**The Conceptual-Contextual Gap Between Non-Recurrence and Transformative Police Reform in Post-Conflict States**

**Prof. Pádraig McAuliffe (School of Law and Social Justice, University of Liverpool)**

Word Count minus endnotes: 6240 words

**Introduction**

The articles in this special issue have outlined a concept of ‘transformative police reform’ that

moves towards a more holistic approach that pays attention to the interplay between structural forms of violence and policing, but also focusses on the structural underpinnings of violence. The editorial in this special issue is commendably clear-eyed, arguing that the challenge lies in determining a balance between the implementation of short-term strategies to enhance short term security of communities and the more long-term process of addressing societal, political and economic structures that ground conflict and contestation between police officers and individuals. Arguments that international actors should adopt local democratic policing strategies within broader frameworks to enhance socioeconomic development and citizen capacity are gaining support (Pino and Wiatrowski, 2016). Some go further, arguing that post-conflict contexts *potentially* offer ‘unparalleled opportunities’ to reconceptualise policing institutions as socially-legitimate bodies that facilitate structural justice as a public good (Neild, 2001:38). These arguments can be seen part of a welcome, wider trend towards similarly transformative approaches in other interventionary processes like peacebuilding and transitional justice. One notable feature of these often idealistic literatures is their tendency to pay insufficient attention to the realities of (a) post-conflict securitisation and (b) broader patterns of neopatrimonial governance in least-developed countries (McAuliffe, 2017). This paper examines the extent to which this pessimism about transformative potential applies to the very different, and much narrower, context of police reform in post-conflict states.

The overall argument this article makes is that transformative approaches will face many of the same difficulties that liberal iterations policebuilding or police reform face. This is significant because most advocates of policebuilding that is responsive to community needs or that complements structural reform starts from the position of disparaging pre-existing police reform models within an assumed framework of democratic governance as overly liberal, technocratic and securitised as so many critics of SSR/policing do (Öjendal and Stern, 2010). For example, scholars like Aitchison and Blaustein (2013:497) posit ‘democratically responsive policing’ (emphasising responsiveness to locally defined needs) as superior to ‘policing for democracy’ that does little to address structural conditions associated with liberal statebuilding. However, liberal police reconstruction runs a broad spectrum. It stretches from a classical neo-liberal model at one end (limited essentially to technical and organisational change) to a people-centred, locally-owned model at the other that reflects the needs of the citizen or community for effective service delivery rather than that of security-first, state-centric governance (Baker and Scheye, 2007: 505). Many of the impulses that animate transformative policebuilding, therefore, have been present to a greater or lesser extent in ‘human security’-based liberal theories of police reform. So too have they been present in alternative conceptualisations of policebuilding like Wozniak’s (2017:816) ‘reflexive model’ that stresses ‘contextual understanding of reconstruction, emphasizing incorporation of local knowledge, and privileging indigenous autonomy with respect to establishing goals and priorities’.

However, democratically responsive and reflexive theories, like the liberal approaches they mitigate or depart from, tend to ‘suffer from insufficient attention paid to the material realities of police reconstruction’ (Wozniak 2017:807). Inasmuch as transformative approaches to policing share some conceptual DNA with pre-existing liberal and reflexive approaches that also gesture towards responsiveness to community needs or that complement structural reform, they are likely to face many of the same challenges. As this article goes on to demonstrate, far from providing a template for thoroughgoing reform in the way security is provided, ‘muddling through’ in police reconstruction to some minimal policy fudge is often the most that can be achieved when reformers encounter the resistance of local elites (Padurariu, 2014:14). Transformative theories of policebuilding, like the critical approaches to police reconstruction they draw on, tend to define themselves and their ambitions with reference to a liberal model that is seldom actually realised. The Westernised rhetoric of high-tech, information-driven, publicly accountable policing (‘Becoming ‘European’ through police reform’ as Celador (2009) puts it) usually gives way to something less normatively ambitious. In most instances, policing was so non-existent, basic or corrupted in the pre-conflict state that international actors are less concerned with reforming a modern police service to the standards of liberal democracy than creating one *ab initio*, meaning that policing capacities can rarely bear the weight of demands initial liberal policing theorists or planners at headquarters assume. The failures of comparatively less ambitious liberal aspirations must call into question the hopes for reflexive or transformative policing beyond the most micro-local interactions.

Consequently, I share the position of Rauch and van der Spruy (2006:16) that the depth and breadth of the required effort for any reformist endeavour to thoroughly alter police agencies is usually underestimated. Post-conflict or fragile states ‘usually present hostile environments for the implementation of ambitious reform plans’ (Neild, 2001:38). Far from approximating thoroughgoing reform, ‘transformation’ may at best amount to *merely* creating non-repressive institutions and re-establishing a legitimate monopoly of violence in everyday life. That said, the complementary critique of policing reform as unduly technocratic also misses the point. Technocratic reform of retention, recruitment, professional standards and management is an essential precondition for more effective policing. However, effective policing in a post-conflict environment usually takes the state-centric form of policing the various instabilities that characterise the emergent peace, not engaging with the everyday needs of communities. This focus on *short-term* non-recurrence, of monitoring and cabining the existential crises of the emergent peace which, if unchecked, could imperil all subsequent development, diverts time, resources and attention from theoretically transformative approaches. In short, there is a divide between transformative theories of police reform (and, it might be added, the liberal theories they depart from) and the context of application.

