



**The Contested Role of Community Policing  
'New' non-state actors in the plural legal  
landscape of Mozambique**

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**ABSTRACT**

Since the turn of the millennium ‘Community Policing’ has become a significant and widespread element of everyday policing in poor rural and urban areas of Mozambique. This development is not unique to Mozambique, but reflected globally. Community policing (CP) has since the 1990s enjoyed widespread popularity as a philosophy and strategy of ‘democratic policing’ that seeks to substitute centralised, paramilitary-style state policing with active citizen inclusion in policing. In Mozambique, councils of community policing members have been formed since 2001, with the purpose of reducing crime as well as making the state police more transparent and accountable to the public.

This paper explores how community policing has been appropriated in practice in Mozambique. It asks what CP has meant for everyday policing practices, and what it has implied for the ways that public safety and justice provision is organised in different local arenas. A key focus is on the interaction of actors enrolled in CP with state officials as well as with other non-state institutions that engage in conflict resolution and assert some form of authority locally. The paper shows that everyday practices not only deviate from the original CP model launched by the Ministry of Interior, but also that CP has given way to new layers of collaboration, overlap and competition between different state and non-state policing and justice providers. This result, the paper argues, is only partly caused by the lack of a clear legal framework. It is equally informed by the fact that policing itself is an avenue to power, prestige and resources over which different actors compete. From a human rights and rule of law perspective, this poses key challenges: CP actors mimic problematic state police practices in their attempts to assert power, even as they help to reduce crime.

## INTRODUCTION

Since 2001 'Community Policing' has increasingly become a significant component of the legal pluralistic landscape in Mozambique. This development is not unique to Mozambique. Community policing has since the late 1980s enjoyed widespread popularity on a global scale, as a philosophy and strategy of 'democratic policing' (Brogden and Nijhar 2005). Irrespective of its many manifestations, community policing (CP) values active citizen participation in addressing problems of crime in collaboration with the state police. Likewise in Mozambique, CP councils were formed to build community-police partnerships, which, it was promised, could help reduce crime and foster a more transparent and publicly accountable police service.

This paper explores how the CP model launched by the Mozambican Ministry of Interior (MINT) since 2001 has been appropriated in practice. It asks what CP has meant for everyday policing practices and for how public safety and justice provision is organised locally. A key focus is on how the actors enrolled in CP interact not only with the state police, but also with other actors, state and non-state, who engage in solving conflicts at the local level. The paper shows that the everyday practices of CP actors deviate considerably from MINT's official model, and more significantly how this has given way to new layers of collaboration, overlap and competition between different justice and public safety providers. CP as a result adds further complexity to the dynamics of legal pluralism in local arenas. This result is partly informed by the lack of a clear legal framework, and partly by the fact that policing itself is an avenue to power, prestige and resources over which different actors compete. Moreover, there has been a tendency for CP actors to take on state

policing roles and even to copy extra-legal state police practices. Having said this, there is also variety between how CP has been appropriated in different local arenas. The paper illustrates this by drawing on two case studies, one rural and one urban. Before presenting the case studies, the paper provides a short background description of post-war police reform and the official CP model developed by MINT. The paper concludes by suggesting some possible ways to improve CP both in terms of law and implementation.

## POST-WAR POLICE REFORM AND THE 'RETURN' TO CITIZEN INVOLVEMENT

The post-war police reform followed the principles of the new 1990 Constitution, which marked a shift from a one-party, Marxist-Leninist socialist state, to a multi-party democracy, including a plethora of individual rights, separation of powers and a definition of the state as based on the rule of law. Initially the police reform did not include community policing or any kind of direct citizen involvement. Rather it focused on 'getting right' formal state institutions through professionalising and demilitarising the national police (Baker 2002). This implied significant legal changes of the state police (*Polícia de República de Moçambique* – PRM): A shift from predominant emphasis on defence of national unity (including repression of tribalism and regionalism) to protection of individual rights and liberties; police impartiality; prohibition on torture; stricter regulations for detention; and legal prosecution of law-offending police officers (República de Moçambique 1992). Reform efforts also aimed to ensure that security provisions were handled only by professionally trained and state employed

law-enforcers (Baker 2002). It also meant abolishment of the popular vigilantes and the militias that were established by the socialist regime and, in the name of ‘popular power’, comprised citizens who assisted Frelimo’s party-state structures in local crime control and, during the war, in defending state security against Renamo (MINT 2005a). The focus on securing state monopoly on policing society also meant that new reforms overlooked non-state actors such as traditional leaders or chiefs who, outside state regulation, played a significant role in policing rural areas (Kyed 2007a).

The emphasis on state monopoly was also paralleled within the justice sector during the 1990s, where the focus of reform was almost exclusively on strengthening and professionalising the formal court system in accordance with rule of law and human rights principles. Consequently, the village-level popular courts established by the socialist regime in the 1980s, comprising lay judges using procedures based on local customs, were delinked from the formal court system. They were renamed ‘community courts’ and downgraded to informal conflict resolution bodies. The village secretaries, who formed part of the Frelimo-state structures to resolve conflicts at the local level, were also excluded from post-war legislation. Like the police reform, the justice sector reform also ignored non-state justice providers such as chiefs, traditional healers and religious leaders who, outside state law, played a significant role in justice enforcement on the ground (Kyed 2009a).<sup>1</sup> Overall,

the justice sector and police reforms thus focused not only on democratising and making the formal state system more effective, but also on re-extending state institutions and law to the vast territories of the country where these had disappeared or been weakened due to the protracted war. Non-state institutions were seen as an impediment to this development. Implicitly it was assumed that they would stop to be significant once the state legal system was in place.

