K4D | Knowledge, evidence and learning for development

Non-state policing in fragile contexts

Iffat Idris
GSDRC, University of Birmingham
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Question

Collate examples of non-state policing in fragile contexts, including evidence of impact and risks. Look at Northern Ireland and the former Soviet Union, but examples from further afield would also be of interest.

Contents

1. Summary

Non-state policing refers to the use of non-state (informal) actors, e.g. vigilante groups, private security firms, to carry out 'law and order' functions (preventing crime, investigating, detaining and punishing those responsible for crimes). Non-state policing is not a synonym for community policing (a much broader term, usually associated with formal police agencies) but there are overlaps between the two.

Non-state policing emerges in situations where formal police agencies are unable to fulfil their roles, either because: they lack resources and capacity; they are corrupt and/or carry out human rights abuses; there is conflict and instability; people find it difficult to access formal security and justice mechanisms.

Non-state policing providers are generally more accessible to citizens, have greater popular legitimacy, and are more responsive to local demands, as well as more accountable. There are also risks, though, notably of lack of representation (e.g. women, minorities) and of human rights abuses.

Examples of non-state policing are to be found in many developing countries, particularly Africa. These vary hugely in nature, functioning and impact – both positive (reducing crime) and negative (e.g. human rights abuses). State responses to non-state policing providers also vary from hostility to collaboration.

Northern Ireland and the former Soviet Union/Eastern European countries do have some non-state actors involved in security functions, but they are better categorised as examples of formal police reform (as in of formal police agencies) in response to vastly changed circumstances, and the challenges faced in this. This review looks at more palpable examples of non-state policing:

- **Mexico: Policia Communitaria** – formed in Mexico's Guerrero State by indigenous communities in response to police failure to combat rising crime and violence. The Policia Communitaria have been very effective in reducing crime and making people, especially women, feel safe and able to move around freely. The relationship with the state is contested: while acknowledging the force's effectiveness, there are concerns among state authorities that the Policia Communitaria operates outside the realm of law. But efforts to bring it into the state system have been rebuffed.

- **Nigeria: vigilante groups** – numerous vigilante groups operate in Nigeria because of the ineffectiveness of the formal police. Some groups have joined to form larger networks. As well as security, some carry out social development and welfare functions. Though not recognised in national legislation, the state welcomes vigilante groups as long as they are not violent and abusive. Such groups have had a positive effect on reducing crime, but negative effects include human rights abuses, corruption and even enforcement of religious practices.

- **Papua New Guinea (PNG): diverse non-state policing providers** – low police numbers, lack of access by citizens, and rising crime were factors in the emergence of non-state policing providers in PNG. These include groups derived from traditional structures, those enjoying overt state support, those with tacit state support, and those operating in direct contravention of the state. There is limited evidence of their effectiveness, but some forms (notably mercenaries and *raskols* or gangs) have carried out abuses. The state's approach to non-state actors has shifted from ad hoc to one of

facilitating partnerships between these and state security providers: this is seen as a way of enhancing state legitimacy and promoting development.

- **Peru:** *rondas campesinas* – rising cattle theft and other crime in rural northern Peru, and state ineffectiveness in responding to this, led to the formation of 'peasant patrols' to protect villages and property. Their role has expanded to other security functions, dispute resolution and even socioeconomic development projects. The *rondas campesinas* have been effective in reducing cattle theft and other crime, but many of their punishments violate human rights. The state's response has varied over time: from overt hostility, to recognition in law, to more recent confrontation because of the *rondas* groups' objections to planned hydropower projects in their area.

- **Tanzania:** *sungusungu* **committees** – demobilisation of soldiers after the Uganda-Tanzania war led to rising cattle theft and other crime, which the state was unable to control. *Sungusungu* committees were formed by traditional village assemblies, in order to patrol villages, apprehend and punish criminals, and recover stolen cattle (property). The *sungusungu* committees are seen as effective in providing security and empowering communities, but there are concerns about human rights abuses. The state has recognised and endorsed *sungusungu* committees because they meet local needs, and reflect the ruling party's socialist ideology, but they have not been legalised.

Donors have traditionally been reluctant to support non-state security and justice providers. This reluctance stems in large part from the state-centric approach characteristic of development assistance, as well as concerns about lack of representation and accountability of such groups, and human rights abuses committed by them. There are also risks that supporting such non-state actors could set up parallel structures (undermining state systems), could damage relations with host governments, and could cause harm in host states. In addition, practical challenges in programme management are much greater: requiring more resources, capacity and skills on the part of donors/implementing partners.

There are strong arguments for donors to engage with non-state security and justice providers in their programming.: The on-ground reality in many developing countries is that it is non-state actors who provide security; such actors are more accessible, responsive, legitimate and accountable to citizens; and conventional security and justice programming (supporting state agencies) has not shown great results.

Approaches for donors to overcome the risks and challenges involved in security and justice programmes with non-state actors include: developing knowledge-management strategies to acquire detailed local knowledge, and identify and mitigate risks; ensuring improvements in service delivery and state-building go hand in hand, instead of working against one another; stressing to host governments the benefits of supporting non-state policing; and pooling donor funds to meet high demands on staff time and capacity. Overall, donors need to show greater political acumen, flexibility and tolerance of higher levels of ambiguity and uncertainty in their programming.

While community policing (as in involving formal police agencies) has been widely studied, this review found far less literature on non-state policing. The bulk was academic papers. The literature clearly points to a lack of representation of women in non-state policing providers; there is also some reference to the effects of these on women – in some cases enabling them to move freely (feel secure), in others subjecting them to human rights violations. No mention was found in the literature of persons with disabilities.

2. Non-state policing

Role of non-state policing

Policing can occur without, or with little, involvement of formal policing organisations (Baker, 2008). In many parts of the world, citizens cannot rely on the state to provide security and justice, and hence policing is not undertaken by formal police agencies but by a more plural set of actors, including traditional authorities, neighbourhood watch groups and private security companies (Denney, 2015). It has been estimated that 80-90% of disputes in the Global South are resolved through informal mechanisms (Albrecht & Kyed, 2011: 3). The phenomenon of non-state policing is particularly widespread in Africa.

