

DRAFT

Future Policing: Prospects and Challenges for South Asia

Organised jointly by the National Police Commission, Sri Lanka Police and Regional Centre for Strategic Studies, in collaboration with the United Nations, coinciding with the 150th Anniversary of the Sri Lanka Police

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ABSTRACTS

Panel 1: Governance, Oversight and Accountability

Future of policing in the South Asian Region: Crime prevention by Countering Gang –violence in collaboration with the Maldives Police Service (MPS)

Dr. Aishath Ali Naaz, Consultant Clinical Psychologist, MIPSTAR, Maldives

Maldives is seeing rapid social, political, and economic transition. In this environment the Maldives Police Service (MPS) has to deal with increasing incidents of crime related to unemployment, sexual and domestic violence, substance abuse, cyber crime, embezzlement, fraud, corruption, theft, radicalization and gang violence.

The Strategic Plan of 2014 to 2018 (Maldives Police Service, 2014) ensures community safety as the central focus of policing with priorities on strengthening internal governance, improving operational readiness and efficiency, effectively combating crime, with active community engagement and partnerships.

In an initiative to strengthen community-police relationships the Maldives Police Service (MPS) collaborated with a civil society organization, Maldives Institute for Psychological Services, Training, and Research (MIPSTAR), to counter the growing incidence of gang violence in the country.

A research on gang violence in Male' demonstrated that there were about 20 to 30 violent gangs in Male with 50 to 400 members in each. The typical profile of a Maldivian gang member was that of an unemployed youth who was a school dropout, using or peddling drugs and engaging in violence on the streets. One of the components of the project which involved the rehabilitation of 79 gang members from these gangs was the creation of a platform for monthly meetings between senior police officers and gang members who have either served their sentence or were out on parole. These dialogue meetings created an important community policing practice which helped to understand the root cause of violence in society and discussed how the police could provide support to prevent crime. It provided honest reflection across both parties and paved way for a proactive collaboration on finding solutions to the challenges facing in dealing with gang violence.

Oversight and Accountability of the Police

Ms. Tonita Murray, International Police Development Consultant

Drawing from experiences in South Asia and elsewhere, this presentation will argue that police acceptance of oversight and willingness to demonstrate accountability are the keys to police professionalism and to winning public trust and support. When police resist oversight and accountability, true reform of policing is not possible. But oversight and accountability can be achieved in many ways, and what is appropriate for one society might not be appropriate for another. It is the

underlying principles and policies rather than the formal institutions that ultimately decide whether police are properly overseen and accountable or not. And police may be more accepting of some forms of oversight and accountability than others. The presentation will explore some principles and policies for consideration for future policing in South Asia.

Panel 2: Democratic Policing

Challenge of Policing: Nepalese Perspective

AIGP (Retd.) Rabi Raj Thapa, Chief of Academic Program, Armed Police Force, Staff College, Kathmandu.

Nepal Police is the only organization and one of the major actors of all political and historical eventualities of Nepal. As a form of visible government, it has become a normal practice to make Police and law enforcement agencies scapegoat in successive change of government and political system in Nepal. Despite all these eventualities through the history of Nepal, Nepal Police has survived 65 years of its legitimate existence. This organization is the sole survivor of all institutions whether it is parliamentary democracy of 1950 or absolute monarchy of 1960.

After the promulgation of the new constitution of 2015, Nepal Police is supposed to shake off its old body and come-up with a new mandate and system of governance. But, it is not possible to draw a cart by placing cart before the horses. The new Republic of Nepal has just completed its first birthday in 19th September, 2016. The restructuring of provincial government and local government are the prelude and precondition for a federal structural development of Nepal Police and other law enforcement agencies.

Till date, Nepal Police has been the only living witness of 65 years of political roller-coaster. But, unfortunately, the government and the people have never given priority and importance of professional policing and law enforcement according to the rule of law in Nepal. On the contrary, each and every short lived political parties since 1990 have used and abused law enforcement agencies indiscriminately and made victims of their political blunder wherever and whenever they felt it necessary. Their selective and subjective policing and law enforcement policy have made police organization helpless instrument of government indiscriminate use of power over people.

Since the political change of 1950, the democratic government of Nepal took five years to enact Police Act in Nepal -1955. After five years of political limbo Nepal Police got its first Police Act -2055. After ten years of political tug of war, King Mahendra BB Shah imposed the executive rule and introduced new political system named as Party-less Panchayeti Democracy. King Mahendra and his heirs consolidated and used Nepal Police to sustain his power for almost 30 years. After the re-emergence of multi-party democracy, Nepal police lost its balance to adapt and accommodate the changed political context where political parties wanted their own men in the police, law enforcement and local government.

This trend led Nepal Police and law enforcement agencies into a vicious circle of purges, corruption scandals, courts and political dissensions. In the past, Nepal Police was the sole organization that had successfully controlled Naxalite uprising in Eastern Nepal in 1970s and held referendum and several national and local elections successfully. After the promulgation of new constitution and multi-party democracy, Nepal Police had a new mandate to work on party politics that it got into a lot of criticism for not being able to be professional and unbiased law enforcement organization. It was the work of ruling parties and their bidding that led to 10 years armed conflict that killed more than 16,000 lives,

political instability, economic and political turmoil till date.

However, Nepal Police can be taken as one of the most adaptive and successful police organizations of the world. On the other hand Nepal Police can be blamed for all political upheavals and crisis of political stability because it never tried to be objective and professional policing and gave way to all political dictate; that is why it was able to sustain itself for more than 60 years of its establishment.