In practice, however, the aim of the post-war police reform faced major challenges. The police was understaffed and -resourced after the war and had ceased to exist in large areas of the country. Where it did exist, such as in Frelimo state-controlled urban centres, its operations had been paramilitary and authoritarian (Wisler and Bonvin 2004). Police officers worked in collaboration with the Frelimo military force, and largely adhered to an ‘enemy versus friends’ ethos, which legitimised acts of brutality against enemies of the state and the use of torture to secure information that would preserve state security (Baker 2002: 108). The police was inherently politicised, serving the interest of Frelimo rather than the wider public – an aspect nurtured not alone by war, but also until 1992 by legislation. Furthermore a law on flogging had been routinely applied as license to use corporal punishment in everyday policing. After the war, the police also faced a crisis of sovereignty and legitimacy, not least in Renamo-controlled rural areas. Here a plurality of non-state policing persons acted as informal sovereigns, making “decisions on life, death, punishments, rewards, taxation and territorial control” (Hansen and Stepputat 2005: 31). They included: chiefs; Renamo soldiers now acting as local administrators; remnants of the *mujibas*, Renamo’s local police during the war; and healers (*wadzi-nyanga*). Although

<sup>1</sup> After independence in 1975, chiefs and traditional healers were officially banned by the Frelimo government. With regard to chiefs, this marked a clear break from colonial indirect rule, which relied on chiefs. However, in practice many chiefs continued to perform significant roles in justice enforcement and policing. Some also supported the rebel movement Renamo during the war (Kyed 2007a).

these did not form a fully integrated system of governance, they did share a history of collaboration and opposition to the Frelimo state: During the war Renamo reinserted chiefs in governance and used healers.<sup>2</sup> Large sections of the rural population also mistrusted the state police after the war. It was associated with militarised state governance, such as forced removal of people into government-controlled areas since the war began in 1978 (Alexander 1997).

The challenges facing post-war police reform by and large remained throughout the 1990s. Everyday state policing was still partisan and paramilitary. The media and human rights organisations reported human rights violations, irregular detentions, extrajudicial killings, infiltration in criminal activity and corruption (Baker 2002: 112-18). Simultaneously, the police proved incapable of handling the rising crime from mid-1990s, which also bolstered self-policing and ‘lynchings’ in poor urban areas. In rural areas reform was incapable of substituting non-state with state policing. For example in the remoter areas of Manica province, the police’s fear of creating antagonism in areas dominated by Renamo and chiefs, meant that police posts were not set up until 2001 (Kyed 2007a).<sup>3</sup>

The introduction of community policing in selected urban areas from 2001, and later in the rest of the country, can be seen as one of the official responses to a failed police reform. This marked a ‘return’ to citizen participation in security provisions, and by MINT it was broadly referred to as Police-Community partnerships. During 2002 this was paralleled in rural areas by state recognition of commu-

nity authorities, including traditional leaders and village secretaries, who were, amongst other tasks, to assist the police in reporting crime and suspicious activity. The decree 15/2000 that made way for this process of state recognition also assigns to community authorities the role of conflict resolution, with regard to minor disputes and infractions, and holds that these authorities should articulate with the community courts. This decree also reflects a certain change of reform focus: Around the turn of the millennium both the justice sector and the police began to be more in favour of engaging non-state or community-based institutions. This was supported by the recognition of legal pluralism in the revised 2004 Constitution, and by initiatives towards changing the post-war legal framework that favoured formal state institutions. However, as addressed next, the legal framework for non-state mechanisms of public safety and justice provision remains unclear.

### **The official community policing model**

Community policing was introduced by the Ministry of Interior (MINT) in 2001 and cast as responding to a “situation of anarchism in society”, manifested by rising crime, self-redress, rights violations and mistrust between police and citizens (MINT 2005a: 3). The ideas informing it were also influenced by changes in international donor support to police reform and developments in South Africa, both drawing on experiences from the West. The ‘philosophy’ behind adopting CP in Mozambique was that “public order, security and peace should not alone be the function of police authorities”, but require “active citizen participation in and responsibility for local community security” (MINT 2005b: 5). CP promised to fulfil a threefold objective:

<sup>2</sup> On rural governance in Renamo controlled areas during the war, see Alexander (1997) and Kyed (2007a).

<sup>3</sup> On reasons for the failure to democratise policing in the 1990s, see Wisler and Bonvin (2004).



Reduce crime by involving citizens in identifying security problems and solutions and by bringing the police closer to local communities; democratise policing by diminishing human rights violations and by fostering a transparent and publicly accountable police service; and strengthen the internal coherence of local communities and their trust in the police through collective resolution of problems and law/rights education (MINT 2005b; GTZ 2002).

Concretely the CP model adopted covered Community Policing Councils (*Conselhos de Policiamento Comunitário* – CPCs), whose members should be voluntary and approved by the populations of smaller administrative areas. Members should include community leaders and representatives of different sectors in society: economic agents, religious associations, NGOs, schools, private and public institutions and “other important social actors” (MINT 2005a: 10). The state-recognised community authorities, such as chiefs and village secretaries, should be compulsory CPC members, because these have knowledge of community affairs and are seen as locally legitimate (ibid.: 8). Thus CPC members should not be seen as freely elected by community members, but as legitimised on the basis of their position as important social actors in a given community.

Moreover, CPCs should not substitute the state police, but be forums to discuss and gather information on security problems and solutions affecting the community (MINT 2005b: 10). The CPCs can mediate minor conflicts, such as quarrels over land plots, disagreements between neighbours, and family disputes, as well as facilitate patrols in public spaces, but cannot settle criminal cases. CPC members are prohibited from carrying any instruments of force, and may only arrest people caught in the act of committing

a crime under the ordinary powers of ‘citizens’ arrest’ (Amnesty International 2008). CPCs also have the responsibility to forward information about criminals to the police as well as put pressure on the police to be more responsive to community crime problems by recording unacceptable behaviour of police officers (MINT 2005b: 11-16). Thus the CPCs are envisioned as ‘mediators’ between citizens and the police. This role, it is hoped, will simultaneously transform the police to service local communities and nurture law-abiding citizens.

The implementation of the CP model began in late 2001 with a poor, crime-inflicted Maputo suburb as pilot project. In 2002 another Maputo suburb and three municipal towns in Manica Province were used to test CPCs. These pilot projects were closely supervised by MINT representatives. The German bilateral donor, GTZ, provided assistance for awareness raising meetings, exchange visits, formation of a CP unit in MINT, and materials to CPCs and to local police stations (GTZ 2002; MINT 2005b). The pilot projects were deemed successful by the end of 2002. Crime had diminished, active community participation was reported, and trust between the police and communities had increased (MINT 2005b). Subsequently, MINT decided to expand CPCs to other provinces. CP was also mentioned in the 2003-2012 Strategic Plan for the Police (MINT 2003). By late 2004 there were a total of 1,113 CPCs in the country, but by then it only covered urban and semi-urban areas (MINT 2005b: 14).<sup>4</sup> From 2005 CPCs were also formed in rural areas, as the new Guebueza-led Governments’ five-year plan (2005-2010) included the aim of expanding

<sup>4</sup> By June 2005 CPCs were distributed as follows: Maputo city (34), Maputo province (45), Gaza (63), Inhambane (56), Sofala (68), Manica (57), Tete (62), Niassa (183), Zambézia (59), Nam-pula (43) Cabo Delgado (483).