Derks (2012) identifies a number of reasons why citizens might not be able to rely on the state:

- The police and other agencies lack the resources, capacity and skills to provide effective protection, and hence are unable to fulfil their roles.
- The police and other security agencies might be corrupt, colluding with criminal organisations, or used as a tool for achieving political aims. Often, they also display a flagrant disregard for human rights. In such cases, ordinary citizens cannot trust the state's security and justice apparatus, or they are afraid and see them as a threat to their safety rather than a source of security.
- In countries where the process of state-building is embryonic or fragile, formal state security and justice institutions are often paralleled by other structures of power and public order. They can therefore be perceived and treated as alien bodies, set up to extend centralised power by the national government, previous colonial administrations, or even the international community (as is the case for the police and military in, for example, Afghanistan and Iraq).
- Formal institutions speak a language local people do not speak (sometimes literally, but also in the sense that their juridical language is alien to people's everyday lives), are often located far away and their services are expensive. As a result, many people lack security and access to justice, particularly those in the poorer and more remote areas of fragile and (post-)conflict states.

The positive aspects of non-state policing include that they are typically assumed to be more accessible to citizens, in terms of proximity, language used and methods, to have greater popular legitimacy, to be responsive to local demands, to have horizontal accountability, and to offer a cost-effective means of establishing security (Cross, 2013: 6; Baker, 2008b). Risks are that – if run by volunteers – they can be unsustainable; they could be susceptible to corruption, abuses of power and manipulation by local elites; they are often not (fully) compliant with international human rights standards; they lack the tools, skills and techniques for modern policing, e.g. forensic science, record-keeping (Baker, 2008). However, Cross (2013: 6) notes that 'some of the commonly observed problems with non-state policing, such as use of corporal punishment, torture and persecution of marginalised groups, may not be any more likely to blight non-state delivery than they do the state police'.

Non-state policing vs. community policing

Non-state policing is not a synonym for community policing but there are overlaps between the two. Non-state policing refers to the use of non-state (informal) actors, e.g. neighbourhood groups, to carry out 'law and order' functions (preventing crime, investigating, detaining and punishing those responsible for crimes), while community policing is a much broader term. There is no precise definition for it; rather, community policing 'is a vague and ambiguous term, meaning many things to many people' (Denney & Jenkins, 2013: 2). However, there is consensus on the key concepts involved in community policing – partnership, community consent, accountability, a service orientation and preventative/proactive/responsive/problem-focused approaches to crime (Denney & Jenkins, 2013: 2). While community policing has often been understood as initiatives between the formal police and communities, in fact it could be led by or involve communities themselves, by donors or by a range of policing providers – including non-state (informal) police groups (Denney, 2015: 9).

Forms of non-state policing

Non-state policing can take many different forms: rich neighbourhoods putting a fence around a compound and employing a private security company for protection; communities (in poorer environments) setting up neighbourhood watch groups; traditional forms of authority (notably in tribal societies) being modified to meet modern security needs; vigilante groups, and so on.

Johnson (1991, cited in Baker, 2002: 35-37) identifies three broad types of non-state police:

1. Autonomous citizen responses – these are groups that not only act independently of the state police, but often do not cooperate with it and can be prepared to break the law to achieve their goals of protection and investigation (or even trials and sentencing). They are characterised by reactive, ad hoc and often violent methods of control. While they tend to be small and loosely organised, some are larger and more formal. They are often called vigilante groups.

2. Responsible citizen responses – these are activities which are carried out with the approval or cooperation of the public police. However, these 'responsible' groups do not necessarily abstain from violence and can engage in assaults and attacks.

3. Private security industry – these may or may not be subject to state regulation, and could undertake illegal activities, including misuse of weapons.

Baker (2002) notes that there are significant differences between entities along the non-policing spectrum in their organisational structure, legality and how they define social deviance and the type of 'order' they wish to establish. But he argues that they also have much in common (Baker, 2002: 30):

- all are forces of coercion engaged by groups of society to preserve social order;

- they arise from communal dissatisfaction with state policing services;

- they are often continuations of an established culture of self-reliance;

- they tend to be controlled only poorly or not at all by state institutions and have minimal accountability to the public;

- whatever their form, they are shaped, not by the national public agenda, but largely by their clients, who individually or communally provide the financial and/or social support for the groups to operate on their behalf.

Northern Ireland and former Soviet Union

This review found no evidence of significant non-state policing mechanisms emerging in the countries of the former Soviet Union and Eastern Europe, or in Northern Ireland. In both contexts, the literature refers to 'community policing' but in the sense of formal police agencies adapting their operations to be more engaged with the communities they serve – not in the sense of non-state community bodies being established to carry out policing functions. References were found to sectarian community groups involved in combatting criminality in Northern Ireland, but little detail.

Northern Ireland

In Northern Ireland the police service was seen by citizens as an instrument of the state and a symbol of oppression, unrepresentative (dominated by Protestants and Unionists), unaccountable to the public and distrusted by many (especially in the Catholic community). Following the Troubles, the Patten Commission[1] recommended a community-based approach to policing in Northern Ireland, introducing mechanisms of accountability, seeking to develop an effective and democratic police force and to improve citizen-police relations (Brogden & Nijhar, 2005, cited in Jenkins, 2013). However, the Commission report makes it clear that community policing means 'policing with the community': 'What we emphatically do not mean by "community policing" is vigilante groups policing neighbourhoods with baseball bats, or, at the other extreme, what… [has been] described as "sitting around the trees, holding hands and singing Kumbaya"' (ICPNI, 1999, cited in Jenkins, 2013).

