POLICING AFRICA

Internal Security & the Limits of Liberalization

Alice Hills

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Policing Africa

Preface

This book aims to show that an investigation of policing in sub-Saharan Africa during the 1990s can improve our understanding of the broader issues associated with state-society relations and state behavior, especially with regard to security. I reconsider the significance of regime transitions during the first half of the 1990s in light of the police systems that, since independence, have evolved to mirror the states that justify them.The book is thus ultimately about the institutional incapacity of the African state to fulfill the expectations for liberal political development so prevalent in the early 1990s. It also explains why the turmoil of those years did not, indeed could not, fundamentally change either the nature of African institutional democratization or police forces.

The idea of a state's police acting as a general barometer for political development is not new. Indeed, in some cases policing has provided a test case for assertions that regime transition brings greater accountability. Yet the relationship, both in Africa and elsewhere, has received astonishingly little academic attention. African police may be a comparatively modern—and alien—invention, and police forces may be less influential and effective than the military, but police systems are, in Africa as elsewhere, tenacious. Police systems in Africa have survived most events since the 1950s, even in juridical states, and are likely to remain part of state coercive facilities for the foreseeable future. They deserve consideration in any discussion about liberalization because, as an expression of regime power, the police help to illuminate the character of a regime. It is too easy to forget that power is as central to liberalization and democratization as it is to restriction and authoritarianism.

It is not always clear why the police act as they do and, given the dearth of relevant material, it is probably unprofitable to try to identify the detailed emergence of the police function in contemporary Africa. Instead,

it is better to search for the key areas of change and continuity, and political developments since 1990 present an ideal opportunity to do this. Moreover, policing is an excellent means for addressing the larger set of concerns related to the distinct but complementary political processes of liberalization and democratization. My working definition of the two is taken from Michael Bratton and Nicolas van de Walle:

> Whereas liberalization refers to the political process of reforming authoritarian rule, democratization refers to the construction of the institutions of divided power. . . . we define political liberalization as the relaxation of government controls on the political activities of citizens, with particular reference to civil liberties.[1]

Studies of the police in Africa have too often been divorced from such issues, and much of the wider Western academic police literature is inapplicable. Furthermore, though the professional concerns of policing in countries such as Ethiopia and South Africa have received attention from government-sponsored overseas advisers, the conceptual issues related to policing systems and national development have not.[2] Indeed, conceptual models of policing systems and national development in Africa since 1990, in terms of either police studies or development studies, are rare. A few notable exceptions to this generalization can be found in the recent work of the Centre d'Etudes d'Afrique Noire (CEAN) group of Bordeaux and that of several United Nations and U.S. security organizations, but in order to understand the effects of political change I consider a new paradigm of the role and function of policing in Africa. By drawing on events since 1990, I intend to place current policing into perspective by developing a typology specifically relating police systems to national development.

I have excluded the South African Police (SAP), though I do discuss the problems of policing South Africa. The theoretical utility of police studies on Africa in the 1990s has too often been limited by an overconcentration on South African issues. South African policing does, however, share many problems with its neighbors. It is a system in transition, whose central problem is that of political legitimacy in a violent society.[3] Its experience is of direct relevance to the viability of a liberalized political order in Africa, for the end of apartheid raised the question of the borders between criminality and political protest in a liberal regime, and the attendant rise in crime in southern Africa is of major regional concern.[4] I therefore address issues common to the region, specifically in relation to Namibia, as a more appropriate case of policing in a settler oligarchy, and in the context of topics such as self-policing.

To begin the book, I introduce policing in the 1990s and treat basic questions about what the police do and how this is related to political development. In Chapter 2 I explore the environment in which policing

operates by identifying the evolution of contemporary police systems from those inherited by the postcolonial state, more particularly the postcolonial Anglophone state. Chapter 3 is a description of the six-stage typology of police systems that underpins my study. I define the phases of the paradigm model through the use of case studies in Chapters 4, 5, and 6. In Chapter 7 I look at some of the special policing problems of the 1990s that will affect typological development. Finally, in Chapter 8 I address two questions underlying the entire study: first, whether there are any changes discernible in current police systems that are directly attributable to the developments around 1990–1996; second, how the police evaluated the significance of recent political transitions. In other words, I ask, Has anything changed and, if not, why not? In this way, I bring critical rigor to bear on the investigation of policing in Africa and emphasize the wider applicability of the book.