CP to the whole country. By early 2008 there were a total of 2,710 registered CPC's.

The massive expansion of CPCs has not, however, been supported by any law or ministerial decree. The legal basis of CP is confined to Article 61 in the Constitution on the right of citizens to participate in civil defence (República de Moçambique 1990). Implementation of CPCs was thus pursued with the help of guiding principles from concept chapters and seminar notes provided to police commanders. The latter were after the first pilot projects made responsible for implementation, at times in collaboration with local state administrators and community leaders (MINT 2005b: 14).<sup>5</sup> The lack of a law on CP is paralleled by an unclear legal relationship between the CPCs and other local institutions, state and non-state, that resolve conflicts and provide justice *within* the same geographical areas as the CPCs. In principle the official functions of the CPCs – i.e. to mediate minor conflicts, such as quarrels over land plots, disagreements between neighbours, and family disputes – considerably overlap with the roles of other non-state institutions (e.g. the community courts, traditional leaders and secretaries of villages and suburbs). Nonetheless, there is no coherent legal framework for how such non-state mechanisms of justice and public safety provision should interact with each other as well as with the formal justice system and the police. Their respective roles, mandates and jurisdictions remain unclear. What rather exists is a set of dispersed laws and decrees that re-

<sup>5</sup> A national seminar on CP in February 2008 was intended to provide recommendations to the Council of Ministers for the formulation of a law on CP to be approved by Parliament. After the seminar a commission consisting of MINT officials, members of community policing councils as well as other relevant stakeholders was established to draft a law on CP. In 2009 a draft decree was produced and later presented to MINT.

cognize different non-state authorities' role in conflict resolution. Moreover, the CPCs have been completely left out of any discussions of reforms pertaining to the justice sector and to the improvement of linkages between the different non-state mechanisms. When seen from an empirical perspective, this is problematic, because of the overlapping jurisdictions and the multiple layers of collaboration and competition in practice. This becomes the more apparent, when I now turn to the empirical case studies.

However, before doing so, it is important to highlight, that there is a large variety between the local manifestations of CP across the country – i.e. in terms of how CP members operate, how the state police interact with CP and how CP has been organised and is related to other local institutions. The following case studies should therefore not be seen as a mirror reflection of the whole country. I begin with a rural former warzone and Renamo stronghold in Manica province.

### **RURAL CASE STUDY: CP AS NEW CIVILIAN 'AGENTS' OF THE STATE POLICE?**

In the rural district of Manica Province under consideration here, the local police were in charge of implementing CP, which begun here in 2004. At the sub-district level, the process began with the police ordering the local chiefs and the village secretaries each to choose eight 'clever, trustworthy and physically strong persons' from within their 'communities'.<sup>6</sup> Consequently, the formation of CP groups was locally seen as a 'state order'. At the same time selection of CP

<sup>6</sup> Interview, Chief Commander of Police at administrative post level, August 2005.

members followed historically-embedded modes of appointing those police persons of chiefs, who for a long time had assisted the chiefs in notifying and taking contenders to the chief's court (Kyed 2007a). These police persons were chosen by and commonly close relatives of chiefs and their councilors, which supports a lineage-based system of authority. Chiefs also chose CP members, who they considered to have useful experiences for state policing tasks, such as persons with military background. The chosen members, who were 20-35 years old, matched local age categories of youth, who perform the physical work of community security. They are distinguished from the category of *madoda* (elders), who have the maturity to provide counselling and settle problems. The latter matches MINT's criteria for CPC membership, but here such elders were those selecting the CP members, not the members themselves.

Overall the formation of CP groups therefore drew on a mixture of local systems of chiefly police assistants and chiefs' ideas about state police requirements. Importantly, the wider population had little influence over the formation CP groups. Only after the selection of CP members did the local chief of police present them to the population. Participants were asked to (dis)approve the members by clapping hands or expressing dissatisfaction. However, as asserted by one participant: "we did not say anything against that, because they [CP members] were chosen by the chief and the government agreed". Another added: "I don't have any opinion. Who decides is the state and we cannot go against the ideas of the state." The CP members expressed similar views. In contrast to MINT's emphasis on voluntarism, the majority of the CP members claimed they had no choice but to join

when they were chosen by the chief<sup>7</sup>: "we cannot do anything...we obey the orders of the government, they [referring to the chiefs and the police] chose us and it is not possible to go against that."<sup>8</sup>

The CP members and the population in general were of the opinion that the CP members were recruited to work for the police. Thus there was no deep sense of community ownership of CP. Nonetheless, the chiefs of police held that 'community legitimisation' was ensured when they asked the population to approve the members. The result of the process was a massive recruitment of young men, amounting in one administrative post to 18 units (144 members) within an estimated population of 46,000 (and with eight state police officers in 2005). That the CP members were indeed recruited to work for the police was reflected in how the police trained and instructed them:

We [the CP members] were told by the police that 'you are like soldiers who control the people' ... [then] we were shown how to study people's behaviour ... whether they would do something bad ... and to collect information by hanging around and listening. And then we were told how we should behave ourselves in front of criminals or drunks ... not to be aggressive and approach

<sup>7</sup> There were also incidents where young men resisted recruitment. This occurred in particular in areas most strongly influenced by Renamo. For example in one such locality, all but two of the chosen *comunitários* refused to 'work for the Frelimo police' (Interview PC member, September 2005). The local police officer intervened and obligated six new persons to be members, including two Renamo supporters, while trying to convince people that 'CP is not a Frelimo police.' The politically-based resistance to join CP reflects the paramilitary history of the police and the association of the police with serving Frelimo interests against Renamo during the war (Kyed 2007b).

<sup>8</sup> Interview, CP member, September 2005.

them calmly. The chief of police also showed us how to arrest people and how to tie their hands. Then we were shown how to do a search, like look for drugs and weapons, by putting the person up against a wall. We were also shown how to *sjambokear* [beat with a baton or cane] misbehaving persons.<sup>9</sup>

In short, the CP members were seen as the new civilian ‘agents’ of the state police in the rural hinterlands, not as community-based discussion forums. In everyday policing practices it also became apparent that CP was appropriated by the local police to reassert some of the ground that state policing had lost during the civil war.