The literature details the progress (or lack of) made in bringing about a reformed, service-oriented police service in Northern Ireland. While militarism is no longer evident, and a degree of accountability has been established, Catholic and Protestant communities still have vastly divergent perceptions of the policing, and community policing has largely been reduced to problem-solving (Brogden & Nijhar, 2005, cited in Jenkins, 2013). Topping (2008: 391) echoes this, noting that the Police Service of Northern Ireland (PSNI) has been radically transformed in the post-Patten era, but 'the change to policing on the ground has been largely unaffected, and in many areas of the Province policing largely mirrors the reactive style of policing characteristic of the Troubles, albeit in a relative peace-time context'. He identifies a number of factors accounting for the limited progress: the deep-rooted divisions in Northern Ireland society and the complexities of policing in a transitional society; institutional inertia within the PSNI; and community resistance (Topping, 2008: 391). Byrne (2014: 4) highlights a further two issues regularly faced by the PSNI: one, the continued presence of dissident Republic armed groups using tactics such as shootings, mortar attacks and pipe bombs, aimed largely at the security services; and two, 'the PSNI continues to be the arbiter for the failure of politics to address the sensitive issues of flags, commemorations and parades, and the legacy of the past'. Decisions on these by local councils and the Northern Ireland Parades Commission have led some individuals/groups to respond with rioting and public disorder.

This review found only one paper (Topping & Byrne, 2016) which refers to non-state policing providers in Northern Ireland. Undertaken by the community/voluntary sector in the Province, 'they do so in a way which is neither explicitly ordered, nor randomly conceived' (Topping & Byrne, 2016: 14). Such groups go beyond organisational rules and hierarchies, relying on

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[1] Independent Commission on Policing for Northern Ireland chaired by Chris Patten.

relationships to influence behaviour and change minds; it is this fluid, amorphous nature which allows them to access virtually all community spheres of life and manage the complexity of relations (Topping & Byrne, 2016: 14). They have the ability to act effectively because they each have a degree of local authority; they have contributed to reducing crime in Northern Ireland (Topping & Byrne, 2016). However, such groups operate on a sectarian basis in Loyalist or Republican communities – more in the latter because these were more dissociated from the state policing apparatus. The authors note that since much of this 'shadow policing' activity is undertaken along sectarian lines, it is 'clearly not conducive to an overarching public security "good" for the country' (Topping & Byrne, 2016: 12). However, the paper suggests that the PSNI could benefit from 'co-opting' such groups, e.g. gaining knowledge, services and capital not otherwise available to the police, and through those groups being able to achieve greater voluntary compliance within their communities.

Former Soviet Union and Eastern Europe

Post-1989, the former Soviet Union and Eastern Europe countries also faced the challenge of adjusting to a vastly different environment, in this case marked by: the disappearance of command economies and the onrush of the free market system; a reduction in resources for the police; pressure on them to reform from highly centralised, authoritarian forces to a more democratic police force serving citizens; and an explosion in crime rates (Caperini & Marenin, 2005). Brogden and Nijhar (2005, cited in Jenkins, 2013) highlight the difficulties faced in shifting from a ruling party-centric approach to adopting community policing: 'Officials may actively oppose the decentralisation of policing, and police forces characterised by low morale, poor pay, limited resources and little tradition of the use of discretion, are ill-equipped to adopt a community-oriented style of policing'. A further challenge was lack of demand for community policing by citizens: 'primarily driven by a human rights perspective, these projects often presume too much about local priorities. Effective crime-fighting may be more important than human rights in these contexts' (Brogden & Nijhar, 2005).

The greatest progress in establishing effective, accountable and legitimate police was seen in some European states, notably the former East Germany, Hungary, the Czech Republic, Poland and Slovenia; by contrast, police agencies in many Soviet successor states continued to be marked by authoritarian tendencies, and remained militarised, centralised and politicised (Caperini & Marenin, 2005). The only example of 'non-state' policing in the literature is the rise of the private security industry in Russia, in response to the rise in crime and the ineffectiveness of state agencies to combat it. Many of these private security firms have strong connections with the state police, e.g. hiring former police as security personnel (Caperini & Marenin, 2005).

In summary, while Northern Ireland and the former Soviet Union/Eastern European countries do have some non-state security actors, they are better categorised as examples of (formal) police reform in response to vastly changed circumstances, and the challenges in carrying those out.

3. Case studies

Mexico

Background

Mexico is seeing a rise in community self-defence groups. Merino and Hernandez (2013: 150) argue that such groups 'represent a social response to the failures of the State security agency in ensuring peace and order in their communities'. As of 2013, nine states in the country had 'vigilante' police groups (Merino & Hernandez, 2013: 150). One example is the Policia Communitaria (Community Police) in Guerrero, one of the poorest states in Mexico. Plagued for many years by violence, insecurity and assaults, and given the failure of state and federal authorities to control the situation, 'the largely indigenous communities of these regions decided to establish their own public security system: the Policia Communitaria' (Sierra, 2005: 57-58). It emerged out of a history of traditional authorities organising life in the region (Merino & Hernandez, 2013).

Functioning

The Policia Communitaria was established in 1995: as of 2015, the non-state force has more than 700 locally elected volunteers for a population of approximately 100,000 (Denney, 2015: 11). Sierra (2005: 58) explains how the system works: in each participating community, the local assembly elects between eight and twelve police officers, who will be responsible over the following year for surveillance and detention functions. These officers work fifteen-day rotations in different communities, coordinating with their counterparts from the other communities. The labour of all participants in the system is provided without pay and is seen as an obligation of service to the community. Resources to maintain police facilities and the radio system are provided by elected municipal authorities.

Initially, the Policia Communitaria guarded rural roads and handed over suspected criminals to the state prosecutor (Denney, 2015). However, on seeing that the state authorities released those arrested almost as soon as they were arrested on the grounds of 'lack of evidence', in 1997 the Regional Coordinator of Communitarian Authorities was established to administer justice (Sierra, 2005: 58). Suspected criminals stand before a community assembly and respond to the case against them before the assembly votes on their guilt and punishment, usually combining community service with some nights spent in jail (Denney, 2015).