Much of the supporting evidence is inevitably fragmentary and anecdotal. Networks of personal contacts support an analysis based on material gathered from primary journalistic sources, digests of political events, and secondary academic studies. I assembled details of police developments from interviews with British government advisers, consultants, and police officers and with senior African officers in person (in Britain) and by post and telephone. Many of my contacts asked that their comments be anonymous; I agree to this in light of current tensions and conflict. Some information was no doubt biased, but I have cross-checked with other sources wherever possible; I compared British views of Ethiopian and Nigerian policing, for instance, to those of nationals. I have allowed for political sensitivities, cultural norms, and the rank of informants.

I am especially grateful to an anonymous reviewer; to Sue King and Joe Frost at the British Police Staff College; and to Lionel Grundy, formerly at Britain's Overseas Development Administration (now the Department for International Development). I also benefited from a research grant from the University of Leicester.

The opinions expressed in this book are mine alone and should not be regarded as representing those of any British government department or institution.

Alice Hills

Notes

1. Michael Bratton and Nicolas van de Walle, *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective* (Cambridge: Cambridge University Press, 1997), 108.

2. I use the word *professional* as a matter of convenience, but it should be understood that policing (especially in Africa) has more in common with a craft than a profession in the sense of law or medicine.

3. See Bill Tupman, "Policing in South Africa," *Intersec* 5: 2 (1995), 55–57; P. A. J. Waddington, "Policing South Africa: The View from Boipatong," *Policing and Society* 4: 1 (1994), 83–96; "Reinventing the South African Police," *Africa Confidential* 33: 17 (1992), 4; "South Africa: Partners in Policing," *Africa Confidential* 35: 1 (1994), 1–3; Mark Shaw, "South Africa: Crime in Transition," *Terrorism and Political Violence* 8: 4 (1996), 156–175.

4. I do not consider criminalization as such, but the criminalization of politics throughout sub-Saharan Africa is discussed in Jean-François Bayart, Stephen Ellis, and Béatrice Hibou, *The Criminalization of the State in Africa* (Oxford: James Currey, 1999). Their views should, however, be compared with those of Chabal and Daloz who describe such an understanding as "analytically dubious": "There has always existed in Africa a wide range of activities (such as corruption) which, although illicit from a strictly constitutional or legal point of view, have been regarded as patrimonially legitimate by the bulk of the population." See Patrick Chabal and Jean-Pascal Daloz, *Africa Works: Disorder as Political Instrument* (Oxford: James Currey, 1999), 79.

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Toward a Critique of Policing and National Development in Sub-Saharan Africa Since 1990

One thing can be stated categorically. Very little is known about the police in Africa.

—Otwin Marenin[1]

In years to come, 1990 may be seen as a significant point in the development of African power structures. Just as 1960 was characterized by independence and 1966 by military coups, so 1990 was marked in many states by cautious moves toward a redistribution of political power by increased popular participation. The multiparty elections held or scheduled in countries as diverse as Gabon and Zaire, did not amount to a transition to democracy—indeed, they did not ultimately amount to anything positive in some countries—but they did suggest that a rebalancing of political power was possible. Optimists thought that most African states were moving away from the authoritarian political model they had followed since independence and thus were transforming the role of the state coercive agents responsible for regulating political life.

In 1960 the rebalancing of political power was based on the triumph of nationalism over external powers, but the upheavals of 1990 had more to do with the oppressiveness of the resulting internal structures and their inability to satisfy popular expectations in the face of international political change. The unrest derived from general beliefs that Africans should be able to criticize political appointments without being murdered or imprisoned. This belief resulted in pressure for change in the management of regime relations and the exercise of political authority, for citizens believed they should exercise a much greater influence over state institutions and officials and that these would demonstrate a degree of accountability to public

demands. The institution of policing, intimately concerned with the day-to-day operation of state power and constantly encountering the public, offers an ideal opportunity to study this purported process. If the developments of the 1990s represent real change, then it should surely register in policing.