Beyond this crucial transitional inflection point, the prospects for the sort of transformative policing that challenges unequal power relationships or manifests meaningful interplay between top-down and bottom up initiatives are slim in the *medium-term*. This paper tempers the rhetoric of transformative policing by emphasising the political context of policing reform, elite negotiation and bargaining. Policing must inevitably be embedded in the political, economic and social fabric of their societies, but political economy incentives again emphasise non-recurrence in the medium-term given the existential concern for peace and stability. Technocratic reform at the level of skills, professional standards and oversight is valuable in tempering the dangers these incentives create. Poverty relief and economic growth can only begin to occur once this is achieved. Non-state dispensers of policing can and are encouraged at all points. However, the sort of multisectoral transformative policing that would bridge the gap between technocratic reform that underpins non-recurrence and needs-based policing as articulated by grassroots actors that would inform transformation, can realistically only occur (if at all) after broader political settlements have stabilised.

**The Liberal Policebuilding Model**

As noted above, transformative theories in relation to post-conflict states take as their starting point a critique of existing practice. At the core of people-centred critiques of police reform is the idea that all liberal peacebuilding attempts to achieve in relation to security services like the police is a state that can act as the disciplinary agent for external economic forces, as opposed to the protector of domestic society (Hettne, 2010:43). Critics argue this model is fundamentally erroneous, oriented more towards the forms of social order conducive to liberal-capitalist developmental plans than to a responsive or welfarist economy (Kuzmarov, 2009: 193). Though the argument that liberal policebuilding (i.e. the reform and rebuilding of a police system) prefers order over economic justice is compelling, it is necessary to examine the context of post-conflict police reform to see whether and how a more holistic role for police in structural change might emerge if international police reconstruction actors were so minded. The potential to do so is far from self-evident. The record of reformist endeavours in the last twenty years suggests that arguments to the effect that liberal policebuilding is enlisted in a broader agenda to make domestic structures and institutions accord with the preferences of external actors (Ellison and Pino: 2012) may significantly exaggerate the ability of those actors to effect change

In most post-conflict states in the developing world, policing reflects inherited colonial policing practices characterised by authoritarian forms of population control by distant governing institutions. Post-colonial internal security often took the form of aggressively policing the ‘dangerous classes’ like minority groups and the poor (Bretas, 1999). ‘Regime policing’ with significant detention and paramilitary features oriented towards the protection of the government or elites rather than citizens is a feature of the global south, distancing the population from the police (Pino, 2014:3780). In many post-conflict states, the police are not trusted by the population because they were so indispensable to abusive prior regimes (Wozniak, 2018: 2). Particularly in African civil wars, police became deeply implicated in conflicts and served as adjuncts of the military (Rauch and van der Spruy, 2006:15). This is not solely a problem of the developing world - in the Bosnian war, Serb, Croat and Muslim politicians continued Titoist approaches to partisan policing in repressing potentially dissident internal populations (Celador, 2009:233). Politicisation of the very idea of policing is often a feature of the pre-conflict and conflict landscape - almost all Kosovar Albanians were removed from the Yugoslav police force after Belgrade revoked the province’s autonomy (Eckhard, 2016:61). Post-conflict states like Timor-Leste, Sierra Leone and Kosovo found themselves lacking the capacity to handle high-profile, politically-significant or transnational crime, to say nothing of day-to-day policing. Post-conflict security institutions like the police exhibit ‘politicisation, ethnicisation … corruption ….lack of professionalism, poor oversight and inefficient allocation of resources’ (Brzoska and Heinemann-Gruder, 2004:121). Policebuilding programmes are premised on the reality that old police structures are neither operationally nor politically equipped to safeguard the nascent peace, but must be constructed within this hostile ecology.

The critique of internationalised policebuilding relates to the limitations of its emphasis on rights-based institutions, human rights norms, civil society and social contracting. The Council of Europe, OSCE and UN are among the multilateral organisations that have developed the concept of ‘democratic policing’ in which the democracy and policing exist in a mutually constitutive relationship. Democratic policing requires that police are accountable to law, rather than government, and that they protect human rights, particularly those related to political activity, even if they do not adequately address broader human rights issues such as equity, co-production and openness within the service (Pino and Wiatrowski, 2016). A consensus has developed in the West since the 1990s that police reform is integral to advancing democracy in missions like those in Bosnia, El Salvador, Mozambique, Sierra Leone, Bougainville and Haiti. It was acknowledged that mere exclusion of human rights abusers or the corrupt were unlikely in and of themselves to reform policing culture. This position was arrived at on the assumption that firstly the police, as a physical embodiment of the state with whom citizens interact most frequently, critically affected the character and popular legitimacy of the government (Friesendorf, 2011: 80), secondly that only they can safeguard the core elements of democratic life like assembly, free speech and voting, and thirdly that rule of law is inextricably bound up with public order. Some even argue that policing can consolidate a deeper positive peace by overcoming tensions that arise in ethnically diverse societies (Hansen, 2008:360-361) and fostering the predictability needed for a functioning market economy (Hinton and Newburn, 2008:5). The core idea that underpins the democratic policing model is that of a co-operative police-public partnership.

The first element of this is oversight from above within a framework of democratic civilian control, where police are accountable to representatives of the judiciary, executive, legislature or ombudsman bodies about policies, explain and justify actions, respond to public concerns, investigate abuses, publish findings (OSCE, 2008: 25). In this model, the government sets policy while the legislature exercises control to expose and discuss police misconduct and use statutes and budget control to make them responsive. However, meaningful accountability must occur at multiple levels, and so democratic policing envisages downwards responsiveness to the public ‘media, civilian review boards, advocacy and research organizations, and community-based organizations’ who can actively monitor them (Stone and Ward, 2000: 36). It is with this type of oversight that the ‘people-centred, locally owned’ recommendations found in SSR frameworks is most likely to be realised (OECD/DAC, 2005:12).