Impact

The Policia Communitaria has been hugely successful in reducing delinquency, insecurity and violence in the region (Sierra, 2005; Merino & Hernandez, 2013). Sierra (2005: 62) stresses the positive impact the group has had on local women: 'they can now move about without fear of being assaulted, raped or robbed. This has implied a fundamental change for them and their families. Hence women actively support the Policia and the participation of their husbands and sons in the surveillance system'.

State response

The government response to the success of Policia Communitaria has been ambiguous. On the one hand, authorities have been forced to recognise the massive contribution the group has made in bringing about peace and security in Guerrero. On the other hand, there were those among the authorities who argued that the group was acting outside the realm of the law. The military shared this perspective, and – with a significant presence in the region to combat drug trafficking and guerrilla groups – actively blocked and interfered with the group, e.g. detaining people for not having arms permits (Sierra, 2005). The state government has been unable to condemn the group because of its success and the popular support it enjoys, but they have tried to 'control' it by bringing it into the formal system – something the Policia Communitaria have rejected. Their relationship with the state therefore remains contested.

Nigeria

Background

The use of non-state policing is widespread in Nigeria, particularly in areas with a long history of ethno-religious and political violence, e.g. Plateau, Kano and Kaduna states, as well as in the capital Abuja (Ogbozor, 2016: 1). The prevalence of such groups reflects shortcomings in the formal police: as well as being under-staffed, the Nigeria Police Force suffers from insufficient funding and equipment, mismanagement, abuse of power and corruption (Ogbozor, 2016). Ogbozor (2016: 3) points out that, 'Vigilantes flourish not only in places where the state lacks the capacity to protect citizens from crime, but also where the state is believed to be corrupt or untrustworthy'.

Functioning

Non-state police are generally vigilante groups in Nigeria. Ettanibi et al. (2004) identify four main types:
   i.   Neighbourhood or community vigilante groups organised by community associations;
   ii.   Ethnic vigilante groups organised along ethnic lines to defend ethnic interests;
   iii. Religious vigilantes with faith roots;
   iv.   State-sponsored groups that operate with the support of local governments.

These types are not rigid or exclusive; one group might combine the features of two or more of these types. Hisba, for example, is an informal security group that has faith and state-sponsored roots. Of the many informal policing groups in Nigeria, the Vigilante Group of Nigeria (VGN) is the largest with millions of members (Ogbozor, 2016: 3). This was formed through the unification of lots of diverse, small, localised long-standing vigilante groups in the country. VGN has operations at local, state, regional and national level.

The operational structures of voluntary policing groups vary: some groups have well-documented structures, operational guidelines, and administrative procedures, whereas others have no written operational manuals or administrative or financial procedures (Ogbozor, 2016: 9). According to Ogbozor (2016), the activities of vigilante groups are largely obscure because they operate without a legal mandate.

In terms of function, irrespective of structure, all informal security groups are responsible for safeguarding lives and property in their communities. '(T)he primary duties of vigilantes are to

complement security agencies, gather intelligence information, and arrest and hand over suspected criminals to the police' (Ogbozor, 2016: 9). Some groups combine provision of security with social development activities. Hisba's functions, for example, extend far beyond combatting criminality, to traffic control, humanitarian relief and social welfare, and 'protecting the Islamic faith' by, for example, monitoring social activities, discouraging immoral behaviour and supporting moral standards (Ogbozor, 2016).

Impact

The literature identifies positive and negative aspects of vigilante groups in Nigeria. Surveys of communities have found that most people prefer the informal security sector to the formal police (Ettanibi et al., 2004; Ogbozor, 2016). This preference is based on three factors: availability, trust and effectiveness (Ogbozor, 2016). The groups are recognised as having a beneficial impact on law and order. However, there are also concerns about human rights abuses and about the groups' lack of formal accountability (some are accountable to local leaders or village heads). VGN, for example, is linked to violations of human rights, arbitrary arrests, forced detention and torture; it also levies and collects taxes from community members (Ogbozor, 2016). The Bakassi Boys originated as a self-help group to confront crime in market towns and was later legalised and commandeered by the state; however, it was then criminalised because of severe abuses (Denney & Jenkins, 2013).

State response

While most Nigerian states and local government authorities have legalised the activities of vigilante groups, Nigeria does not have a national vigilante law. VGN officially registered as a non-profit organisation with the federal government, but the absence of national legislation has made it difficult for VGN to attract federal support (Ogbozor, 2016: 15). Denney and Jenkins (2013: 22) write that the Nigerian government welcomes the establishment of informal policing groups as long as they: register with the police; submit to police screening; do not carry weapons; and do not detain suspects, but rather hand them over to the police.

Papua New Guinea

Background

From the late 1960s onwards, Papua New Guinea (PNG) saw a growth in major law and order problems: *raskol* (gang) crime commenced in the towns and gradually extended to many rural areas; inter-group conflict ('tribal fighting') that had been suppressed during colonial times began to reappear in parts of the Highlands; and there was increasing availability of modern firearms (Dinnen & McLeod, 2009: 338).

The police in PNG are hampered by a number of factors: low police-to-population ratios (estimated at 1:1121 in 2002 – the UN recommends 1:450) (Dinnen & McLeod, 2009: 338); lack of resources and poor working conditions, undermining morale; limited coverage of state police (and hence access of citizens to police) because of largely rural populations, inadequacies in infrastructure and topographical challenges. On top of these are problems of growing corruption within the organisation, a progressive politicisation of senior ranks, and ill-discipline and human rights abuses. People do not report crimes because responses are poor (due to lack of personnel and resources), but also because of fear of police violence, including sexual assault (Dinnen &

McLeod, 2009). 'In PNG, fear of police has existed for many years and is especially pronounced among women, youth, and the urban poor, as well as amongst rural villagers who have experienced heavy-handed police actions' (Dinnen & McLeod, 2009: 343). As a result, for most citizens everyday security is managed through local, non-state mechanisms.