Much has changed since the 1960s, but the institutional pillars of the postcolonial state remain recognizable decades later. As Jackson wrote in 1990, "There is in most institutions to which individuals or states become attached a powerful conservatism."[2] This is particularly noticeable in internal security, broadly conceptualized, where there is evidence of both change and continuity. There was a clear shift in coercive systems during the 1960s, as events obscured the shape of the colonial inheritance. Indeed, it appears that the major milestone in policing probably lies in the 1960s, with the shift from colonial to postcolonial politics, as governments lost the institutional coherence previously provided by external support. The security establishment in Tanzania, for example, grew from 3,000 to 40,000–50,000 in the 1960s, and distinctions between policing and the military blurred still further. There was also a shift in the understanding of national security after independence, as protecting the state became a personalized concern for regimes. But force levels and the proliferation of security agencies in the intervening years also suggest a significant degree of continuity.

African regimes invariably include a substantial security establishment—the various institutions, groups, and actors who have a professional, or an informal interest in maintaining the regime and state. Ideally they are agents of the state that has defined their interests, but in practice they are more likely to be a distinct set of groups that perform certain functions for state officials while keeping a distinct set of interests. Moreover, the boundaries between the various police, paramilitary, military, and personal forces involved are often unclear. The Nigerian Internal Security Service is one such case. Formal distinctions among the various groups may not be readily apparent except for special units such as those belonging to a president. Those of Idi Amin, for instance, operated like the Haitian Tonton Macoutes, complete with garish shirts and sunglasses. Because the identity of the police is not self-evident, I give working definitions of such terms as *policing, paramilitary,* and *military* later in this chapter. Yet the need to delimit these terms in some way should not suggest a lack of recognizable if diverse internal security systems in existence in all of the forty-five or so states of sub-Saharan Africa.

The various aspects of state coercion have, with the exception of the military (which in Africa usually means the army) attracted little academic attention. Police studies, for instance, tend to concentrate on policing in democratic societies from the point of view of criminal justice, history, and sociology. Even in these cases, by the mid-1970s, there had been only

three substantial and systematic attempts to analyze police activity in the context of specific societies: Michael Banton's *Policeman in the Community*, James Q. Wilson's *Varieties of Police Behaviour,* and David H. Bayley's *Forces of Order.*[3] Banton and Wilson concentrated on American and British policing, whereas Bayley associated differences in Japanese and American policing with differences in national culture. Apart from work by authors such as Enloe, Lefever, and Baynham, studies of civil-military relations also ignored the police except in relation to the coups of the 1960s.[4] Baynham's impressive work on the police in Ghana, for example, was secondary to his interest in the role of the military.

It is not surprising that scholars have concentrated on the military. The military can dramatically affect state legitimation processes by the exercise of force. They frequently intervene in politics, usually have considerable resources, are largely isolated from the population, and tend to see themselves as a superior, highly specialized and self-sufficient caste. Public police forces—which may not be independent of military command, especially under military rule—are less elitist; they are neither well resourced, apolitical, nor respected. They are in daily contact with the civilian population, their status and educational level tend to be low, and they are more susceptible to political influence (though less likely to intervene in politics) than are the military. More surprising, given their paramilitary nature, the police in Africa have rarely been included in studies of the political influence of the military, perhaps because it remains difficult to discern the extent of their role. Theoretical distinctions can be made between the two, but in practice it is often hard to distinguish between the two in states with weak institutions. Indeed, empirical evidence suggests that tasks and categories of personnel are often blurred, except in wealthier countries such as Namibia. In practice this has meant that the police remain shadowy figures and are seen as merely adjuncts to the military.[5]

Otwin Marenin's judgment that "very little is known about the police in Africa" is generally as true now as it was in 1982. Perhaps this is not surprising given the difficulty of researching the police in the fragile political systems of Africa, but it does not satisfactorily explain why the police have received so little attention. The neglect is all the more remarkable because the police are a fundamental tool of state authority and power in most states. As Marenin says, "Police behaviour is state power; the police make real, by what they do or fail to do, the intentions and interests of the state."[6] It is therefore appropriate to use policing to test the claims of liberalization in the 1990s and engage with the broader theoretical challenges.

