within and along its borders i.e. the defence forces to combat external aggression while the police force ensures internal security.

Similarly, the correlation between these two agencies (national security and community policing) of the state is almost symbiotic. Due to lack of sufficient academic and policy research on the same, the policies or guidelines on national security have been short sighted or non-inclusive in structure/design thus unsuccessful in their overall objective.

While the provision of security to the citizenry has been the sole mandate of the police force and other government security agencies, it has become clear that this cannot be achieved without the input and participation of the community members. It is therefore important that a critical analysis and understanding of the objective of national security strategies be done in relation to those of community policing. The above goes hand in hand with nature of governance and governance systems within a state which is of critical importance in the achievement of growth, development and political stability.<sup>165</sup>

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<sup>165</sup> Hans Morgenthau: *Politics Among Nations: The Struggle for Power and Peace*. 3<sup>rd</sup> Ed. New York: Knopf, 1960); See also Donald E. Nuechterlein: *National Interests and Foreign Policy: A Conceptual Framework for Analysis and Decision-Making*.



## CHAPTER FIVE

### CONCLUSION AND RECOMMENDATIONS

#### 5.0. Summary

The study examines community policing in post independence Kenya and its relation to national security. “Community policing exists as a philosophy, a set of tactics, and an organizational phenomenon” Researchers in the 1970’s wanted to improve upon the professional model limitations. The limitations included inefficiencies in random patrol and investigations. After experimentation with concepts like team policing and problem oriented policing the best elements created community oriented policing.<sup>166</sup> Community Policing came in as a model of improving the prevailing policing practices by including the community in maintaining peace in order to enhance effectiveness.

The overall goal of the community policing initiatives has been to impact on national security. This is one of the main research questions that the paper seeks to address, whether community policing has an impact on national security. Hans Morgenthau defined ‘national security’ as ‘the integrity of the national territory and its institutions’ and said that it was ‘the irreducible minimum that diplomacy must defend without compromise’. These definitions make the nation-state into the ‘referent object’ of security, and advocate vigilant and uncompromising policies backed by armed force. Morgenthau however did gesture towards an understanding of ‘international’ security dynamics, one taken up by liberals, when he

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<sup>166</sup> Burns, P. F., & Thomas M., O. 2005. “Repairing the Divide: An Investigation of Community Policing and Citizen Attitudes Toward the Police by Race and Ethnicity.” *Journal of Ethnicity in Criminal Justice* 3(1/2): 71-85

argued that states must try to see problems from the point of view of other nations and diplomacy must seek to make all nations equally secure.<sup>167</sup>

Through the analysis of the data collected, one can conclude that indeed community policing does have an impact on national security. However, the data shows that this is a double edged sword because the evidence points to the fact that the impact of community policing on national security has both a positive impact and a negative impact.

Community policing has a positive impact on national security. The paper has discussed that there is a definitional shift in the nature of national security, part of which has been the recognition that internal threats to security are now more significant than external threats to security. This means that internal threats are of increasing relevance to national security. This is where community policing comes in. Community policing contributes to curbing internal security threats by augmenting the security structures in the country.

This is done by enhancing partnership between the community and security agencies such as the police. Community policing strategy requires greater emphasis on knowledge management, teamwork and partnerships with the community in order for the police agency to become more proactive and adaptable in dealing with crime as well as becoming more focussed on enhancing the quality of life for the community.<sup>168</sup> This cooperation lowers crime and thus positively contributes to national security.

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<sup>167</sup> Hans Morgenthau (1960) *Politics Among Nations: The Struggle for Power and Peace*. 3<sup>rd</sup> Ed New York: Knopf.

John Baylis and Steve Smith (2001), *The globalization of world politics: an introduction to international relations*. 2<sup>nd</sup> edoxford, oxford university press,

<sup>168</sup> Miller, L, K Hess & C Orthmann, (2008) *Community Policing –Partnership for Problem Solving*, 6th Ed., Delmar Cengage Learning, California

However, this positive impact of community policing is contingent on the formalisation and regularisation of community policing initiatives by the government. The paper has shown that even before the advent of formalised community policing, communities had their own versions of policing themselves and dispensing justice and maintaining security. In an age that is now governed by law, the citizenry has surrendered its own right to dispense justice in exchange for assurances of security from the government.

Formal Community Policing is an official strategy used by a state's government to decentralize their policing obligations. Informal Community Policing, on the contrary, is community-initiated and often happens outside of the state's influence.<sup>169</sup> Formal community policing is regulated by the government under a set standard operating systems and this makes sure that all the activities are within the law.