### Everyday policing

After the formation of the CP groups, the members had to divide their work between assisting the police posts directly and helping the chiefs to forward criminals to the police. CP members from the chieftaincies took turns in doing 24-hour weekly shifts at the nearest police post.<sup>10</sup> Here they were given batons and handcuffs and also quite a heavy workload, including: searches, arrests, use of force during interrogations, night patrols, and a range of smaller services at the police post.

When cases appeared outside the immediate vicinity of the police posts, the police sent out the CP members to arrest suspects either on foot or with the help of lifts provided by by-passing vehicles. With no available means of transport, this considerably eased

the work of the police officers. Arrests performed by CP members covered crimes ranging from domestic violence, rape, knife stabbing, fights, drugs, arson and theft to minor disputes. Only in cases of homicide were they accompanied by a uniformed police officer. The CP members never carried any identification showing that they were authorised by the police. But this was not seen as a problem, because “when people see the handcuffs ... when they see the *sjamboko* ... they know that we are official ... because these things ... these instruments can only come from the government.”<sup>11</sup> The police not only authorised, but also set limits to how the CP members could use the instruments of force. They were only allowed to use handcuffs if persons refused to be escorted. The use of batons was only allowed if the accused was aggressive and was limited to a maximum of five strokes.

At the police post the CP members were also charged with raising the flag, bringing people from the cell to the interrogation room, cleaning the premises of the building and cooking food for police officers. They also at times performed extra-legal duties, such as when they were ordered to *sjambokear* persons being interrogated by police officers. There were also situations where police officers ordered CP members to apply corporal punishment. This was strictly supervised by police officers.

Another regular task given to the CP members was night patrols. These involved the enforcement of the so-called *lei fora da hora*: an extra-legal curfew imposed between midnight and four o’clock in the morning. Anyone caught walking outdoors at night was inspected for ID cards. Except in cases of family emergencies, persons without ID were

<sup>9</sup> Interview, CP member, September 2005.

<sup>10</sup> This system of 24 hour shifts at police posts was the case in the whole district, and according to the police commander it was purely a local police initiative, not based on orders from the provincial or national level (personal communication, June 2010).

<sup>11</sup> Interview, CP member, August 2005.

arrested by the CP members and brought to the police post. Here they spent the night, and in the morning did ‘public’ work for the police, such as sweeping the premises. When arrestees were suspected of crimes or made complaints they were ‘educated’ with a *sjamboko*. Although the *lei* (law) *fora da hora* is not statutory law (it is actually unconstitutional because it restricts freedom of movement), it was enforced as if it was ‘a law’. According to a CP member, the arrests “are a way to educate the people, so they know the law ... that it is illegal to walk out at night and not to have papers.”<sup>12</sup> The CP members also secured peace around bars at night and inspected passing vehicles for stolen or smuggled goods. At times CP members also checked receipts for goods. If people had no receipts, the goods were stored in the police office and only returned to the ‘owner’ if s/he could return with a receipt.

These different practices point to a clear outsourcing of policing tasks to non-state actors. Importantly, outsourcing covered not only the physically hard work of everyday policing (e.g. arrests and searches involving long distances of travel), but also methods which according to post-war legislation are illegal for the police to apply (e.g. torture and corporal punishment). Consequently, CP members were made to do the ‘dirty work’ of the police. Despite the extra-legality of some of the tasks the CP members were authorised to perform, police officers always spoke about such tasks as ‘law and order’ enforcement. This ‘legalisation’ of *de jure* illegal policing tasks may reflect a continuity of past state policing practices, but at the same time police officers were well aware of post-war legal requirements.

The question then is why the police outsourced extra-legal tasks to the CP members.

Was it simply a way to avoid breaching the law directly themselves? In some respects this may have been the case. However, statements by police officers suggest that the extensive outsourcing to CP members was most significantly shaped by what the police perceived as effective measures to enforce ‘law and order’ in the rural hinterlands, which did not always correspond with legal requirements. Outsourcing was partly associated with problems of state police capacity, such as lack of means of transport and human resources to cover the whole territory. CP was seen as an expansion of police capacity and a means to reach the territories where the police had no physical presence. The CP members not only helped reduce crime, but also boosted state police control as such. The extra-legal methods were conversely presented as necessary means to ‘educate’ rural people to abide by the law. Importantly, the very authority of the state police was also at stake in the outsourcing of tasks to CP members. This aspect, I suggest, was informed by the wider legal pluralistic landscape that characterised the rural former war-zones. In this landscape the police was but one actor claiming authority over law and order enforcement. Other actors also competed for such authority. The CP members added further strength to the police in this plural landscape. The flipside for the police was that the CP members did not always obey police orders.

### **Competition and contestations – authority, prestige and income**

The police’s use of CP to strengthen police authority, I suggest, formed part of a wider chain of post-war attempts to assert the police’s overriding or sovereign authority to regulate order enforcement, including the use of force. Such attempts had begun a few years earlier with the state recognition of

<sup>12</sup> Interview, CP member, September 2005.

chiefs. While the police welcomed collaboration with chiefs to strengthen crime control, they also tried to bring chiefs under state regulation. Chiefs were prohibited from settling crime and applying force, functions that chiefs had regularly performed prior to their state recognition (Kyed 2009a; Kyed 2007a). The crux of the matter is that at the end of the war, non-state actors, such as chiefs, were the *de facto* sovereign authorities in the rural hinterlands: The state police, if not outright absent, were weak and had little say over order enforcement. The state recognition of chiefs allowed the police to establish alliances that could both ease their daily work and improve their legitimacy. Simultaneously, collaboration with chiefs was used as a means to reclaim state authority to punish crimes and regulate the use of force, as the prohibitions on chiefs testified to. Similarly, the police's strict control of the CP members' use of force illustrates how state police authority was at stake. However, state police attempts to assert authority remained contested in both cases.

While chiefs did collaborate with the police, they did not always obey the prohibitions that accompanied police collaboration: Chiefs continued to settle many crimes, and when victims pledged for it, they did apply physical punishment. At stake for the chiefs was also their authority. Many rural residents preferred to have crimes settled in the chiefs' courts due to the kinds of justice enforced in these courts, such as compensational justice and consideration of the spiritual aspects locally associated with many crimes (see Kyed 2009a). So forwarding all crimes to the police could harm the popular legitimacy of chiefs. The number of 'clients' in the court was also an important sign of a chief's level of prestige. Many clients helped to sustain the chiefs' council of elders, as it would bring in smaller incomes in the form of client fees.