There are, however, more plausible reasons for such neglect by Western commentators. Western concerns such as crime prevention have never been high on the agenda of any African police force, and it is almost as if it is sufficient merely to acknowledge that most forces, if not all, are

brutal, corrupt, and badly paid. Indeed, African police are usually mentioned in Western news reports only if their actions cause numerous casualties. Typical of such incidents was the occasion in Angola in 1997 when ten members of the National Union for the Total Independence of Angola (UNITA) died of suffocation in police custody in the central Malange town jail in what a UN observer called "an act of barbaric cruelty."[7] Some police units, such as the South African counterinsurgency Koevoet operating in Namibia, had an international reputation for brutality, but even the South African Police before the mid-1980s drew scant attention because the structures of apartheid required a relatively small police force.

Western Perspectives

Study of the relationship between policing and national development in the 1990s should include English-, French-, and Portugese-language sources, but relevant material is not yet available. Published work on policing Francophone Africa and the ex-Belgian colonies in English is almost nonexistent, and Lusophone Africa appears to have produced no papers or monographs known to British bibliographic sources.[8] Moreover, regimes regard policing as sensitive, and accessible material tends to be limited and anecdotal rather than statistical or organizational. The lack of support infrastructure and inadequate government support has meant a dearth of information about policing in countries such as Mozambique, where 1996 was characterized by a moratorium on recruitment and a complete absence of training. Suitable studies are conspicuous by their rarity.[9]

As Bayley commented in 1977, the idea that policing is directly affected by the environment in which it operates is neither novel nor profound, but "it is curious how often it is disregarded."[10] Since then it has become commonplace that the nature of policing is tightly linked to the nature of the state in which it operates. The clearest recognition of this link occurred around 1990, when attention focused on the South African Police as an archetypal politically partisan force and, to a lesser extent, on the new Namibian force as a symbol of a brave new postapartheid world.[11]

The related subject of overseas police aid has also been overlooked. Such aid (by means of consultation, training, or equipment) was offered by government-funded agencies in Cuba, France, Israel, Romania, the UK, the United States, and the USSR throughout the cold war.[12] Yet there are no open British studies, for instance, evaluating this aid. Indeed, there was little interest in international patterns of police aid until the role and function of the South African Police in support of apartheid attracted academic attention in the late 1980s, when funding became available for work

on policing South Africa and Namibia.[13] Since then general issues of authority and political participation related to policing have tended to be confined to passing references in studies of demobilization, development, humanitarian relief, and security-sector reform.[14] The main exceptions to this generalization lie in the field of criminology, but the emphasis there is usually on crime prevention and victimology rather than the police, types of policing, or internal security.[15]

I present some fundamental characteristics of contemporary African police systems as reminders that the turbulence of the early 1990s has left many aspects of the African state unaltered. The resulting discussion runs the risk of presenting the truism that the police are a major force for repression, but this is a reflection of the reality of African politics. There has been no fundamental evolution of police systems since independence. The management and training of the police, as well as their relationship to the state, have changed little. There have been dramatic operational developments, but they may prove transitory because they depend on the expression of a political power that is itself essentially unchanged.

The central argument of this study is that certain characteristics remain consistent across all police systems. Police systems are, above all, tenacious and well placed to accommodate change. The police adapt to political and social developments at the same time they influence political participation by deciding whom to arrest or detain. They regulate many competitive processes, manipulate political groups, and defend (or abandon) regimes. Not only have police systems survived in both empirical and juridical states, but policing in the decades since independence is marked by cycles of progress and regression. This notion of alternating progress and regression is rooted within Western policing models and is a crude and artificial distinction, but it provides a useful tool for placing policing within the context of development.