However, the democratic policing model that emphasises non-partisan responsiveness and democratic oversight that figures so prominently in both advocacy and critiques of ‘policebuilding’ is seldom realised. Scholars have identified the generic best domestic conditions for democratic police reform like relative stability, national unity, a shared elite vision of governmental priorities, strong political leadership, availability of basic political and economic infrastructures, proficient and experienced civil society organizations. These conditions rarely obtain. In most policebuilding ecologies

parliaments, courts and civil society were either dysfunctional or non-existent during times of conflict or authoritarian rule – as opposed to the executive and security-providing institutions, which functioned without interruption. Therefore in many post-conflict societies, parliament and civil society are rather weak and not capable of fulfilling their roles as foreseen in “ideal-type’ SSR. Building up parliamentary oversight and civil society cannot be put into place with laws and rules of procedure only; it takes a long time to foster a tradition and culture of accountability (Born, 2009: 250).

The more realistic view is that of Neild, who contends that meaningful police reforms ‘are dependent on and not a determinant of democracy’ (2001: 35). While the liberal peacebuilding critique is premised on the idea that its democratic impulse depoliticizes debate over poverty and inequality by assuming all fundamental dilemmas are to be resolved within the new democratic dispensation, it is questionable whether it can be applied to internationalised police reform. In places like Bosnia, Kosovo and East Timor, ambitious plans for democratic policing have given way to a much ‘narrower agenda’ of ensuring that the police forces were more representative, better trained, and purged of human rights violators or criminals’ (Donais, 2006:185).

**Technocratic policing**

That modernising, training and equipping of police takes precedence over all else is hardly surprising given the evident need and desire on the part of the public after conflict for effective policing to prevent non-recurrence of destabilising violence. To a striking degree, the conventional wisdom seeks to strengthen the state police to the exclusion of other security providers in a complex insecurity landscape (Janssens, 2015). The languages of crime control and professionalism are typically employed. Much of this work is mundane – changed uniforms, reformed ranking structures, new buildings, better vehicles and equipment and communications and wages can all help boost professionalism. Ensuring that salaries are paid means appropriately qualified candidates can be recruited and officers are more likely to exercise their responsibilities properly. Basic skills in relation to crime scene preservation, statistics, witness treatment can be transferred by international actors. De-militarisation of police and disaggregation of police roles from conflict-era enmeshment with military or paramilitary forces is imperative to prevent recurrent blurring of military and law enforcement activities. Special police units must be brought within chains of command. Most human rights training for police emphasises education in terms of legal norms like freedom from torture, mistreatment in custody and non-lethal enforcement to underpin the change from police *force* to police *service*.

Of course, corruption and indiscipline can undermine or negate improved delivery of police and security services. Behavioural training in terms of professionalism and human rights alone is insufficient without a supporting organisational structure to fully foster awareness of their position as upholders of justice. Effective internal governance, oversight and accountability is essential. The police must develop the capacity to manage and administer itself successfully through sound administration, personnel management, and financial control. More contentiously, they must develop internal discipline systems for identifying, investigating, adjudicating and punishing misconduct if police are not to remain a public security threat. This oversight does not amount to democratic policing, of course, but good internal management and external supervision should help ensure police can eventually protect people and the states they live in. This process can be helped by post conflict vetting processes of the sort seen in Haiti and El Salvador which helped restructure abusive police forces (Hussey 2019). Screening and decertification of police in Bosnia for professional misconduct, human rights abuses and war-time activities remade the service there and improved security (Donais, 2006:177-178). Criminal networks within the police associated with the drug trade or illegal resource extraction must also be eliminated. The integration of formerly excluded communities into more ethnically diverse policing structures can lend legitimacy and inculcate public trust in the police, as occurred in the likes of Bosnia, East Timor and Kosovo, and may serve as a confidence-building measure for refugees and IDPs (Hansen 2008; Goldsmith and Dinner, 2007).

Of course, policebuilding suffers from typical shortcomings like lack of funding, ad hocery in designing programmes, lack of co-ordination among donors, but usually a threshold competence is (re)established. Nevertheless, scholars have criticised the organisational emphasis in SSR programmes for representing the challenges society faces in technocratic or strategic terms of better funding, better technical knowledge and better staffing (Egnell and Haldén, 2009:47-54). Policebuilding might pick the relatively low-hanging fruit of enhancing capacity, without actually affecting issues like corruption and preventing politicisation that consistently prove more challenging (Eckhard, 2016: 8). Capacity building is distinguished from ‘integrity building’ that fundamentally changes the way police forces relate to the wider public (Muehlmann, 2007:379). Furthermore, as this piece later goes on to explore in greater detail, technical improvement may not touch ‘the domestic political will to change what police do, and whom they serve’ (Donais, 2006: 186). Particularly in relation to broader socio-economic reform, scholars note the limitations of ‘reducing poverty with teargas and batons’ (Denney, 2011:275). Why then do policebuilders abandon ambitious democratic or transformative policing models to instead retreat to the ‘familiar fallback position’ of a train-and-equip model (Sedra, 2010:18)? Part of the explanation is undoubtedly the fact that policebuilders do not control, nor do they comprehend, the broader political economy of police reform, as I address later in this paper. Another part of the explanation is the fact that the short-term insecurities omnipresent in the context of peacebuilding makes technical policing competence and non-abusiveness an imperative need. This makes postponement of more transformative change sadly inevitable.

