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*30 August 2000 to 1 September 2000
Conference Summary*

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Conference Summary

Background

The South African Institute of International Affairs (SAIIA) staged a conference on *Crime and Policing in Transitions: Comparative Perspectives* from 30 August to 1 September 2000. The event stemmed from the belief that crime and policing problems in a number of societies that have experienced a transition from authoritarian to democratic rule might hold comparative lessons. Selected academics, policy analysts and practitioners from transitional societies in Latin America (Brazil, Argentina, Peru and Chile), Africa (South Africa, Nigeria and Mozambique) and Eastern Europe and the former Soviet Union (Russia, Ukraine and Poland) were invited. Representatives from two other transitional societies, Northern Ireland and Israel/Palestine, were also present. Additional participants who have worked in or studied these

¹ DR MARK SHAW is the research fellow at SAIIA responsible for running the project on *Crime and Policing in Transition* which is sponsored by The Ford Foundation, Konrad-Adenauer-Stiftung, The British Council and MTN. Thanks to DR UGI ZVEKIC, United Nations Office for Drug Control and Crime Prevention (Southern Africa), for extensive comments on an earlier draft. DR PAULO DE MESQUITA NETO, from the University of São Paulo, also provided valuable input.

societies from the United Kingdom, United States and Canada as well as the United Nations Office for Drug Control and Crime Prevention (Southern Africa) and the United Nations Inter-regional Crime and Justice Research Institute attended.

The following discussion broadly reflects the debate which took place at the conference. It does not attempt to be a summary of all the papers presented but instead seeks to give a flavour of both the issues discussed and some of the tentative conclusions reached.

The overall aim of the conference was to bring together representatives from transitional societies to begin a process of comparative analysis which to date has not occurred. The link between the dramatic political, economic and social transitions in these societies, on the one hand, and growing levels of crime as well as differing policing responses, on the other, are little understood. Comparing the links between the transitions and the growth of crime and transformation of the police in these states suggests some important conclusions not only in respect of the key causal features which generate crime in transitional societies but, by implication, also which areas of policy focus may have the greatest impact on reducing crime.

Linking transitions to crime

It has often been said that crime in South Africa is related to the transition from authoritarian rule to democracy in the country. Similar patterns appear to apply in other transitional societies such as those who have moved from military to civilian rule in Latin America, the former communist regimes of Eastern and Central Europe, as well as states in Africa, most clearly illustrated

by Nigeria and Mozambique, which have moved from authoritarian forms of rule or civil war to fledgling democracies.

The rise of crime in periods of political (and related economic and social) transition is a complex phenomenon difficult to analyse. Statistical data on levels of crime before and after the transition are difficult to come by, and when available, their accuracy may be open to question. In South Africa, for example, there are no reliable crime statistics for the whole country before January 1994. At the same time, our understanding of crime in authoritarian societies is often complicated by the fact that state repression led to a blurring of the boundaries of political and criminal activity and that the state itself was often a significant source (although not defined as such at the time) of criminal activity.

These issues raise important questions about whether or not dramatic transitions lead to the more visible appearance of older forms of criminal activity in new guises or whether transitions themselves give rise to new forms of criminal activity. In South Africa, for example, is the increase in crime predominantly the result of a displacement of criminal activity previously contained in townships and which has now spread to (white) suburban areas? Have levels of rape, for example, not always been high but now because they are reported (and viewed with concern by both government and citizens) it appears that the transition has brought with it remarkably high levels of sexual violence?

The answer probably lies somewhere in between the two positions. Old forms of criminal activity have undoubtedly been displaced (often in new forms) into the new democratic order, while at the same time they have been joined by growth in the overall level of all forms of criminality. Of course, this still leaves the question of why a shift from authoritarian rule to democracy

should lead to higher levels of crime, and if so, how?

Ironically, and contrary to popular belief, increases in crime in transitional societies may be less an issue of declining levels of law enforcement and policing than is commonly assumed. A comparison of authoritarian regimes across countries suggests that most citizens were policed as much for crime control as for political control. Yet it is not certain whether policing in most post-authoritarian states has improved in the eyes of the majority of citizens, and if it has, whether this is *not* because the police are more effective in controlling crime, but because they are now less repressive and thereby less intrusive.