Functioning

Many of these non-state mechanisms have roots in the tradition of small-scale, self-regulating societies in rural areas in which the state has a limited presence, but some have developed with no reference to traditional authority (Dinnen & McLeod, 2009). Dinnen and McLeod (2009: 344-345) identify the different types of informal policing initiatives in PNG and give examples of each:

- Traditional authorities – chiefs and big-men drawing on traditional authority play an important role in mediating disputes and dealing with local troublemakers. Often informal policing arrangements mimic aspects of state organisation, e.g. in the Minj District of PNG's Western Highlands Province, the people of Domil set up their own system of governance, with responsibility for security lying with designated 'police' working under a 'police minister';
- Relatively autonomous extensions of state agencies – the community auxiliary police of PNG were created by state police to compensate for their lack of resources. Community-based proxies are appointed, provided with uniforms and monthly allowances to police their own communities. They are subject, in theory at least, to supervision and direction by state police;
- Informal mechanisms operating with tacit state approval – these include informal responses to local security issues that have sprung up in many urban settlements. Tacit state approval is often provided through the involvement of individual officials and agencies, such as a sympathetic police station commander, welfare officer, or magistrate. For example, Peace Committees set up in Saraga, a Port Moresby settlement. Comprising leaders of the different ethnic groups, these committees provide mediation services, organise sporting and income-generating activities for local youth, have drawn up a set of community 'laws', and, work closely with a local security company and officers from a nearby police station
- Informal mechanisms operating in direct contravention of state authority – At the 'illegal' and oppressive end of the informal spectrum, local *raskols* often provide informal policing services, such as the recovery of stolen property or administration of punishment to those deemed to be in breach of community norms. These services may be undertaken for monetary reward or in furtherance of other interests such as the need to ensure a safe haven and avoid unwelcome attention from external authorities. There has also been a rise in use of private mercenaries in parts of PNG (see below); by the 1990s, private security had become one of the fastest growing industries in PNG.

Impact

The literature highlights the fact that citizens in PNG are reluctant to use state police, preferring informal security mechanisms, but does not give an assessment of how effective the latter are in restoring law and order. There is also evidence of negative effects of some informal entities, notably urban *raskols*. These often have close associations with political and business leaders and provide services such as personal security, intimidation of political or business rivals, and

even carrying out contract killings in return for money or other favours (Dinnen & McLeod, 2009: 345). Similarly, mercenaries being used in the Highlands are often equipped with high-powered weapons and ammunition and are used to strategic advantage in tribal fights and elections, as well as for contract killings (Dinnen & McLeod, 2009: 345).

State response

In recent years the state has shifted from an ad hoc policy approach, to actively trying to improve the alignment and coordination between the state and non-state providers of policing and other justice services; this is reflected in its national law and justice policy agenda (Dinnen & McLeod, 2009: 349). While acknowledging the need to strengthen state agencies, 'it also places emphasis on mobilising informal resources and local knowledge to assist in crime prevention, community safety, dispute resolution, as well as the diversion and rehabilitation of offenders' (Dinnen & McLeod, 2009: 349). This partnership approach is seen as an important way to enhance the legitimacy and effectiveness of the state, to save costs for the state, to contribute to broader community development goals, and thereby serve as a more holistic and sustainable approach to the prevention and management of crime in disadvantaged communities (Dinnen & McLeod, 2009). The reasoning is: 'increased involvement of non-state actors need not eclipse the state, but rather, can "buy time" and relieve pressure in a manner that can allow legitimate state institutions to emerge or regenerate. They can also help arrest the deteriorating quality of life at grassroots levels' (Dupont et al., cited in Dinnen & McLeod, 2009: 349).

Peru

Background

The *rondas campesinas* or peasant patrols in rural Peru emerged in the 1970s against the backdrop of the collapse of the peasant economy, increasing cases of cattle theft by organised gangs, and the inability of the Peruvian state to respond effectively and provide security for peasants (Denney & Jenkins, 2013: 22). Groups of men formed to patrol villages at night to protect their homes, crops and cattle. The *rondas campesinas* started in northern Peru, specifically in the province of Cajamarca, as well as Piura (Palomino, 1996: 113). The success of those initial groups in bringing cattle rustling and violence under control led to neighbouring areas, other provinces and eventually the whole Andean region setting up similar groups.

Functioning

Palomino (1996: 114) explains the structure of the patrols: The *rondas* consist of male peasants between the ages of 18 and 60, in groups of three to 15. They work in shifts, established according to the number of *rondero* groups in the community, and the territory being divided into defined areas. A supervisor controls the *rondas* groups in each area, while a Central Committee (representing the whole community and elected at a general assembly by all the members of the community) oversees all the areas.

Patrols initially caught thieves and handed them over to the police, but they have increasingly adopted a broader and more independent judicial and governance role in the context of an ineffective state system (Denney & Jenkins, 2013: 22). Palomino (1996: 115) argues that the effectiveness of the *rondas* in contrast to the insufficiency of State action caused the expansion of their functions to handle other types of problems, such as family and land disputes, and even

crimes of seduction and rape. The *rondas* have also undertaken local projects of a social and economic nature: 'There are communities where the committees have invested funds collected from those who do not patrol and from fines to establish communal drug supplies and in a few instances to build small irrigation projects' (Gitlitz & Rojas, 1983: 190).

Impact

The *rondas campesinas* have had a positive effect of significantly reducing cattle theft and other criminality in the areas in which they operate (Denney & Jenkins, 2013). Gitlitz and Rojas (1983: 187) note that the *rondas*, 'function primarily as a deterrent – they are designed not so much to capture thieves as to discourage them – and they have been very successful. Rustling has all but disappeared'.