Development is usually understood as a process of moving toward Western models of economic and consumerist societies, but its use here should not be taken as indicating the desirability of a unilinear model leading to a crime-detection style of policing. The transferability to Africa of the Anglo-American police concepts (such as autonomy and discretion) is in any case controversial. Moreover, African police forces are rarely judged in professional terms by their contemporaries. Despite this difference, Western notions are of analytic relevance to Africa for three reasons. First, there are no mature alternative conceptual models for understanding African policing. Second, Western models reflect the ideals of important past and present donors. Third, such models appear to be integral to the relationship (between ruler and ruled) necessary to make the institutional reform of the 1990s mean what many observers believe it means.

Three Fundamental Questions

There are three fundamental questions about African policing that need to be clarified before a formal critique can be developed:

- Who are the police?
- What is policing?
- What is a police system?

Who Are the Police?

Until the 1990s, when self-policing and private policing in postapartheid South Africa attracted attention, the police were rarely defined because theories of policing assumed that policing is essentially a statist function. Recent work related to township and commercial policing in South Africa has questioned the validity of this interpretation and indeed the relevance of policing based on Western models to Africa generally, both in terms of understanding and practice.[16] Such questioning is valuable, although, paradoxically, much of private policing, at least at the official level, operates through contracts or joint ventures with U.S., British, and South African companies. But the two are not necessarily contradictory, for private policing may be regarded as performing a state role if it is at the direction of state officials. The British company Saracen is, for instance, supposed to train Angolan police, and Nigerian "tax consultants" patrol opposition areas on behalf of state governors.

My concept of the police function is therefore based on two premises: first, that the national police forces are the formal conduit through which regime power or authority is normally channeled in most states and that they should therefore be treated as the primary statist policing agents; second, that policing in Africa nevertheless goes beyond formal civilian groups and that the focus should be on policing (as in the provision of order and enforcement) rather than on what organizations call themselves. How the police style themselves is less important than what they do or do not do, but for the sake of clarity, I use *police* to mean the public force unless I state otherwise. Whatever the changes of the 1990s, the police, however defined, continue to reflect the character of their regimes: Brutal regimes have brutal police. When states are fragile and lacking in institutional capacity, their police are likely to be undisciplined.

The rationale of the police remains maintaining the order that the regime sustaining them defines as appropriate. Further, national police forces cannot be defined only in terms of ends but must be understood also in terms of means. And the means common to all police is the use of coercion. So the police can be described as an institution usually (though not

invariably) given the right to use coercive force by the state within the state's domestic territory.

I use the word *function* to indicate the formal requirements (such as regulatory activities and regime representation) placed on them as an organization; *role* describes the activities they perform. Function is thus the specific technical and officially required action, whereas the role may reflect different practical demands.

The police are part of but apart from society—not least because they supposedly serve the interests of the state or regime concerned rather than its citizens. They usually have low sociopolitical and economic status, particularly in the rank and file, and are often popularly regarded as no better than common thieves. Given the predilection of the various internal security and police elements for preying upon the citizens they are charged with protecting and their often negligible contribution to law and order, it is no wonder that this should be so. Yet although there have been many demonstrations and riots in the 1990s, police authority is rarely challenged directly, though officers (I use the term generically) may be physically attacked.

What Is Policing?

The formal primary functions of African policing remain as Potholm defined them in 1969: the maintenance of law and order, paramilitary operations, regulatory activities, and regime representation. It is reactive, repressive, and discretionary.

In practice, policing in Africa is much less clearly defined than in many Western countries, and its definition needs to be broadened beyond the activities of formal civilian groups. In Nigeria, for instance, policing must be understood in relation to the activities of the military, some eight or more paramilitary units, various palace guards, numerous quasi-official units in various states, and miscellaneous thugs associated with strongmen. And it is difficult to decide whether operations such as the Nigerian military's Operation Sweep in Lagos during 1996–1998, described as an anticrime measure, should be understood as a policing or a military action. Likewise, it often proved difficult to decide where policing ended and counterinsurgency began in states such as Rhodesia and Namibia.

The core of the definition I use is twofold. First, despite the ambiguities referred to above, policing concerns the enforcement of a state's (or regime's) definition of appropriate public order and behavior. Thus policing is internal as understood by most conventional definitions of sovereignty. This definition excludes the "action groups" employed by ambitious politicians and others to serve private interests, but it can include (Western) companies such as Wackenhut or Strategic Concepts that may be