Are there commonalities?

An overview of the growth of crime in a number of transitional societies suggests a more complex reason for the growth in crime: the breakdown of community and related principles of social organisation, including the crime control arrangements and reduced risks for punishment, as well as an increase in opportunities, targets and motivation. Thus, dramatic political, economic and social transitions may be much more disruptive of the internal social organisation, including that of crime prevention and control, of communities than has often been assumed. The conference presentations suggested that three forms of internal social organisation may be dramatically altered in a period of transition:

First, in societies such as in South Africa, the struggle against an authoritarian state produces opposing forms of community cohesion and social control, which keeps criminality in check. In Northern Ireland, for example, criminal activities have been

restricted given the vulnerability of offenders (who are threatened with prosecution if they do not agree) to being recruited as informers by the police.

Second, in communist countries with centralised political structures such as in Eastern and Central Europe and the former Soviet Union the state itself imposed the organisational network. The collapse of the communist state led to a breakdown of these structures, fragmenting local forms of social cohesion without any immediate replacement.

Third, in most societies, quite apart from structures established in a response to, or by, an authoritarian state, some form of community controls remained. These include structures such as the church, community groups, the extended family and neighbourhood groups. A review of societies which have undergone dramatic transitions suggests that these structures are weakened and lose their reach into the community. This is a result of the strength of the two new forms of community cohesion outlined above and which are generated by authoritarian states. But it is also a consequence of the disruptive nature of transitions and the violence that often accompanies them, weakening old forms of social organisation which no longer provide an attractive option for increasingly militarised and vocal sectors of the society, often the youth. In addition, traditional forms of social control are undercut during periods of transition by the emergence of new social movements and non-governmental organisations.

The breakdown of social and state controls appears to be the single most common factor leading to the growth of crime in diverse transitional societies. Traditional forms of internal social cohesion may be replaced by (or mutate into) a different set of

organising principles, including criminal organisations or gangs. In communities feeling threatened by a growing group of criminals this may also take the form of vigilante groups which come to play an important role in local community cohesion.

Changes brought about by the dramatic impact of the political transition are exacerbated by longer term processes of industrialisation and urbanisation which have themselves had a considerable impact on the changing nature of community and social controls. In a post-apartheid society, the effects of HIV/AIDS may already be having a considerable impact, both on family units and organisation and on cognitive behaviour.

Post-authoritarian and post-conflict societies are increasingly subject to structural changes in their economies. While a number of approaches are followed in this regard, transitional societies tend to share the experience of changes in the ownership structure (privatisation), the multiplication of economic actors and the influences of globalization. Many transitional societies also seek to redefine the role of the state by reducing or altering its role in economic activity. In such states, the access to newly-created opportunities is not equal for all. This factor, combined with the requirement for political legitimacy and the need to attempt to meet popular expectations, creates contradictory pressures. In societies such as South Africa, these pressures are complicated by a political and economic commitment to improve the lot of previously disadvantaged groups.

Such frictions are common to transitional societies. There appears to be an abundance of structural as well as other motivational factors for the involvement of people in 'alternative opportunities' both in the context of the growth of the informal and the criminal economy. Such recourse to the illicit is facilitated by the

breakdown and loosening of the mechanisms of formal and social control, including the diminished risks of punitive and/or resocialising reactions. If, over time, poverty and marginalisation are perceived as a likely reality, the recourse to the illicit is often (particularly for the young) perceived as the most efficient and low risk avenue to live better *now* rather than wait for the uncertain prospects for improvement promised by the state. No amount of political rhetoric about building a new democratic society (except perhaps at the initial stages of collective enthusiasm) matches the economic reality of unequal access to the new opportunities for wealth. Although these observations are hardly new, they are important in understanding the growth of criminal activity in transitional societies.