However, there are concerns about the extent to which the groups take the law into their own hands (Gitlitz & Rojas, 1983). Punishments imposed by the *rondas* can range from the repossession of stolen cattle or goods to physical sanctions (such as whipping and cold night-time baths). 'The objective is not only to punish the individual physically or economically but also morally. To do this, the castigated are usually forced to walk naked through town with signs hanging from their necks stating the acts they have committed' (Palominos, 1996: 116). Gitlitz and Rojas (1983: 191) point out that there are few controls over the way the *rondas* treat suspects, and their methods are undoubtedly harsh. This creates potential for abuse: 'If the *ronda* committees were to decide to collaborate with rustlers, to extort, or to engage in personal vendettas, they could easily become dictatorial' (Gitlitz & Rojas, 1983: 191). This review was unable to find more recent literature in English on the *rondas campesinas*, but a recent travel guide on Peru recommends that tourists give *rondas* a small 'service payment' when they encounter them on rural roads.[2] However, the literature does not point to large-scale corruption on the part of the *rondas campesinas*.

State response

The response of successive Peruvian governments to the *rondas campesinas* has varied hugely. In the 1970s, the Belaunde Terry administration openly opposed their activities: it felt that 'to acknowledge and legalize their existence would mean the establishment of parallel institutions, depriving the police and their own jurisdictional authorities of some of their functions' (Palomino, 1996: 117). It responded by increasing the police presence in areas where the *rondas* were active, and maltreating them, with many charged with common crimes. This only strengthened support for the *rondas* among the peasants and gave them greater legitimacy (Palomino, 1996).

Later governments viewed the *rondas campesinas* differently. The Garcia government passed the Rondas Campesinas law in 1986, which gave the *rondas* legal standing to resist attacks from the police, and the authority to protect individual and community property (Palominos, 1996). Law 27908, passed in 2003, went further in recognising the *rondas* 'as an autonomous and democratic community organization that can establish dialogue with the State, support the military in the judicial functions of the rural and indigenous communities, assist in conflict resolution and perform functions of extrajudicial conciliation under the Constitution and the Law'.[3]

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[2] https://www.howtoperu.com/ronderos-and-peru-road-safety/
[3] https://www.howtoperu.com/ronderos-and-peru-road-safety/

While the *rondas campesinas* have been granted some formal legal recognition, they remain largely an entirely informal organisation (Denney & Jenkins, 2013).

In recent years, relations between *rondas* groups in some areas, notably Cajamarca, and the authorities have become far more confrontational. This stems from local people's opposition to a planned hydroelectric power project (Chadin 2) on the Maranon River, one of the Amazon's main tributaries. The project will lead to flooding of huge swathes of agricultural land, destroying people's livelihoods and homes (Goyzueta, 2015).

Tanzania

Background

The demobilisation of soldiers in the aftermath of the Tanzania/Uganda conflict led to increasing insecurity and violence associated with cattle-rustling and banditry in Tanzania (Denney & Jenkins, 2013: 22). The state was largely ineffective in managing the violence and as a result, in the early 1980s, villages responded autonomously, forming defence groups called *sungusungu* in order to confront these gangs of thieves (Denney & Jenkins, 2013: 22).

Functioning

Groups of men patrol their village on a rotational system, protecting property, apprehending and arresting thieves, deciding on punishments, and recovering stolen cattle. Punishments can be severe, including whipping, shunning and family banishment, heavy fines, beatings and breaking the ankles of thieves (Heald, 2009, cited in Jenkins, 2013). The groups have also been used to retrieve women who had left their husbands or eloped, thereby depriving their parents of bride-wealth (Cross, 2013: 51).

The *sungusungu* committees are well-rooted in traditional governance mechanisms and elected by democratic village assemblies called *iritongo* (Denney, 2015: 11). The *iritongo* are democratic assemblies which are led by the ruling generation, but where all adult men are allowed to speak. Trials are usually heard first by the *sungusungu* committee, but they are always held before the entire *iritongo* (Heald, 2009, cited in Jenkins, 2013).

Impact

The *sungusungu* have been praised as 'arguably the most successful form of community policing in Eastern Africa' (Heald, 2009, cited in Denney, 2015: 11), but have also been implicated in the systematic use of torture (Cross, 2013: 57). Nevertheless, the *sungusungu* have enabled communities to take back power and have heralded a new vision of community responsibility for local safety and security (Jenkins, 2013).

State response

There are strong links between the *iritongo* and the local administration. While government officials do not usually attend the *iritongo*, minutes and reports are communicated with divisional and district secretaries (Heald, 2009, cited in Jenkins, 2013). Since the *sungusungu* movement met a need and resonated with the socialist ideology of the state, it was later sanctioned by the government and incorporated within official state policy (Cross, 2013: 52). However, Heald

(2009, cited in Jenkins, 2013: 28) notes that, while the Tanzanian state has allowed *sungusungu* groups to codify their own laws and exact their own forms of punishment, it has ultimately been 'unable to flout its own judiciary by fully legalising them'. 'The groups occupy a quasi-legal space and consequently are, to an extent, left in danger of prosecution' (Jenkins, 2013: 28).

4. Comparative summary

Country	Problem	Community Response	State Response	Impact
Mexico (Guerrero state)	Violence, insecurity and ineffectiveness of police.	Indigenous communities in Guerrero formed their own force to maintain order, the Policia Communitaria. Manned by community members on rota basis, with no remuneration. Within 2 years a community body to administer justice also established because of lack of faith in official judiciary.	Ambiguous: authorities have to acknowledge positive effect of PC on reducing crime and promoting security but have concerns that the group operates outside the realm of the law. Efforts by the state to bring Policia into the formal system have been rebuffed: contested relationship.	Massive impact in promoting security, making people (especially women) feel safe and able to move around freely.
Nigeria	Formal police ineffective because of understaffing, lack of resources, and corruption.	Numerous vigilante groups formed across the country, some unified into larger groups operating at various levels (local, state, etc.). As well as security provision, some carry out social development and welfare functions, and some enforce religious practices.	Vigilante groups are welcomed as long as they are not violent and abusive, but are not recognised under national legislation (though they are at state and local levels)	Positive effects on tackling criminality: preferred by citizens to the formal police. But negative effects include abuse of human rights, corruption and (for some) enforcement of religion.