The paper also alludes to the fact that community policing has a negative impact national security. This has arisen when community policing initiatives are not formalized and regulated by the government. Community-initiated Community Policing might surface when there is unhappiness about the state's approach to ensure a particular group of citizens' personal security or when it is absent altogether.<sup>170</sup> *Wisler & Onwudiwe* argue that when a group perceives the police as not doing enough, it might take matters into its own hands and

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<sup>169</sup> Wisler, D., and I. D. Onwudiwe (2008) Community Policing in Comparison. *Police Quarterly* 11(4):427-446, London, Sage Publishing

<sup>170</sup> Tilley, Nick (2003) Community Policing, Problem-Oriented Policing and Intelligence-Led Policing. *In Handbook of Policing*. Tim Newburn, ed. Pp. 311-339. Devon: Willan Publishing.

initiate a community form of policing. When force is included as a main strategy in this form of Community Policing, it can be considered vigilantism.<sup>171</sup>

When a community is unsatisfied about the government's provision of security, the community might initiate community policing activities which are outside the control of the government. This lack of government control can lead to the activities of informal community policing activities to go outside the law. This then poses a threat to national security. This is because the citizenry takes the law into their own hands and enter the realm of vigilante groups, rebel groups, insurgencies and insurrections.

This type of bottom-up Community Policing can surface when the contract between state and citizens (where the state is given monopoly on violence in return for the assurance of their citizens' (personal) security, is not met by the state. Minnaar points out that this is to a certain extent the case in South Africa where forms of vigilantism in South Africa are an expression of the failure of the whole criminal justice system and the inadequacies of the policing that is or is not occurring.<sup>172</sup>

Community policing can therefore cause a breach in national security and Kenya has not been left out in this. Groups such as the Mungiki and the Sabaot Land Force that begun as some form or other of community policing initiatives have gone on to become significant internal threats to national security. With time and under the corruption of its original inception "the *Mungiki* has grown into a formidable militant pseudo-communist ideals (such as pooling resources and holding land in communal trust) clothed in socio-cultural epithets of communal

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<sup>171</sup> Wisler op. cit.

<sup>172</sup> . Minnaar, Anthony 2001 The New Vigilantism in Post-April 1994 South Africa: Crime Prevention Or an Expression of Lawlessness. Ph.D. dissertation, Institute for Human Rights and Criminal Justice Studies.

justice and equity.”<sup>173</sup> These informal community policing initiatives are therefore susceptible to corruption of the original intent and may be converted to criminal means.

Another perspective that has been in this paper is the notion that ineffective community policing strategies and implementation hamper national security. The data collected suggests that where there have been poor attempts to implement community policing activities, there has been a deterioration of the state of internal security which, as has been shown previously, impacts on national security. Further to this is that the blame for ineffective community policing falls on both the community and the police.

It can be stated that these shortfalls of community policing can be attributed to the citizens not playing their part in community policing as well as the Kenya National Police Service not providing suitable channels through which the citizens can work with the police. It should be noted that “Effective community policing depends on optimizing positive contact between patrol officers and community members... Regular community meetings and forums will afford police and community members an opportunity to air concerns and find ways to address them.”<sup>174</sup>

The Bureau of Justice Assistance (1994) asserts that “community policing is democracy in action. It requires the active participation of local government, civic and business leaders, public and private agencies, residents, churches, schools, and hospitals. All who share a

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<sup>173</sup> Oloo A.(2010), “Marginalization and the Rise of Militia Groups in Kenya” from Okumu W. & Ikelegbe A. (Eds.) (2010), *Militias, Rebels and Islamist Militants*, South Africa: Institute for Security Studies, p.152-165

<sup>174</sup> Kubai A. (2010), “Historical and Cultural Dimensions of Militia and Rebel Groups in Africa”, from Okumu W. & Ikelegbe A. (Eds.) *Militias, Rebels and Islamist Militants*, (Pretoria: ISS, 2012), p.54.

concern for the welfare of the neighbourhood should bear responsibility for safeguarding that welfare.”<sup>175</sup>

This means that a cooperative approach must be taken to ensure effective community policing. The government must take up the role of formalizing and regulating community policing but the community should be involved in order to encourage ownership of those community policing initiatives. This issue is addressed by the research question posed in this paper investigating the gaps that need to be bridged between the community and the police.