**Policebuilding and the Security Dilemma**

For all the ambitious rhetoric, SSR in contemporary peacebuilding is fundamentally underpinned by the realisation that if the state is not secure, political order and every other referent of security collapses. Preventing recurrence of conflict in the short-term tends to squeeze out even the most laudable and necessary long-term projects. In this short-term, peacebuilding is crisis management as states are characterised by deadlock, stalemates and mistrust. In states where the central government is tenuously united, does not have complete control over the territory and an unsure/contested monopoly of violence, more holistic conceptions of policing may look utopian. SSR activities like policebuilding find themselves in ‘defensive mode … geared towards meeting contingencies that are often brought about by fears of disorder, anarchy, resurgence of violence, gross human rights violations, disloyalty and mutiny’ (Brzoska and Heineman-Gruder, 2004:128). Any violence can prove enormously destabilising, the paradigmatic example being the urban rioting that created 150,000 internally displaced people and forced the international community to return in large numbers to East Timor in 2006. Police find themselves performing relatively robust functions to deal with revenge killings, major civil disturbances, VIP protection, counter-terrorism, counter-insurgency and election security to preserve the nascent peace (Agordzo, 2009:288-289). Police activities here are of necessity more akin to ‘light infantry’ than the ‘community policing’ model of rebuilding local relations (Dahl Thruelsen, 201:87). Beyond this, police are forced into a permanently reactive position to deal with the chronic criminality that pervades in post-conflict states like Cambodia, East Timor and South Africa. Organised crime explodes in weak states with minimal rule of law capacity. In El Salvador, notoriously, more people are reported to have died in the decade after the 1992 peace accord than during the last ten years of the conflict there (Bourgeois, 2001: 19). Organised crime, trafficking in abundant weapons, terrorism and extremism tend to increase after a peace agreement even though (or perhaps because) the factions have ceased fighting. As Call reminds us, success for human rights advocates might be measured in terms of reductions in police abuses, but for police forces themselves, crime rates may be the priority once they evolve beyond the old model of regime policing (Call, 2002:106). Public demand for an ‘iron hand’ approach is a typical feature of post-conflict ecologies (Scheye and Peake, 2005:303). In countries like Sierra Leone, the absence of a resurgence of violence, law and order and lack of further intervention are seen as evidence of success (Gbla, 2006:89). This above all other reasons explains why, within the relatively short shelf-life of international intervention, the international community prioritises violence prevention over structural causes of violence. As Heiduk (2015:80) argues, there is a hierarchy of contending objectives in policebuilding in which robust security matters take precedence over more holistic conceptualisations like democratic policing. So it goes also for transformative policing - international actors have historically proven much better at reacting to events provoking, or provoked by, intervention than developing complex models of development that link SSR to structural inequalities (Jackson, 2011:1819). As one member of the Combined Security Transition Command in Afghanistan put it, ‘We tend to focus too much on the next quarterly results than on the long haul’ (Dahl-Thruelsen, 2010:89).

This ‘security first’ model is not without developmental effect. No policy achievement contributes as much to poverty alleviation as sheer non-recurrence of conflict. To the extent that police can reassure citizens they can live without fear of physical attack, they are more likely to exercise their political rights (Goldmsith, 2002: 3). Criminality and widespread disorder are feared most among those with fewest resources to defend themselves, most notably the indigent and women (Alvazzi del Frate, 1998). At the core of the ‘security-first’ model is the notion of the vicious circle where insecurity and underdevelopment prove mutually reinforcing. More positively, scholars argue that public security and a state monopoly of violence is a logical precursor to any development in the form of infrastructural reconstruction/improvement, resource exploitation and foreign investment. Once basic security is established, international and domestic actors can shift from stability to the broader notion of human security, as DFID attempted in Sierra Leone for example. Here, it was expected that a productive nexus would develop between ‘the creation of an effective, disciplined, and democratically controlled security sector and an improvement in the number of people with access to adequate education, healthcare, and income’ (Denney, 2011: 282). It is assumed that stable environments can facilitate the implementation of pro-poor anti-poverty programmes (Call, 2002: 105).

However, beyond the idea of the vicious circle, critics of SSR and policebuilding point out that in terms of the security-development nexus (and, by extension and for the purposes of this article, the police-transformation nexus), we are only at the point of making correlative links between security and development – actual causal connections that would underpin a ‘virtuous circle’ are much harder to draw, and a lack of clarity and confusion cloud all claims (Jackson, 2011:1811). What can be seen is that even in states that attain security, elites ‘continue to determine access to resources based upon kinship and patron–client relationships, thus ensuring that marginalized groups remain socially and economically immobile’ (Denney, 2011: 289 and 288). Development of any shade significantly lags behind security, which of course means the timeframe for a security-development or policebuilding-transformation nexus needs to be extended in time to decades rather than years. However, this confounds the drawing of causal relations because more factors other than security affect how poverty and inequality are addressed (Denney, 2011:289). The general ambiguity of the security-development nexus is of course compounded by the undertheorised nature of police reform scholarship. What is apparent is that there is no natural and/or inevitable relationship between better policing and more equitable or responsive social transformation. Mainstream, critical and transformative police theory (to the uncertain extent the latter at this point exists) may remain of limited utility in addressing structural inequalities because we do not know what a form of policing that is structurally inclusive of the poor would look like. The police are not a stand-alone construct, but are part and parcel of the wider socio-political system. What is certain is that any equitable policy frame for policing that might contribute to broadening social provision to the poor or foster social mobility will turn on the politics of political actors within the states whose priorities and political responsibilities have at best a tangential relation to the police. The lack of clarity we have about this political economy means policy-makers within policebuilding may have a tendency to ‘over-estimate the transformative abilities of powerful external actors acting on very different socio-political structures’ (Jackson, 2011:1813).