Failed state police efforts to assert monopoly over handling crimes were thereby contested by a number of factors that underpinned the authority, prestige and survival of the chiefs' courts. Other actors also competed within this field. This included the traditional healers, the community courts and village secretaries' courts. The cases that the latter courts settled and the procedures they applied overlapped with those of chiefs. The police also frequently referred social cases to the community court, which created much dissatisfaction among the chiefs. Collaboration did indeed exist between the different non-state courts, but the relationship was oftentimes characterised by elements of competition and contestations over case settlement.<sup>13</sup>

The CP initiative added further complexity to this landscape of competing state and non-state institutions. While the CP groups did not begin to settle cases in quasi-court like forums, as in the urban case study discussed below, they did play a significant role in how cases were handled and negotiated. To the chiefs, the CP initiative was received with mixed feelings. Many chiefs felt that the police failed to ensure that the CP members respected the chiefs' authority, such as when they did not inform about arrests in their areas. Some complained that "after the *comunitarios* went to work with the police ... got those instruments ... they think they are big ... that they have power ... and they don't respect the chief ... they don't respect the elders."<sup>14</sup> The CP initiative was seen by some chiefs as a reinforced effort by the police to boost their own authority vis-à-vis chiefs.

<sup>13</sup> As discussed in depth elsewhere, rural residents also played a significant role in this competitive landscape, as some would strategically manoeuvre between the different courts and even the police in search of outcomes that would satisfy their interest (see Kyed 2007a).

<sup>14</sup> Interview, Chief, August 2005.



However, the police's command over CP members was far from secure. A number of CP members also took matters into their own hands, ranging from overt illegal and indeed illegitimate acts in the eyes of rural residents, to more subtle forms of facilitating the handling of cases. For example, on a number of occasions rural residents complained that CP members abused the authority that had been granted by the police to extract excessive sums of money from persons they came to arrest. Some also complained that CP members, during night patrols, threatened to take people to the police or beat them if they did not pay. When such complaints reached the police, the CP members were told off and, in worst cases, expelled from the group, and punished with days in the cell. In the majority of cases, however, the CP members acted in more subtle ways outside the purview of the police, and with acceptance from the parties involved. This included solving cases 'on the spot' without the required police involvement, because victims preferred this. CP members also at times forwarded criminals to the chiefs' courts, rather than to the police. In such cases, the CP members had a good chance of receiving a small amount of cash as either an act of gratitude for refraining from bringing people to the police or in the form of the usual client fee that taking suspects to the chiefs' court implied. These acts coexisted with police collaboration, and therefore, as regards chiefs, the CP members also found their own ways of both adhering to and by-passing police orders. This way of operating clearly challenged police authority, and was motivated by aspirations for authority, prestige and livelihood sustenance.

Unsurprisingly, CP members also had other motivations beyond simple compliance with police orders. Many hoped that by being part of CP they could one day become a local lead-

er or a person with some sort of standing, or that it could help them get a salaried job, maybe even to become a police officer. Working for an authority like the police could be an avenue to achieve these dreams, but so could the help they gave rural residents in solving their problems. It could give them local legitimacy and prestige, even if this at times involved by-passing the police. A strongly articulated motivation for continuing their work was also the expectation of some form of income or at least a subsidy from the government in the near future. This aspiration reflects how the CP members saw themselves as performing their tasks *for* the state police – not as persons who volunteered to spend their free time serving the security needs of their 'communities'. It was furthermore informed by the fact that the system of chief police assistants had for a long time included 'client fees'. Each time a police assistant accompanied parties to be heard in the chief's court or at a traditional healer they were allowed to collect a smaller payment with the amount depending on the distance they had to walk (in 2002-5 this could be between 10 and 100 Mt). Added to these aspects, it should be noted that the CP members were all unemployed and had low levels of education. They sustained their livelihoods by cultivating small plots and/or by doing *biscatos* (temporary work tasks like trading in goods, building houses etc.). The majority also had children to cater for, and spending a lot of their time performing CP tasks meant less time for other tasks. Aspiration for some form of income is therefore not surprising. MINT's CP model does not meet this aspiration because it is based on the principle of voluntarism and does not predict that the local police would recruit young and largely unemployed persons to work for the police. Some rural residents blamed the excessive extraction of money by CP mem-

bers on the fact that the government did not pay them a proper salary to sustain their lives. Others asserted that it was because the police had given the CP members the authority to act in any way they liked. Irrespectively, the more subtle by-passing of police orders was strongly informed by this aspiration for livelihood sustenance, as members learned that remuneration from the government was unlikely to come in the near future. Another result was that many gradually left the CP group, resulting overall in a large reduction of CP members in many areas by 2009. Those who remained did so, they explained, because it at least gave them something meaningful to do, something that gave them a bit of recognition in the area. They also still hoped that one day their work would result in some form of compensation from the government or at least a salaried job.

From the perspective of the sub-district level police, the CP practices of by-passing police orders highlight the inherent dilemmas of outsourcing policing tasks to non-state actors. While outsourcing can boost the authority of the state police, it can also challenge this very authority when non-state actors take matters into their own hands, at times illegally and at times in accordance with rural residents' preferences. This intricate situation is not least the case because the police have nothing to offer in return for the services provided to them by young 'volunteers', but must rely on simply granting recognition and ordering compliance. For this reason, some police commanders, as in the district under consideration, have tried to help some CP members to obtain salaried jobs (e.g. as private security guards) as a motivating factor to recruit new CP members. The reason is that the police officers depend on CP members to do the job, while also being aware that there is a risk that the CP members become yet an-

other actor competing for authority, prestige and income in the plural legal landscape. Much the same can be said of the urban suburb of Maputo city that will be discussed next. However, here the CP members had taken matters even more into their own hands.

### **URBAN CASE STUDY: CP AS A NEW QUASI-LEGAL COURT OF THE BAIRRO STRUCTURE?**

In Maputo's poor suburbs there was in 2009-10 a great variety in how the CP model had been appropriated in practice. While some reflected MINT's model well, other CPCs were either dissolved, only existed in name or had been substituted by groups of young CP members. In the poor urban *bairro* (suburb) under consideration here, which I shall call *bairro X*, the latter scenario was the case. The Community Policing Council (CPC), which was formed in 2002 under MINT's supervision, no longer operated.<sup>15</sup> This was despite the fact that its implementation had adhered more or less to the criteria set out by MINT, and was more locally driven.