Papua New Guinea	Rising law and order problems due to gang violence, tribal conflicts and increased availability of modern weapons. Police lack resources and coverage; also seen as corrupt. Citizens fear police violence.	For everyday security, citizens use diverse informal mechanisms: some rooted in traditional authority but others independent of this. Latter include semi-autonomous bodies (e.g. community auxiliary police); autonomous bodies operating with tacit state approval; and those in direct contravention of the state, notably gangs and mercenaries.	Recent shift in approach to facilitating partnerships between state and non-state policing/security providers. Seen as way of freeing state resources, promoting state legitimacy and effectiveness, and promoting local development – key to sustainable crime prevention.	Impact assessment in terms of restoring law and order not given in literature. Some non-state entities, notably gangs and mercenaries, operating more to serve interests of specific individuals – neither interests nor means used (e.g. contract killings) are always legal.
Peru	Rising cattle theft and other crime in rural northern Peru, and ineffectiveness of the State response	Local communities formed *rondas campesinas* (peasant patrols) to protect their villages and property. Functions expanded to deal with other forms of crime, dispute resolution and even socioeconomic development projects.	Response has varied hugely under different governments: hostility and maltreatment in the 1970s; given legal recognition in 1986, and the authority to engage with the State in 2003; confrontational attitude in recent years because of indigenous resistance to a large dam project in the area.	*Rondas* groups have had a positive effect in terms of curbing cattle rustling and other crime. But, concerns about the harsh punishments often meted out by the *rondas*.
Tanzania	Widespread violence and cattle-raiding following demobilisation of soldiers in the aftermath of the Uganda-Tanzania war. State ineffective in dealing with gangs.	Traditional democratic assemblies elected *sungusungu* committees to patrol villages, apprehend and punish criminals, and recover stolen cattle.	Recognised and endorsed by the ruling party because *sungusungu* committees met a local need and resonated with party's socialist ideology. However, not legalised.	Seen as effective in providing security and empowering communities. But concerns about human rights abuses.

Source: Author's own

5. Role of international donors

Engagement with non-state actors?

The literature points to donor reluctance to engage with non-state actors, but also highlights the reasons why they should do so.

As seen in this review, governments differ in their approaches to non-state policing: some see such practices as useful supplements to the limited capacity of state policing, and can even co-opt such practices (e.g. the *sungusungu* in Tanzania), but others view them as a threat to government control (Denney & Jenkins, 2013: 10). Donors seem to be similarly ambivalent, regarding some non-state practices as potentially useful ways to address community needs but seeing others as 'beyond the pail' (Denney & Jenkins, 2013: 10). Overall, though, donor engagement with non-state policing providers is very limited: informal justice and policing systems have been largely neglected by most development assistance (Denney & Jenkins, 2013).

Donor reluctance stems in large part from a state-centric approach to development assistance and state-building, and traditional neglect of non-state actors:

> Belief in the universality of state structures has reinforced a standardised model of state policing derived from the industrialised metropolitan countries. The promotion of 'international best practice' in police organisations and practice, as in other aspects of state-building, enhances this proclivity, as does the deployment of large numbers of international police officers with a powerful predisposition to build in their own image (Dinnen & McLeod, 2009: 335).

Dinnen and McLeod (2009) argue that this reduces the opportunity to consider more innovative approaches to the governance of security, specifically to facilitating constructive interaction between state and non-state policing and justice providers. Denney and Jenkins (2013) stress that the reality in many contexts, particularly in fragile and conflict affected states, is that there is a plurality of policing providers and not a state monopoly on this function. In pluralist environments, where non-state policing is a reality for many, it is important 'to engage creatively with the broader spectrum of local policing providers so as to maximise the prospects of them working together in a mutually beneficial and supportive manner' (Dinnen & McLeod, 2009: 335). Scheye (2009) comments that the results of 'conventional' rule of law assistance programmes – building capacity of state institutions – have not been impressive.

A second concern is that support for non-state policing can mean working with groups that have weak democratic representation and accountability. Representation of women and minorities, in particular, is often low in non-state policing structures, because these reflect power relations within those communities. But Dinnen and McLeod (2009) point out that such lack of representation of women and minority groups is not unique to non-state actors: the same issue is typically found in state policing and justice bodies in fragile and conflict affected states (FCAS). '(I)t is most frequently pointed out in relation to non-state practices, often (erroneously) considered to be more arbitrary given that they can operate in violation of the law' (Dinnen & McLeod, 2009: 34). They also argue that 'custom' and 'tradition' are not static or fixed and, through the right support, can be challenged. They also note that this is true of all community policing practices (i.e. including those involving formal police agencies).

A related area of concern in supporting non-state security providers is that some may carry out human rights violations. Donors are particularly wary of the negative publicity that could result from them (inadvertently) giving support to a local/non-state actor that turns out not to respect human rights or is involved in criminal activity (Derks, 2012). 'Although a similar situation could easily arise when supporting state security and justice agencies (which just as often violate human rights, or are engaged in crime), the sense among policy-makers is that this risk is more acute when it comes to local/non-state actors' (Derks, 2012: 3). Scheye (2009: iii) argues that the underlying pragmatic and programmatic issue is three-fold: one, whether non-state providers are worst offenders than their state counterparts; two, whether they are more or less amenable to improving their performance; and three, how to most effectively remedy the violations. He claims that there is little empirical evidence to suggest that non-state actors are more prone to committing human rights violations than state agencies.

A study by the Clingendael Institute (Derks, 2012) identifies a number of risks associated with donor programmes targeting informal security and justice providers in relation to the wider effects of these on the host state:

1. These could lead to the creation of parallel security and justice service delivery structures – as well as being inefficient, this could be detrimental if local non-state and higher-level state bodies compete for resources and authority and work against each other.