**The Political Economy of Policebuilding**

If the technicist and securitised discourse of standard policebuilding is underpinned by the idea that power must be controlled by rules, transformative police reform is underpinned by the notion that the police can and must have the tools and incentives to aid the politics of forms of social transformation that address community needs, poverty and inequality. Both visions can only ever be part of larger efforts at security sector reform, which itself is but a subset of post-conflict reconstruction, democratisation and/or statebuilding. Policebuilding may be *constitutive of* democratisation and social transformation, but in terms of broader structural and cultural impact beyond the level of technical improvement and security, it is far more *constituted by* these macro-political developments. Improved performance and oversight can and have been delivered in transitional states, but it takes a much longer time to foster a tradition and culture of responsiveness to citizen needs which can only emerge as part of a broader process of state transformation. Transformative policing is, therefore, of a highly political nature, but the widely acknowledged lack of theoretical depth in policebuilding generally (Wozniak 2018: 2), and transformative police reform particularly, impede comprehension of this. It is here where the ‘sharp divergence between the international community’s development agenda and the realities of actual implementation’ are most apparent (OECD/DAC, 2005:60).

Peace agreements may serve as an entry point for policebuilding, but the international community lacks the requisite carrots and sticks (to say nothing of time and resources) to foster holistic reform of the totality of police-society relations. No amount of international expertise can substitute for domestic consensus about and commitment towards structural reform. To paraphrase Bayley’s comments on democratic policing, the success of foreign assistance (and, it might be added, domestic reform constituencies) is ‘directly proportional’ to the country’s enthusiasm for it (Bayley, 2001: 35). Once we go beyond improved behaviour/performance and restoration of security, the more police reform impinges on other components of society and the political system, the more the state’s political elite is needed to make the system work (Muehlmann, 2001:376). This is because police reform at this level will inevitably and by design transform power relations in society. In a world where police were embedded in authoritarian, corrupt or neopatrimonial cultures, transformative policing will shift power over a state’s security ‘from the few to the many’ (Schnabel, 2009,:32). Reform ‘will always be assessed by internal actors …. by how much reforms will redistribute control and power as well as by criteria of justice and effectiveness’ (Caparini and Marenin, 2004:329). The broader supporting environment for contentious reform, most notably that of the state, executive, and civil society is underdeveloped, calling into question the efficacy of domestic drivers of transformative policing. This, of course is something theorists and policy-makers know – the consistent reiteration in international policy documents of the need for dialogue with states about socially responsive policing reminds us that such policing may be by no means a shared assumption. However, advocates of transformative policing need to look beyond laws, organisation and procedures that we usually focus on and critique to instead examine ‘processes of elite bargaining, collective struggle and normative change’ will shape the trilateral police-state-society relationship over time (Porter, Isser and Berg, 2013:311).

If we are to do this successfully, scholars need to engage with the state as it is, and not as they wish it was. The imagined state is one characterised by executives and parliaments competently conducting public affairs and managing public resources, and where different interests in society are mediated dispassionately and where stakeholders are committed to pursuing the best interests of all constituent national communities. Those large-scale changes that might underpin a relatively straightforward shift to transformative policing, like open elections to bring new or diverse political classes into power, a shift from neopatrimonial governance to more rational, technocratic governance and/or an economy capable of producing surpluses that can be invested in services, may never arrive. This is due to (a) state incapacity, (b) elite political settlement, and (c) underdeveloped civil society

1. State incapacity

Moderately successful peacebuilding should result in governments that behave more like states than regimes. However, as Desai and Woodcock note, the politics of meaningfully reforming rule of law institutions like police in the context of developmental states imply a Weberian state with the sort of merit-based, impartial administration that can resolve disputes, enforce rules and hold actors accountable (Desai and Woodcock, 2012: 7). Furthermore, if we talk about transformative justice, we are talking about a consolidated state that is both interventionary and committed to a threshold of welfare provision. The reality of most policebuilding contexts is that they ‘lack traditions of rational, efficient and effective state bureaucracies …. They are characterised by patrimonialism, clientelism, and informal networks rather than formal institutions’ that underpin welfare distribution as we understand it (Brzoska and Heinemann-Gruder, 2004:130). The public legitimacy and administrative power of the state in reorienting the emergent public order towards development, redistribution or welfare cannot be assumed. As Baker and Scheye (2007:507-508) note, few recipient countries ‘have the managerial capacity—financially or in human resources—to implement or sustain’ ambitious overarching police reform programmes. Forms of good governance that develop effective management and/or minimally distribute resources at the state’s disposal are realisable over time, but the most transformative people-centred or interventionary endeavours may not be absorbed by the reconstructed state apparatus.