The old reflected in the new

At the same time as these developments occur, post-authoritarian states are often, as in South Africa, attempting to secure their hold on the levers of the security establishment. Here there are multiple challenges. The most common across all societies represented at the conference is the desire to legitimate the old forces of order to ensure citizens look to the police for their safety. What appears clear is that no amount of urging by political leaders that the police are now legitimate is enough; agencies of law enforcement have to prove their legitimacy through effective operation. There is, as yet, the conference concluded, no clear case of any society in transition being able to build a legitimate police agency in the post-conflict phase. The growth of crime itself in transitional societies has in many cases undercut the growth of local forms of policing by ensuring more centralised and militarised responses to disorder.

A key to building the legitimacy of the police is to ensure effective forms of local control and accountability—in effect, to make citizens believe that the police are responsive to their needs, and not those of some bureaucrat in a distant capital. Here all transitional societies have had to balance the requirement of ensuring local accountability (which remains weak in all cases) with centralised control—the desire to manage change from the centre to ensure both that it occurs uniformly and that local groups (who may oppose the central state) do not obtain control of the police in their area.

The absence of social and community controls and the establishment of a democracy bring paradoxical forces into play in most transitional societies. On one hand, the conditions for the growth of crime are enhanced, on the other, citizens look (as they have never done before) to the state for protection. Given the very real constraints on the post-transition state in delivering effective systems of criminal justice (such as low skills levels, lack of representative institutions and poor resourcing) citizens are likely, over time, to seek alternative forms of protection. For the poor community this will include forms of protection such as vigilante groups and for the wealthy (including the business sector), the increased privatisation of policing and crime prevention.

The parallels amongst transitional societies are striking. Probably the most effective means of controlling and preventing crime in the longer term is the one least open to the state: the re-establishment of effective means of community and social control. Key to the process is both the establishment of effective local systems of democracy through which people can exercise their rights and express their grievances as well as the support of institutions such as churches, schools, sport and youth activities

which assist in the building of stronger and more cohesive communities. The conference noted, however, that the difficulty of implementing such projects is great, since there is the added problem that such initiatives are often difficult to link to reductions in crime in the short term, thus being harder to sell to policy makers.

Comparative experience suggests that while the state is good at breaking down forms of local social control and cohesion it is notoriously bad at reconstructing these. What is clear, however, is that a concentration of improved law enforcement alone (however necessary) will not stem the long-term crime problems of states emerging from periods of transition. This suggests that the implementation of crime prevention projects as understood in the developed world (and often marketed in transitional and developing societies) is not the most appropriate route. Instead, comparative experience indicates that much greater debate and effort is required to seek alternative ways of rebuilding the social fabric in post-conflict and post-authoritarian societies.

The danger, however, in societies in transition is that responses to crime become increasingly militarised. In many post-authoritarian societies this results from the dual pressures of increased public insistence on government to be seen to act against lawlessness as well as pressures from within the security establishment. In respect of the latter, policing organisations which have undergone dramatic processes of transformation seek security in operations which they know and are comfortable with, and in any event may have been urging as an appropriate response to crime. The dangers of such approaches in post-authoritarian states is that important gains in respect of the protection of human rights may be undercut over time. Such militarised responses to crime control, while they may often be

sold as such, should not be seen as the same as problem solving and/or saturation policing in more advanced democracies. The case of the decline in crime in New York in the recent past and the policing approaches used in this respect, are drawn upon in a surprising number of post-authoritarian states as potential solutions to domestic crime problems. Yet implementation in often fragile democracies carries the danger of a return (or at least perceptions to this effect) to authoritarianism.

Some distinction should be made, however, between increasingly militarised responses to crime and more specialised responses such as the establishment of high profile national investigative units. Given the complexity and sophistication of criminal organisations, such units are an essential addition to the tools available to the government to fight crime. The establishment of such units highlights an additional problem for many countries moving from authoritarian rule to democracy: poor co-operation between law enforcement personnel and prosecutors. Given that one of the outcomes of democratic policing is the presentation of evidence before an impartial court of law, improving these mechanisms is essential to the long-term success of post-authoritarian policing.