2. Such programmes could damage relations with host governments – almost all security and justice programmes result from a negotiation process between donor and host government. The latter can see local/non-state actors as competing with them for authority, or as a threat to stability and peace. Efforts to support them could be seen as interference in domestic affairs.

3. Support for local/non-state actors could cause harm – a) by upsetting relationships and power balances between central state agencies and non-state actors, as well as between local actors; b) by inadvertently creating or reinforcing extortion rackets (hence reducing security for local people) in the effort to make local security providers self-sufficient; or c) by 'damaging a good thing' – overwhelming small-scale non-state actors with an influx of large amounts of funding and associated reporting requirements.

There are also significant practical challenges concerning programme management. One relates to the sustainability of support given to non-state actors: a lot of development assistance is for capacity building and entails provision of equipment and training so that actors can provide services (Derks, 2012). With non-state actors there can be questions about long-term effectiveness. A second challenge is that such programmes will be very demanding in terms of staff time and skills, since the capacity of non-state actors will be limited and donors will have to backstop their activities substantively and organisationally (Scheye, 2009; Derks, 2012). Donors will also have to engage with a multiplicity of non-state actors (given that most will be localised and small-scale), exacerbating capacity stresses. Implementing partners on ground may be resistant to the idea of including non-state security and justice actors in programmes (Derks, 2012).

Nonetheless, the literature calls for greater donor engagement with non-state policing and justice systems. This is necessary given the important roles they play in many contexts; often attracting more support from the local population than the state police; being affordable, accessible and consistent with local values; on the basis of what works; the speed with which they can resolve disputes and their ability to enforce decisions (Scheye, 2009; Denney & Jenkins, 2013). 'Because they are more trusted and accessible, they are, often, more effective in delivering

security and justice to the population of a state than many state agencies, factors that should not and cannot be overlooked in donor support efforts' (Scheye, 2009: iii). Donors are urged to develop strategies for working with informal policing providers to take advantage of their benefits (Denney & Jenkins, 2013). Marks et al. (2009, cited in Denney & Jenkins, 2013: 34) call for a new imagining of community policing that moves 'beyond a community policing narrative that the police own and control, toward a model that accounts for police limitations and the range of alternative policing sources that are already there'.

Approaches

The Clingendael Institute study makes a number of recommendations to overcome the risks and challenges donors face in engaging with non-state providers in security and justice programming (Derks, 2012: 1-4):

- In order to minimise the chance of supporting actors who prove unreliable or unaccountable donors need to develop: a knowledge-management strategy that will help them acquire a detailed level of knowledge of the local context; tools and mechanisms, including monitoring tools, that identify and address existing risks and mitigate future risks.

- To overcome risk-averse behaviour among domestic decision-makers, a communication strategy is needed to make donor governments' domestic audiences aware of the advantages of supporting non-state actors as well as of the risks and ways to attenuate these.

- To make sure that improvements in service delivery and state-building go hand in hand, instead of working against each other, bottom-up and top-down approaches need to be integrated. This can be done by ensuring that effective linkages between local/non-state and central state actors are either created or improved upon. Alternatively, thinking about security and justice in terms of (transferable) functions, not form, can allow programmes in which functions are initially provided by local/non-state actors, and then gradually handed over to the state, as its capacities to provide security and justice grow.

- To ensure relations with host governments aren't damaged, donors need to apply their diplomatic skills to persuade host governments to agree to the inclusion of local/non-state actors in security and justice programmes. They can stress to governments that local/non-state actors are integral ingredients of overall security and justice delivery, and that therefore including them in security and justice development will be beneficial for the central government as well. Donors can also take a portfolio approach to negotiations, in which they make support for local/non-state actors part of a package deal.

- Alternatively, donors could provide support indirectly, through non-governmental organisations (NGOs) or trade unions, rather than directly through an official security and justice programme, avoiding a discussion with a host government altogether – although this in itself brings other challenges (regarding the coordination of efforts, for example).

- High demands on donor staff time and capacity can be addressed through pooled funds or outsourcing management of activities.

Overall, security and justice programmes with non-state actors requires donors to show greater flexibility, political acumen, sensitivity to political changes in balances of power, and tolerance of higher levels of ambiguity and uncertainty in their day-to-day work than is generally the case with development assistance (Scheye, 2009: vi).

Give the time limitations of this rapid review, it was not possible to look at specific security and justice programmes working with non-state providers in-depth. However, one example is detailed in the box below.

Australian support for non-state security and justice actors in Papua New Guinea

As detailed earlier, the government in PNG is actively trying to improve the alignment and coordination between the state and non-state providers of policing and other justice services. The Australian Government has been supportive of the new approach and is providing considerable support in the form of the PNG-Australia Law and Justice Partnership (previously law and justice sector programme). This includes support for a Community Justice Liaison Unit (CJLU) with the explicit task of building bridges between state and non-state mechanisms involved in the promotion of social order, safety and justice. The CJLU works with a number of NGOs, community-based organisations and state agencies in raising awareness about the work of both state and non-state mechanisms and engaging in human rights training.

Current efforts to develop uniform standards, codes of ethics, protocols for engagement and the need to enhance accountability across the law and justice sector (including state and non-state actors) are concentrated on building the coordination roles of the Provincial Peace and Good Order Committees that bring together a broad spectrum of security and justice providers at provincial levels, with a view to gradually devolving this work down to similar mechanisms operating at district levels.

Arguably, this relatively young *(at the time of writing)* programme demonstrates the greatest recognition to date of PNG's pluralistic environment and the need for holistic engagement. Recognising that the lines between state and non-state provision are often indistinct, the policy focus is on the intersections between them. Ultimately, the object is to transform both state and non-state justice systems, rendering the former more accessible, responsive and accountable, whilst gradually bringing the latter into a human rights and rule of law framework. This partnership explicitly recognises that the Weberian ideal of the state monopolising security is ill-suited to the PNG environment and promotes a reconfiguration of security governance that is inclusive of both formal and appropriate informal processes.

Source: Dinnen & McLeod, 2009: 349.

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