According to the data collected, a gap does indeed exist between the police and the community and one of the main deficiencies that has been identified is the lack of trust between the two. Thus, fully integrated models of community oriented policing can only exist if the community has trust in the police.<sup>176</sup> Mistrust arises when the community is not involved in the policy formulation and implementation. The tendency is to reject these polices which then lead to insecurity.

Since the community does not trust the police services to perform their duties, this has led to the rise of wayward informal community policing initiatives that sometimes operate outside the law. In the case of community policing, increased trust between the police officer and the

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<sup>175</sup> Bureau of Justice Assistance, (1994), *Understanding Community Policing: A Framework for Action* Monograph, Washington DC: Office of Justice Programs, p4

<sup>176</sup> Burns, P. F., & Thomas M., O. 2005. “Repairing the Divide: An Investigation of Community Policing and Citizen Attitudes Toward the Police by Race and Ethnicity.” *Journal of Ethnicity in Criminal Justice* 3(1/2): 71-85

citizens because of the long-term regular contact results in an enhanced flow of information to the police.<sup>177</sup>

### **5.1. Key findings**

The changing and expanding definition of security has caused scholars to reconsider the elements of national security. This means that domestic security or internal security is now a significant component of national security. Therefore initiatives that enhance internal security like community policing should become real priorities to any state's national security agenda. However, if community policing is not formalised and put under state control, there is a significant risk of such initiatives going outside the law and becoming threats to national security instead of contributing positively.

Though this study has gone to show the importance of Community Policing in order to secure national security, Kenya is seen to have a poor record in implementing the same. Though the police system has existed since colonial times, the move towards increasing the participation of the community in the policing has not been evident. Even after governments in Kenya were elected on the platform of police reforms, and after a raft of community policing policy documents, the implementation has been slow to properly impact on national security. And to some extent has actually led to a negative impact on national security.

In addition, the correlation between governance, development and security was highlighted. The three concepts are intrinsically connected and therefore for a state to build on any one of them, they must build on all three. Duffield explains that since the Cold War, the claim that development requires security and without security you cannot have development has been

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<sup>177</sup> L. Miller, K. Hess and C. Orthman, (2011). *Community Policing: Partnership for Problem-Solving*. New York: DELMAR CENGAGE Learning. p. 19

repeated to the point of monotony in countless government reports, policy statements, UN documents, briefings by non-governmental organizations.<sup>178</sup>

However, questions were raised in this paper in the examination of the relationship between the symbiotic relationship between development and security with regard to developing countries. The questions alluded to the notion that since developing countries are largely considered to be underdeveloped and suffering from insecurity, then this means they would have to be long suffering in their attempts to escape this cycle. This point was further examined by the idea that therefore, a developing country would have to focus strongly on either development first or security first in order to escape this cycle.

## **5.2. Recommendations**

It is recommended that further research needs to be conducted into the interplay between community policing and national security. Special focus should be paid on researching the negative correlation between the two concepts. This paper has discussed that some community policing initiatives can be corrupted and along the way may engage in illegal activities. An extensive study needs to be conducted on how such initiatives that were meant to provide security to the community go awry and start to pose a threat to national security.

It is further recommended that the broader definitions of security need to be adopted. Broadening of the definitions will allow the government to give priority to domestic security concerns and hence community policing activities could be given the priority that they deserve in the countries security structure.

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M. Duffield, (2007). *Development, Security and Unending War*. Cambridge: Polity Press. p. 1



There should also be inclusion of communities in the formulation and implementation of community policing. The community should be involved from the formulation stage in order to avoid the perception of the community being mere recipients of the policy and encourage the notion of partnership. As discussed previously, Partnership as a term has a positive resonance and implies a measure of equality or at least balance and reciprocity between partners.<sup>179</sup>

In addition to community policing, the government should promote 'community oriented policing'. Community oriented policing involves organizational changes as well as external changes.<sup>180</sup> This means that the police should expand on the notion of community policing and move it further to community oriented policing whereby every aspect of the policing has the community in mind and the communities involvement. This move will also bridge the numerous gaps that exist between the police and the community. This is because community oriented policing ensures that the police are not seen as outsiders in the community. Community oriented policing is also an area that is very rich for further research.

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<sup>179</sup> S. Ballach and M. Taylor, (2001). *Partnership Working: Policy and Practice*. Bristol: The Polity Press. p. 39

<sup>180</sup> Ian Mirsky (2009), *Community Oriented Policing*, Internet Journal of Criminology, [www.internetjournalofcriminology.com](http://www.internetjournalofcriminology.com)

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