External impacts

The conference sought to examine the impact of foreign assistance provided to countries in transition with significant problems of police reform and crime. Indeed, many of the countries have had quite close links with foreign funding organisations and the law enforcement agencies of foreign governments (particularly the United States) who are assisting in both the reform process and the fight against crime. These interventions have not been

uncritically accepted in the recipient countries. There was consensus that many assistance programmes were not designed with the recipient country in mind and that assistance such as training was often offered simply because it was available rather than because it was relevant to the needs of transitional societies. In particular, the focus of the United States on issues of transnational organised crime and drugs had the ability to distort local law enforcement agencies and focus scarce resource on areas which, while of concern to foreigners, were of little value to the immediate safety needs of the local population.

It was also suggested that extensive foreign training programmes might have two inter-connected impacts. The first is to undermine the development of innovative local responses to crime problems, given that foreign assistance often points to particular sets of solutions, despite the fact that these were developed in other more developed societies. Second, while there were some advantages in this regard, law enforcement and criminal justice agencies in transitional societies could increasingly begin to look the same, drawing on similar training programmes and heavily conditioned by foreign experience (especially that of developed democracies). While this holds out the possibility of better co-operation between agencies who would be in a position to understand their counterparts actions and systems, it also might mean that local initiatives will not be encouraged. Overall it was concluded that the impact of foreign assistance on the development of local systems of criminal justice in transitional societies were little understood, despite the fact that these were likely in the medium term to be one of the most important influences in their development.

In all cases it was agreed that regional responses to problems of criminality were essential but, in the main and with the possible

exception of Southern Africa, were reasonably under-developed. It appeared that the development of mechanisms of regional co-operation were often, although not always, dependent on the strength of political co-operation amongst states. Regional co-operation held out the prospect of improving the ability of countries to prevent crime and combat criminality by ensuring that neighbouring 'safe havens' were eliminated or made less attractive for criminals. While an international convention against transnational organised crime has been agreed upon at the 10th United Nations Congress on the 'Prevention of Crime and the Treatment of Offenders', there was some concern that once transitional countries sign the convention, in practice they will have limited capacity to implement it. The issue of international assistance is thus of paramount importance.

Policing citizens and citizens as police

Nowhere is the failure of societies emerging from authoritarian rule more clearly illustrated than in citizens' perceptions of the police. In the majority of transitional societies, the police are viewed as ineffective by the citizenry. There are clearly exceptions to this however and in some cases data suggests that while the public appear willing to work with the police, little or no advantage is being taken to build better community confidence in policing by the police through the provision of better levels of service delivery.

In many societies citizens have begun to take their own initiatives against crime. Most commonly this takes two forms—the growth of the private security industry and the emergence of vigilantism. Again, the degree to which this manifests itself in any society is dependent on its history and traditions. In Eastern and Central

Europe and the former Soviet Union cases of vigilante type activities appear to be less well developed given a historic over-reliance on the state under communism for the delivery of services. While citizens are unhappy with the general level of service provision by the criminal justice system they remain reliant on the state. In countries in Africa and Latin America where communities have, often in response to authoritarian rule, sought community responses to ensure local safety, vigilante groups in various guises have become reasonably common. State responses to these vigilante groups range from attempts to co-opt them to direct attacks upon them. It is also instructive to note that vigilante groups themselves in some countries were likely over time, and as they developed dominance in any particular area, to become involved in the illegal accumulation of resources to ensure their own survival.

The development of relatively sophisticated private security industries in the majority of transitional societies was viewed with concern. In most cases the employment of private security was designed to protect the rich from the poor, perpetuating old divisions or extending divisions within the societies along class lines. The cross over between the security agencies of the state and private security companies was seen as a worrying development. This occurred through police officers or other state security officials moonlighting as security guards, despite the fact that this was illegal in most of the countries represented. Or, because former members of the security establishment who had left to establish or work in private security operations retained some links to the state's security forces. There was a recognition that the existence of active private security sectors was a reality that governments would have to accept. Ironically, effective regulation of the private security sector requires law enforcement capacity; precisely the reason why private security operations

were in a position to exploit the market in the first place. In both the case of vigilantism and private security it appeared that the issue was now less how these security instruments which competed with the state could be eradicated, but rather how they could be managed.