1. Politics of elite settlement

Few of the usual domestic drivers for responsive policing necessarily exist in post-conflict cases. The usual class-based politics that underpin forms of statehood responsive to public need are absent – when we speak of transformation, international and domestic actors attempting to alter society-wide structures are effectively aspiring to engineer within the shelf-life of intervention polities that took centuries to achieve in states that currently enjoy even minimal commitments to welfare and provision of services or even basic wealth redistribution. Other drivers that have led to police reform in other states like Nepal, Morocco and Colombia such as financial crisis, domestic peace agreements, reformist leaders or civil society pressure may not be available or have ambiguous effects (Born, 2009:259). Political leaders may well believe that as guardians of the nascent peace, close control of the police is imperative. Wulf (2004a: 10) reminds us that the executive branch of government usually drives what reforms occur in the security sector, while parliament is relatively marginal. However, even if government formally commits to strategic reform concepts and ensure re-organisation of the police is in line with those reforms, the police’s ability to operate as autonomous or effective social actors will depend on how they fit within the evolving political settlement negotiated and renegotiated by post-conflict and neopatrimonialism elites that dominate power-sharing or the informal networks through which power is circulated (Desai and Woolcock, 2012:18-19). History in peacebuilding sites like Macedonia, El Salvador and Kosovo have shown that that elites can be expected to resist reforms that jeopardise or erode their ability to exercise power self-interestedly to secure rents, influence politics or satisfy clients (Day and Freeman, 2005). In many developing democracies, leaders in the developing politicize police to appropriate its rents from corruption or subdue them to partisan interests (Flom 2019: 1-2). While scholars in this special issue are keen to see police become more inclusive of actors and more oriented towards social justice, the governing elite of the state may not see it that way and the citizenry remain disempowered. As Caparini (2004:57) points out, ‘unless there is a clear effort to open the policy process to a diversity of groups, including human rights and civil liberties groups, this “inclusiveness” is in practice limited to other elites and specialist groups.” The ecology of peacebuilding may not be conducive to this.

1. Civil Society

Grassroots or bottom-up civil society organisations lie at the core of hopes for getting attention paid to marginal elements of society and informing those responsible for policing of issues that are overlooked. However, in most post-conflict states, there may be a lack of organised reform constituencies that can cut across divided communities. Even in states as relatively developed as Bosnia-Herzegovina, there was no tradition of (successful) civil society advocacy (Hansen, 2008:355). An organised and informed civil society needs to be developed over time (and this will itself be the product of economic development and organisation of middle-classes), but in most post-conflict states prove too weak to challenge the policies of ruling ethnic elite (Muehlmann, 2007:391). While civil society groups are in theory ideally placed to challenge unequal power relationships and structures of exclusion at both the national/local global level, in its often underdeveloped, fragmented and anarchic form, NGOs and community associations have limitations in affecting how policing occurs that non-state and bottom-up theorising has not taken account of (Scheye and Peake, 2005:317-318).

1. Summary

Principles of responsiveness and organisational capacity that are taken for granted in the West are radical in most post-conflict states. To put it simply, transformative policing is reliant not only on a commitment among elites to alter socio-economic structures that already benefit them, but also a civic culture that emphasizes democratic values and types of social capital and trust that support a role for citizens in policy formation. Policebuilding will typically occur in states where these orientations cannot be assumed. Sedra (2010:20) is correct that ambitious forms of SSR (of which democratic or transformative policing are key examples) may not be feasible in post-conflict conditions and may only be realisable in more normalised development conditions where it can be intertwined with broader and more effective governance agendas. Here, political stabilisation and economic development may strategically alter the societal context in which the police operate to increase state responsiveness to popular needs. The police can then play their still-undefined transformative role, or at least not impede it. Until the point at which peacebuilding, statebuilding and democratisation have been consolidated (if ever), circumspection in ambition and pragmatism in delivery may be the watchwords.

Genuinely transformative policing is dependent on a supportive political economy that policing is rarely causally significant in affecting – processes of coalition-building, elite settlement/competition, statebuilding, social reconciliation and revenue accumulation crucially affect policebuilding in the long-term, but international and domestic reform constituencies have neither the knowledge nor the power (nor sometimes the legitimacy) to resolve tensions, to design complementary incentives or to foster meaningful confluences of interests between the most powerful and the most marginalised. Transformative policing is only feasible in the context of a ‘whole-of-government’ approach that makes the entire apparatus of state responsive to the needs of the people. However, most post-conflict or transitional states lack the capacity or will to conduct systematic, society-wide reform. Where ‘whole-of-government’ approaches are not feasible, not pursued or not successful, Born (2009:261) argues the best that might be achieved is ‘to prioritise and sequence reforms of particular institutions of the security sector’ like policing.

**Conclusion**

The idea of a systemic and holistic approach to police reform that addresses larger structural issues, such as poverty or discrimination against marginalized groups, is an attractive one. It is understandable that reformers and critics aspire to develop police forces that are so well-trained, transparent and open to external oversight that responsiveness to community needs broadly understood becomes second nature. However, it is not enough to identify the needs of the most marginalised – it is also necessary to ‘ascertain if anyone in a position of authority and power is paying attention to what the least powerful people believe and say about their security needs’ because this political factor above all else conditions the possibility for transformation (Farr, 2004: 64). This article has outlined a conceptual-contextual gap in policebuilding, pin-pointing three other main barriers to transformation (i) the unavoidable preoccupation with and diversion of resources to technical reform of abusive forces, (ii) the need to deal with immediate post-conflict security needs, and (iii) a political economy that does not support the type of responsive, socially democratic culture where transformative policebuilding becomes feasible.