The local 'structure of the bairro', rather than the police, was in charge of forming the CPC in 2002. This structure encompasses the *secretário do bairro*, the Secretary of the Frelimo party branch in the *bairro* as well as the group of people organised around these two figures: the *chefes das quarterões* (the leaders of the different sub-sections of the *bairro*), the Frelimo women's organisation, and other members of the local Frelimo committee. The CPC members joined voluntarily and adhered well to the criteria set out in MINT's model (e.g. former

<sup>15</sup> The insights presented here are based on fieldwork in a poor suburb of Maputo city in May 2009 to June 2010.



and present state functionaries, a police officer, a teacher, an ex-combatant, a private security guard, and women and men who were part of the 'structure of the *bairro*'). Having said this, the members were not approved by the whole population, but by the group of people organised around the 'structure of the *bairro*', notably members of the ruling party.<sup>16</sup> The formation of CPCs in this urban *bairro* thereby drew not on chieftaincy procedures, but on equally historically-embedded procedures of mobilisation likened to the socialist party-state era.

The same approval procedure applied to the group of younger persons, mostly men, who were either encouraged or volunteered themselves to become what turned out to be the operative element of the CPC. They were referred to as *comunitários* or CP agents. In the beginning there were a total of 32 CP agents. They were coordinated by the CPC leadership and the *secretário do bairro*, and they also worked with the state police. Thus, in contrast to the rural case study, the CP initiative was less under the command of the state police and more integrated with the *bairro* structure. This was also the case in 2009-10, but by then the CPC had ceased to function due to internal leadership disputes and disagreements over how CP should be operated. What remained was a *de facto* local police force made up of the 11 agents (all men between 22-35 years) and a mid-aged woman who acted as the coordinator.

On a daily basis the young men operated not from a police post, but from the *circulo* of the *bairro* – the name for the central governance site of a *bairro*, which also houses the *secretário do bairro* and the Frelimo party

branch. One sector police officer was also attached to the *circulo*, but he only came 2-3 times a week and seldom spent the whole day there. The CP agents performed a range of police functions, including: patrols, arrests of suspects and persons caught committing crimes or disturbing public order, control of people for IDs, search of persons in public spaces for drugs and stolen goods, investigations of thefts and recuperation of stolen goods. Patrols and searches were mostly performed alone by the CP agents and rarely with uniformed police officers from the police station.

In contrast to the rural case study, the CP agents also heard, investigated and resolved cases within a designated room of the *circulo*. This mainly covered the resolution of crimes such as thefts, particularly of cell-phones, trade in stolen goods, fraud, physical assaults, drug-dealing and consumption, and burglaries. While some cases were forwarded to the police station, usually when the sector police officer was present or when the CP agents gave up on solving a case, case records reveal that a very substantial part of crimes was concluded at the *circulo*. When forwarded to the police station it was usually the CP agents who accompanied the accused, either alone or together with the sector police officer. The types of resolutions used by the CP agents covered compensational justice, recuperation of stolen goods, reconciliation of disputing parties, and corporal punishment using batons. The CP agents also frequently used physical force as an 'investigation' technique.<sup>17</sup> Other investigation techniques included tracing in-

<sup>16</sup> A recent survey conducted in *bairro X* illustrates that participation in the formation the CPC members was extremely low. Many had never heard of a council, only of the young CP agents.

<sup>17</sup> Torture during investigations is done using batons: The suspect is told to lie down and 'sleep', on the stomach with head facing down, and is then hit in intervals of 3-5 strokes in his buttocks until s/he tells for example where the stolen goods are. This was a copy of how the sector police officers operated.

formation from other *bairro* residents, including from criminals, who the CP agents know because they are residents of the *bairro*.

When performing their tasks, the CP members copied state police practices and language (e.g. how they sat on the chair when doing hearings, how they spoke to the parties in a case, how they jotted down names and ID details of persons when recording cases, how they used the baton and so forth). They also used state police titles (e.g. 'commander', 'chief of operations', 'patrol officer' etc.). The CP agents also had their own book for case records. In short, CP in *bairro X* had *de facto* turned into a kind of quasi-legal court, where the agents performed the role of the police and even at times as judges. This result was at least partly nurtured by the state police.

Some of the instruments of force, batons and handcuffs, were originally granted to the CPC by the state police, whereas others were later acquired by the young agents themselves. The CP agents were also trained in 2002 by the state police in how to use the instruments, such as where and how to hit criminals with the baton. The state police also frequently engaged the CP agents in their daily police work. While the sector police officer took charge of hearing cases when in the *bairro*, he also relied on the agents to arrest suspects, collect information, notify suspects to appear at the police station, and to assist him during hearings at the *circulo*. On two occasions, the sector police officer also ordered the community policing agents to beat suspects during investigations. At times the CP agents also received orders from the nearest police station to notify or search for suspects and often they accompanied suspects, handcuffed, to the station. In fact, it was very seldom that a police vehicle came to collect criminals caught *in flagrante*. In short, as in the rural area, the local state police relied extensively, yet unoffi-

cially, on the CP agents in *bairro X* to do what officially is their own job. It is therefore not surprising that the sector police officer saw the CP agents as having contributed significantly to his capacity to handle crimes. The manpower of the CP agents was important to him, because being only one officer in the *bairro* could be very risky for his personal security. They boosted his authority to act on crimes. At the police station the CP agents were seen as contributing to a reduction in crime levels and as a kind of extended arm of the police.<sup>18</sup> Likewise to the CP agents, the state police offered a significant source of authority, and when officers were present they obeyed their orders and viewed themselves as under the command of the state police. Many also aspired to become a police officer, and presented this as a key motivation for CP work. When resolving cases on their own, they also referred to state police authority to help enforce sanctions (usually in the form of a threat to take suspects to the police station). However, the relationship between the state police and the CP was also ambiguous. It was characterised by layers of interdependence, mistrust and competition.