Uncomfortable conclusions

The conference highlighted both the importance of social responses to crime control in transitional societies as well as the critical necessity of achieving satisfactory police reform. However, while there was a concern that military-type law enforcement initiatives were likely to increasingly dominate responses to crime in fledgling democracies with an authoritarian past, there was a recognition that such interventions were to some extent inevitable given the scale of the problem. It was strongly urged however that such operations should be balanced with programmes which sought to undercut many of the causal features of high levels of criminality in the societies under consideration. Nor should a more specialised (and often nationally driven) approach to crime control undercut the critical necessity of improving the service delivery functions of the local police. What is required is a more balanced debate on the correct mix between law enforcement and prevention; and locally and nationally driven interventions.

Thus, the conference noted that what is required is a blend of crime prevention, service orientation, the involvement of local communities, local accountability, professionalisation and specialisation of the police, as well as adequate 'law and order' responses (with due respect for human rights). While agreeing that the above mix is generally the 'blueprint' always proposed, participants were quick to highlight that the determination of the

proportion of, and the relationship between, each of these factors depends on the domestic context in any transitional society.

In addition, some agreement was reached around the requisites for police reform in transitional societies. It was concluded that these must be informed; feasible and manageable; strategic; structured but flexible to allow for short-term adaptations; and under constant evaluation and scrutiny of democratic control. Moreover, it was emphasized that police reform (or for that matter crime control) is not the exclusive preserve of the police and must involve external actors such as the private sector as well as community inputs. In this respect non-governmental organisations had played an important role in issues of police transformation in almost all the transitional societies represented at the meeting.

While the conference covered much ground there was a recognition that some areas had not received the attention they deserved. The changing culture of police agencies in the transitional period (which one participant described as 'the changing soul of the institution') required some analysis. In addition, issues related to the justice and corrections system in transitional societies (although the conference had explicitly only concentrated on the police) should also receive attention. Generally, the conference ended with a degree of pessimism—it was accepted that there was, as yet, no post-authoritarian state which had clearly been able to achieve significantly enhanced levels of safety for its citizens. If any case seemed to hold the least promise it was that of police reform in Nigeria, given both the scale of the country and the size of its police agency (approximately 120 000 for 140 million people) and the extent of lawlessness characteristic of Nigerian society.

At the same time there was a degree of optimism about the growing recognition at the conference of the dimensions of the problem and the fact that governments (many of whom were represented at the meeting) were beginning to view the issue with concern. Absolutely key to success in fighting crime in transition societies, the conference concluded, was an understanding that innovative local solutions were required to problems which were often shaped by powerful local influences. It was explicitly recognised that despite the fact that autonomous paths to development are restricted within the context of an increasingly globalized world order, police reform and crime control policy which builds on local potential is the most viable strategy. This is even more important in view of another recognition, that is, while different transitional societies existed in different contexts, success in one might hold the promise of some success in others. The role of analysts working in the area was not only to scrutinise government pronouncements on crime and policing policy but to communicate both successes and failures to their counterparts in other transitional societies. The latter is at the same time a very promising avenue for effective international assistance.

It is envisaged that there will be a number of longer term outcomes of the conference. It is important that the amount of documentation available on the subject is increased so that the richness of the debates is not lost. The conference proceedings are being collated into a report which will be widely distributed. Selected presenters at the conference will be asked to write papers based on a clear set of guidelines so that an edited collection which draws lessons from transitional societies in a more coherent way can be completed. In addition, it is hoped that a more detailed research paper will be produced which attempts to draw lessons from a number of transitional societies. This will be

distributed to conference participants. It is clear that the conference has given rise to a new area of debate among those working on crime control policy issues in transitional societies. The organizers hope to gather such individuals together again to discuss in more detail particular aspects of the problem and with more discussion on appropriate policy alternatives.

About the author

Dr Mark Shaw is a research fellow at SAIIA. He has written widely on issues related to policing and crime control in South and Southern Africa. Shaw worked previously at the Centre for Policy Studies, Institute for Security Studies and the Department of Safety and Security.



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