Many security sector reform agendas reflect ‘tremendous idealism and, indeed, hubris’ (Call, 2007:404). My scepticism about transformative policing tallies with less exuberant theorising in this area that counsels caution about the possibility of SSR fulfilling its aspirations to create states that are democratic and accountable, to say nothing of transformative – the better approach may instead be to carefully determine what level of ambition is realistic for policebuilding depending on local circumstances (Egnell and Haldén, 2009:29). Pino (2014:3786) may go too far in arguing that ‘reforms should only be attempted in relatively stable, non-repressive states ripe for democracy with the resource and capacity potential to maintain reforms sustainably and provide essential services’ for the simple reason that reform is too urgent and too pressing in some transitional states. However, he does making apparent the gap between the laundry list of recommendations for what should be done and the deeply insecure, under-developed and neopatrimonialist context in which policebuilding occurs. At a minimum, policebuilding should produce more professionally competent forces that can help secure the state against forms of organised criminality, terrorism or riots that can undermine the nascent peace. This in and of itself has great benefit for national and regional communities who can make life and economic plans, even if it falls short of transformative aspirations. The resources will employed to achieve even this much may consume much time and political will. Even basic behavioural and institutional reform is rarely completed, let alone consolidated, in the five years after peace accords (Neild, 2001:30). Transformative policing may need multiple generations, reflecting the reality it can only ever be produced by broader trends of state consolidation and transformation of the broader political economy. At a time when scholars argue SSR policy formulation should become ‘become simultaneously more pragmatic and less ambitious’ even while listening to those excluded from policy-making (Scheye and Peake, 2005: 295), it is highly questionable whether the political motivation, institutional frameworks or strategic patience exist to undertake a transformative policing agenda even if we define one.

**References**

Agordzo, B.K. (2009). ‘Filling the “Security Gap” in Post-conflict Situations: Could Formed Police Units Make a Difference?’. *International Peacekeeping* 16(2): 287-294.

Aitchison, A. and Blaustein, J. (2013). ‘Policing for democracy or democratically responsive policing? Examining the limits of externally driven police reform.’ *European journal of criminology* 10(4): 496-511.

Alvazzi del Frate, A. (1998) *Victims of Crime in the Developing World*. Rome: UN Interregional Crime and Justice Research Institute.

Baker, B. and Scheye, E. (2007). ‘Multi-layered Justice and Security Delivery in Post-conflict and Fragile States’. Conflict, Security & Development 7(4): 503-528.

Bayley, D. (2001) Democratizing the Police Abroad: What to Do and How to Do it. Issues of International Crime, U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. http://www.ncjrs.gov/pdffiles1/nij/188742.pdf (accessed 10 October 2018)

Bayley, D. (2005). *Changing the Guard: Developing Democratic Police Abroad*. Oxford: Oxford University Press.

Born, H. (2009). Security Sector Reform in Challenging Environments: Insights from Comparative Analysis. In Born, H. and Schnabel, A. (eds), *Security Sector Reform in Challenging Environments.* Münster: Lit Verlag, pp. 241-266.

Bourgois, P. (2001). The power of violence in war and peace: post-Cold War lessons from El Salvador. *Ethnography*, 2(1), pp. 5-34.

Bretas, M. (1999). ‘Police and Community in Rio de Janeiro: An Historical Overview’. *Democratic Policing and Accountability* 165

Brzoska, M. and Heinemann-Gruder, A. (2004). Security Sector Reform and Post-Conflict Reconstruction under International Auspices. In Bryden, A. and Hänggi, H. (eds), *Reform and Reconstruction of the Security Sector.* Baden-Baden: Nomos Verlagsgesellschaft, pp. 121-141.

Call, C.T. (2002). ‘Competing Donor Approaches to Post-Conflict Police Reform.’ *Conflict, Security & Development* 2(1): 99-120.

Call, C.T. (2007). Conclusion. In Call, C.T. (ed), *Constructing Justice and Security After War*. Washington DC: US Institute of Peace Press, pp. 375-408.

Caparini, M. and Marenin, O. (2004). Process and Progress in the Reform of Policing Systems. In Caparini, M. and Marenin, O. (eds), *Transforming Police in Central and Eastern Europe: Process and Progress*. Geneva: Geneva Centre for the Democratic Control of Armed Forces, pp. 321-39.

Caparini, M. (2004). The Relevance of Civil Society: Response to “Security Sector Reform in Developing and Transitional Countries. In McCartney, C., Fischer, M and Wils, O (eds), *Security Sector Reform: Potentials and Challenges for Conflict Transformation.* Berlin: Berghof Research Center, pp. 53-62.

Celador, G.C. (2009). ‘Becoming “European” Through Police Reform: A Successful Strategy in Bosnia and Herzegovina?’ *Crime, Law and Social Change* 51(2): 231-242

Celermajer, D. and Grewal, K. (2013). ‘Preventing Human Rights Violations “From the Inside”: Enhancing the Role of Human Rights Education in Security Sector Reform.’ *Journal of Human Rights Practice* 5(2): 243-266.

Dahl Thruelsen, P. (2010). ‘Striking the Right Balance: How to Rebuild the Afghan National Police’. *International Peacekeeping* 17(1): 80-92.

Day, G. and Freeman, C. (2005). ‘Operationalizing the Responsibility to Protect—The Policekeeping Approach.’ *Global Governance* 11(2): 139-146.

Denney, L. (2011). ‘Reducing Poverty with Teargas and Batons: The Security–Development Nexus in Sierra Leone.’ *African Affairs* 110(439): 275-294.

Desai, D. and Woolcock, M. (2012). The Politics of Rule of Law Systems in Developmental States: “Political Settlements’ as a Basis for Promoting Effective Justice Institutions for Marginalized Groups. Effective States and Inclusive Development Working Paper No. 8, 2012

Donais, T. (2005). ‘Back to Square One: The Politics of Police Reform in Haiti.’ *Civil Wars* 7(3) 270-287.

Donais, T. (2006). The Limits of Post-Conﬂict Police Reform. In Innes, M., (ed),  *Bosnian Security after Dayton:* *New Perspectives*. London: Routledge. 185-202.

Eckhard, S. (2016). *International Assistance to Police Reform.* London: Palgrave.

Ellison, G. and Pino, N. (2012) *Globalization, police reform and development: Doing it the Western way?*. Berlin: Springer.