On several occasions the CP agents kept information from the police or were reluctant to respond to demands. When discovered, the police officers got very furious with the agents, but never explicitly complained about them to their superior. This, I suggest, was because the officers depended on the agents to improve their work, while also knowing that their authority to control crime was unstable when outsourcing functions to the agents. Conversely, the CP agents also knew things about police officers that would harm them if it reached their superiors (such as frequent incidences of police corruption).

<sup>18</sup> Interview, Police Commander in Chief, Maputo, June 2009.

This ambiguous relationship informed on-going negotiations over who had the authority to decide cases and distribute information. There were lots of hiding and covert games going on around the resolution of crimes. At stake was not only authority, but also the potential ‘incomes’ and favours that surrounded everyday policing. The following account is illustrative:

A few days ago the CP agents managed, based on the collection of rumours around the *bairro*, to apprehend a bunch of stolen goods (a tv, a dvd-player and a radio) that was hidden in the house of the brother of the accused thief. The brother of the thief hereafter went to inform the police station that the CP agents had recuperated the stolen goods, and had locked them up at the *circulo*. Subsequently, a police vehicle from the station came to pick up the goods, without even the slightest recognition of the work that the CP agents had done. Later it turned out, according to rumours, that the police had apprehended the thief, but instead of a process being opened, they had taken the thief to sell the stolen goods at an informal market, and shared the money with the thief.<sup>19</sup>

The police told similar stories about CP agents. The extent to which CP agents were engaged with criminals is unclear, but it was common knowledge in *bairro X* that they received *agradecimentos* (expressions of gratitude) for recuperated goods. The point is that the CP agents and police officers were engaged in a web of exchanges and favours that constantly blurred the boundary between law enforcement and illegality. It is exactly

<sup>19</sup> Extract from field notes, April 2009.

because local police officers are themselves part of this web and simultaneously rely on CP agents that they did not interfere much with the quasi-legal court system of the CP agents.

At stake for the CP agents were not simply the ‘expressions of gratitude’ from ‘clients’, but also the kind of recognition and the hopes for social mobility and some form of future remuneration that their work yielded.<sup>20</sup> While the CP agents strove for more state recognition, they also frequently expressed an air of superiority vis-à-vis police officers: “we do the job of the police ... even better than the police ... here in the *bairro* we have more power than the police ... sometimes they [police officers] are even afraid of the criminals ... we are not ... like in that case last year where we had to rescue a police officer from being attacked by a group of criminals”. Having said this, the CP agents did operate in isolation from the wider structure of the *bairro* or without the influence of the *bairro* residents. The running of a quasi-legal court also required some leverage of local legitimacy and protection.

### **Outside police control – the local system of case settlement**

The CP agents operated the quasi-legal court with authorisation from the ‘structure of the *bairro*’. Here the police had little leverage. The CP organisation was integrated with the party-state structure of the *bairro* in different respects.<sup>21</sup> Within the area of conflict resolu-

<sup>20</sup> In fact, by 2010 ten of the CP agents in *bairro X* had achieved part time jobs as security guards, due to their experience as CP agents.

<sup>21</sup> Elsewhere I discuss how the CP organization is also integrated with the ruling party structure, notably in terms of providing security to the Frelimo campaigners during the past elections (Kyed, 2009b).

tion and policing, there was a labour division between the CP agents, who handled crimes, and the *secretário do bairro* who solved various 'social problems' (including sorcery, conflicts over household plots, marital disputes, conflicts between neighbours, domestic violence and rape).<sup>22</sup> The *secretário* solved such problems on a daily basis, when people came by with a given problem or when such problems were brought to him by the CP agents or by one of the *chefes das quarterões*.

While not everyone interviewed among the residents of *bairro X* held that they took their problems to their *chefe da quarterão* or to the *circulo* as a first instance of conflict resolution, there was a general agreement that this was official procedure. The *secretário* here assumed the role of distributing litigation, which was fully accepted by the CP coordinator. The *secretário* also at times helped solve those crimes that the CP agents could not handle. According to the *secretário*, it "is always the best to end the cases here in the *bairro* ... because it helps avoid bigger problems ... only not homicide or cases where criminals carry arms, because that is too dangerous for the *comunitários* to handle ... because they have no arms."<sup>23</sup> He also held that the CP agents had helped ensure that more crimes were handled locally, and this had also reduced crime as such: "before [the CP initiative was started] you could not even walk outside during the day ... not even here right in front of the *circulo* where the authority of the state is ... without risking to be assaulted ... have your wallet or cell-phone stolen. Now the situation is normal."<sup>24</sup> This view was shared by the

other members of the local *bairro* structure, such as the Frelimo secretary.

The *bairro* structure was also in charge of accepting new CP agents and of disciplining them when they did not behave or when *bairro* residents complained about their performance. Since 2002 the *secretário* had dismissed a number of CP agents (he did not recall how many), who repeatedly misbehaved, e.g. by extracting money from *bairro* residents or concealing information about criminals. However, interventions against illicit behaviour did not cover the use of physical force by the CP agents. This was performed next to the *secretários'* office, and could indeed be heard on the other side of the wall. If not outright regarded as integral to police work, the use of force was at least subtly accepted when performed behind closed doors. Regarding complaints from *bairro* residents about CP agents, the *secretário* defended that of course he would deal with the matter, but he also added: "who washes the dishes, is also the one who at times breaks the plates". Thus he accepted some leverage of irregularity in the work of dealing with criminals.

In short, the structure of the *bairro* perceived the CP agents as an integrated part of the local system of conflict resolution and crime control. Largely *outside* of state police control, the persons making up this structure defended and assumed the authority over the CP organisation. This also included protecting the CP agents when problems arose with the police, such as in a case where police officers accused the CP agents of having held back a stolen tv and a dvd-player, presumably to sell them or use them privately.

This way of protecting the quasi-legal court of the CP organisation, I suggest, is informed by at least three interrelated factors. First, the work of the CP agents was seen as reinforcing the local system of conflict resolution,

<sup>22</sup> It should be noted that the *bairro* does not have a community court or any traditional authority to handle such conflicts. This absence cannot be generalized for the suburbs of Maputo.

<sup>23</sup> Interview, *Secretário do Bairro*, June 2009.

<sup>24</sup> *Ibid.*

and thereby also as supporting the authority of the *bairro* structure to regulate order in the *bairro*. This element of boosting local authority was secondly combined with mistrust in the state police's capacity to handle crimes: The police were often absent from the *bairro*, and when cases were brought to them, *bairro* residents complained that criminals were simply set free (presumably because they paid the police). This view, shared by a little over half of the *bairro* residents, interviewed in 2010, was often followed by assertions such as "crimes are better solved here in the *bairro* by residents of the *bairro*" or "when crimes are handled by the CP agents then at least we know the criminals are punished." A third reason for the local legitimacy of the quasi-legal court of the CP agents was their enforcement of monetary compensation and their relatively high rate of recuperating stolen goods, when compared with the state police. This aspect is very significant in a poor urban context where minor thefts are common and where victims do not have private insurance to cover stolen goods. The CP agents' ability to recuperate stolen goods was (as opposed to many police officers) based on their knowledge of the networks of young petty-criminals who circulate in the *bairro* and the nearby surroundings. The flipside to this system is that it relies on the frequent use of physical force and draws on a web of favours and extra-legal exchanges with victims and criminals. Albeit protected by the *bairro* structure, the quasi-legal court system thus relied on extra-legal practices. Another flipside is that the local system of case settlement was far from legitimised by the whole *bairro* population.

The 'community', as envisioned in MINT's CP model, was *de facto* a limited representation of the residents of *bairro X*. This was reflected not alone in who approved the

CP agents, but also in who used the quasi-legal court and the *bairro* structure as such. A number of self-organised groups as well as individuals discredited or simply did not recognise the CP organisation. They regularly took matters elsewhere or into their own hands. At times people brought their matters directly to the nearest police station. Others turned to churches or the human rights league and yet others simply left a theft or an assault unresolved. While lynching of criminals by local residents in *bairro X* was rare, there were incidences where groups of residents apprehended and beat thieves in public. The preferences and choices of *bairro* residents were influenced by a range of factors that reflect the heterogeneity of the *bairro* population. A survey from 2010 suggests that a range of differences in gender, generation, class and education are significant. Moreover, the extent to which *bairro* residents approved of the CP organization was also informed by geographic proximity to the *circulo*. Some people living far away from the *circulo* did not even know of the CP organization. Others did not approve of the CP organization because they were discontent with the '*bairro* structure' as a whole or its leadership.

## CONCLUSION

Community policing in Mozambique can contribute to the reduction of crime, at least as far as popular and local police perceptions are concerned. This seems to be the case in *bairro X* where CP agents invest enormous time in unpaid police work. Residents in the rural district of Manica also believe that crime has increased because the number of CP members had reduced markedly. However, as the case studies in this paper suggest, community policing can also reproduce



those very extra-legal policing practices that MINT's CP model hoped to alleviate by vesting policing more in local 'communities'. New layers of competition and contestations over the authority to police order have also emerged in what *de facto* is a complex plural landscape of partly overlapping claims to authority and aspirations for prestige, recognition, and livelihood sustenance.

The two case studies in this paper illustrate the varied ways in which CP has manifested itself in local settings. CP has for example been appropriated by the state police as their extended arm by ways of outsourcing, often illicit, tasks to young unemployed men. If this appropriation reflects core dilemmas of state policing in poor areas of Mozambique, where the state police are under-resourced, understaffed and mistrusted, then it has also given way to complex webs of exchanges, favours and power games within which poor citizens have to navigate carefully to access public safety and justice. Conversely, CP has been incorporated within the existing local authority structure and its system of case settlement where they act as popular policing agents and even at times as judges. If this role of CP fills the 'gap' of an insufficient police service in a way that is more locally owned, then it is not necessarily shared and legitimised by the whole 'community'. It is a 'system' owned by the exclusive few organised around the party-state structure.

According to other assessments of community policing in Mozambique, the key to making community policing work as intended is to pass a law that clearly outlines the rights and duties of community policing members. This will ensure better uniformity across the country and enable mechanisms for regulation and accountability. A law should also be accompanied by resources for the raising of popular awareness of community policing.

Having said this, the question still remains how such a law could be implemented and by whom. It is also important to consider how the CP should relate to other state as well as non-state mechanisms of justice and public safety. If implementation is left in the hands of local police officers, local court judges and/or local party-state actors, a range of manipulations can be expected to occur, as suggested by the case studies in this paper. Alternatively, representative councils that include relevant state officials, non-state justice providers, civil society organizations and ordinary citizens could ensure check-and-balance mechanisms that support a broad-based ownership of CP by the respective populations.

Furthermore, CP is unlikely to be successful from a rule of law and human rights perspective without continued efforts to improve state policing and access to justice. As long as the state police continues to be inefficient and apply extra-legal methods (including corruption), it is likely that CP will exert state police functions, and – worse – copy the extra-legality of the police. If the state police do not live up to local citizens' expectations and needs for public safety, CP actors can be expected to 'fill' the gap of the state police. Having said this, a CP strategy also needs to address historically-embedded popular notions of justice, which many poor citizens share with local police officers. This includes the desire for compensational justice as well as the legitimacy of certain forms of corporal punishment. The heterogeneity of popular views of justice and public safety provision further underscores the need for a broad representation of citizens in setting the agenda for community policing.

Significantly, this paper also illustrates that community policing initiatives, as regards other public safety and justice initiatives, need to take seriously that issues of author-

ity, prestige, and livelihood are at stake for the involved actors. The policing of order and the handling disputes are not neutral affairs, but can be avenues to boost power positions, achieve a better social status and/or achieve better livelihood conditions. For this reason it is also significant to reconsider the principle of voluntarism inherent in MINT's CP model. There is a need to critically scrutinise the presumption that members of 'local communities' will necessarily avail their time and resources to serve the common good without some form of individual interest and aspirations being at stake. This is not least the case when CP actors are actually in many areas drawn into performing the state police's obligation to provide public safety to the citizens. It is here worthwhile noting that no less than 97 percent of the citizens surveyed in Manica and Maputo were of the opinion that the government ought to pay the CP agents. This is summed up well by a resident of *Bairro X*. With her words I will conclude this paper: "Community policing is supposed to be voluntary, yes ... they do not receive ... even a tiny subsidy from the government. This is also how it was before with the popular vigilante groups [during the socialist period], but at that time people did such things without receiving because it was the time of a struggle and the liberation. But today it is democracy and people are free. They won't just do things without getting something to survive. Especially not the young people ... And you can also see that [CP agents] they are doing a lot of work for the police. They are helping to bring down the criminals ... I think the government should pay for that work, because it is the government that has the responsibility to give security to the people. It is the right of the people."



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