Egnell, R. and Haldén, P. (2009) ‘Laudable, Ahistorical and Overambitious: Security Sector Reform Meets State Formation Theory.’ *Conflict, Security & Development* 9(1): 27-54.

Farr, V. (2004). Voices from the Margins: A Response to ‘Security Sector Reform in Developing and Transitional Countries’. In McCartney, C., Fischer, M and Wils, O (eds), *Security Sector Reform: Potentials and Challenges for Conflict Transformation.* Berlin: Berghof Research Center, pp. 63-69.

Flom, H. (2019) ‘Controlling bureaucracies in weak institutional contexts: The politics of police autonomy.’ *Governance* (no page numbers yet)

Friesendorf, C. (2011). ‘Paramilitarization and Security Sector Reform: The Afghan National Police.’ *International Peacekeeping* 18(1): 79-95.

Gbla, O. (2006). ‘Security Sector Reform Under International Tutelage in Sierra Leone.’ *International Peacekeeping*13(1): 78-93.

Goldsmith, A. (2002). ‘Policing Weak States: Citizen Safety and State Responsibility.’ *Policing & Society* 13(1): 3-21.

Hansen, A. (2008). ‘Strengthening the Police in Divided Societies–Empowerment and Accountability in Bosnia-Herzegovina’. *Policing & Society* 18(4): 339-361.

Hettne, B. (2010). ‘Development and Security: Origins and Future.’ *Security Dialogue* 41(1): 31-52.

Hinton, M. and Newburn, T. (2008). Introduction. In Hinton, M. and Newburn, T. (eds), *Policing Developing Democracies.* London: Routledge, pp. 1-28.

Hussey, J. (2019) ‘Recruiting, Vetting, and Training Police Forces in Postconflict Environments.’ *Military Review* 99(2): 64-83.

Jackson, P. (2011). ‘Security Sector Reform and State Building.’ *Third World Quarterly* 32(10): 1803-1822.

Janssens, J. (2015). State-building in Kosovo. A plural policing perspective. Antwerp: Maklu.

Kuzmarov, J. (2009). ‘Modernizing repression: Police training, political violence, and nation-building in the “American century”.’ *Diplomatic History* 33(2), 191-221.

McAuliffe, P. (2017). *Transformative Justice and the Malleability of Post-Conflict States*. London: Edward Elgar.

Muehlmann, T. (2007). ‘International Policing in Bosnia and Herzegovina. The Issue of Behavioural Reforms Lagging Behind Structural Reforms, Including the Issue of Reengaging the Political Elite in a New System’. *European Security* 16(3-4): 375-396.

Neild, R. (2001). ‘Democratic Police Reforms in War-torn Societies.’ *Conflict, Security & Development* 1(1): 21-43.

OSCE. (2008). *Guidebook on Democratic Policing*. Vienna: OSCE.

OSCE. (2012). *Guidelines on Human Rights Education for Law Enforcement Officials*. Warsaw: ODIHR.

OECD/DAC. (2005). Security System Reform and Governance. Paris: OECD.

Padurariu, A. (2014). ‘The Implementation of Police Reform in Bosnia and Herzegovina: Analysing UN and EU Efforts.’ *Stability: International Journal of Security and Development* 3(1): 1-18.

Pino, N. W. (2014). Policing in Developing Democracies. In **Bruinsma, G.** and **Weisburd,** D. (eds), *Encyclopedia of Criminology and Criminal Justice.* Berlin: Springer, pp. 3777-3787.

Porter, D., Isser, D. and Berg, L.A. (2013). ‘The Justice-Security-Development Nexus: Theory and Practice in Fragile and Conflict-Affected States.’ *Hague Journal on the Rule of Law* 5(2): 5, 310-328.

Rauch, J. and Van Der Spuy, E. (2006). *Police Reform in Post-Conflict Africa: A Review.* Pretoria: Institute for Democracy in South Africa.

Scheye, E. and Peake, G. (2005). ‘To Arrest Insecurity: Time for a Revised Security Sector Reform Agenda: Analysis’. *Conflict, Security & Development* 5(3): 295-327.

Schnabel, A. (2009). Ideal Requirements Versus Real Environments. In Born, H. and Schnabel, A. (eds), *Security Sector Reform in Challenging Environments.* Münster: Lit Verlag, pp. 4-36.

Sedra, M. (2010). Introduction: The Future of Security Sector Reform. In Mark Sedra (ed), *The Future of Security Sector Reform.* Waterloo: Centre for International Governance Innovation, pp. 16-27.

Stern, M. and Öjendal, J. (2010). ‘Mapping the Security—Development Nexus: Conflict, Complexity, Cacophony, Convergence?’. *Security Dialogue* 41(1): 5-29.

Stone, C. and Ward, H. (2000) ‘Democratic Policing: A Framework for Action.’ 10(1): *Policing and Society* 11-45.

Wiatrowski, M. and Pino, N. (2016) *Democratic Policing in Transitional and Developing Countries*. London: Routledge.

Wozniak, J. (2017).’Iraq and the material basis of post-conflict police reconstruction’. *Journal of Peace Research* 54(6): 806-818.

Wozniak, J. (2018). ‘Post‐conflict police reconstruction: Major trends and developments’ *Sociology Compass* 12(6):1-10.

Wulf, H. (2004). Security Sector Reform in Developing and Transitional Countries. In McCartney, C., Fischer, M and Wils, O (eds), *Security Sector Reform: Potentials and Challenges for Conflict Transformation.* Berlin: Berghof Research Center, pp. 9-27.