Nepal Police as an organization has been able to maintain its historical legacy at the cost of political intervention and humiliation of purges, impeachment and indictment in which dozens of police chiefs due to their political inclination and corruption scandals.

In the past, Nepal Police had tailored itself to work as a unitary form of Police Organization. After the promulgation of the new Constitution of Nepal 2015, it has a great challenge to convert into a decentralized police agencies all over the country. Now it has to be seen how the new Federal Nepal is going to restructure and reorganize Nepal Police. The challenge is too complex and complicated. This paper will focus more on the contemporary issues and challenges of Nepal Police rather than going through its past history and performance.

But it has to be borne in mind that Nepal Police is a self-evolved, imitated and developed by trial and error methods and experiences. Nepal had no experience of direct foreign rule in history and whatever it did in the history it was a wonder that it could survive despite all challenges and difficulties. But it is also remarkable know how Nepal Police could survive all systems and rulers who could not sustain their full tenure in their office as home minister, prime-minister or the king. A stable and successful police organization in a failing state is very interesting phenomena in the history of contemporary policing in South Asia.

Panel 3: Community Policing

Policing Afghanistan: Challenges and Prospects

Mr. Hekmatullah Azamy, Centre for Conflict and Peace Studies

Almost half of the total 350,000 Afghan National Security Forces (ANSF) are serving as the Afghan National Police (ANP) under the Ministry of Interior Affairs (MoI). Police in Afghanistan do not only work for law enforcement and public order but also serve in the front line against militancy and transnational terrorism. According to MoI, during fiscal year 2013-14, ANP carried out 2,541 independent operations, and 278 joint operations in coordination with international and Afghan security forces against the Taliban and other militant outfits.

Having more responsibilities, police in Afghanistan face greater challenges particularly after ANSF took over full security responsibility from US-led International Security Assistance Force (ISAF), which ended its combat mission on 31 December 2014. Unfortunately, most of these challenges existed since ANSF and police were re-established post-2001 but lacked the attention until they became serious that can even threaten the existence of police.

The first problem, which lays the foundation for many others is lack of proper vetting and recruitment procedures. Afghan government and its international partners were in hurry to hit the required number and would welcome anyone in the ANSF and police ranks. It led to many insider attacks within the police where rogue policemen turn their guns against fellow policemen and join the Taliban after carrying the attack.

Today, police in Afghanistan generally lack a narrative-based ideological motivation as a significant number of them are joining the police rank for money, which is not enough to keep service members committed and loyal. There are also complaints about the widespread drug use among policemen particularly in the remote parts of the country. Those drug addicts see working in the police as an opportunity to extort people and buy drugs for themselves. Drug addiction and lack of commitment prevent police from fighting the Taliban effectively. It also leads to higher attrition rate and there are many incidents that police either run away from their outpost or surrender to Taliban without any resistance.

Corruption is another greatest challenge. It occurs at two levels. Sometimes the low ranking police officers sell ammunition in black-markets that end up in the hands of Taliban. The senior police officers are corrupt at larger scale. From taking salaries for the “Ghost Policemen” to collusion with drug trafficker and militants and releasing Taliban commanders in return of bribe, they are involved in different ways of corruption.

The list of such challenges can be long and but some of them are very fundamental and can threaten the survival of ANSF and the Afghan government in the long run. In order to address these challenges, it is crucial to understand them first. This paper would explain the current structure and status of police in Afghanistan and the major challenges they face. It would also attempt to provide some recommendations based on discussions with security officials and author’s previous work on police and ANSF.

Panel 4: Technology and Policing

Technology and Policing in South Asia

Prof. S. D. Muni, Professor Emeritus, JNU

Policing in South Asia has varying patterns, shaped and demanded by historical roots and post-independence socio-political evolution. Notwithstanding the differences in organisations, practices and ethos of police establishments, South Asian policing has always been keen and sincere in adopting to newer technologies in meeting challenges in diverse area such as; law and order maintenance, crowds and riots management, surveillance and investigations and public outreach. Most of the technologies have however to be imported as the region is weak in innovations and commercial manufacturing of technologies except in some sectors. There are powerful drivers that induce and facilitate technological adaptation and upgrading as also there are constraints and obstacles that come in the way of the use of technology in policing. In future, socio-political turbulence is likely to be a major source of challenges to policing in South Asian countries. South Asian policing will have to address the emerging technology questions in the areas of mobs and riot controls, chasing newer and sophisticated crimes and public outreach.

Technology and Future Policing in South Asia

Ms. Tonita Murray, International Police Development Consultant

From the introduction of bicycles, fingerprints or the motor car, to cell phones and CCTV, technological innovation has always influenced both policing and the behaviour of police. Police need to use the prevailing technology of the time to be able to deal with the problems it creates in local and global societies. Of equal importance is its potential to improve police professionalism and service to the public, when applied to such functions as traffic control, community policing, criminal investigation,

records keeping, prevention of corruption or other police functions. But certain factors can undermine the purpose of applying technology to policing. Cost is the least of the obstacles compared to the lack of physical infrastructure, rigid organisational structure, poor organisational management, no preparation of personnel, traditional thinking, or lack of imagination. Drawing on experiences in South Asia and elsewhere, this presentation will explore methods for overcoming the obstacles to applying technology to policing, and suggest some modest approaches using technology that could be adopted to support future policing in South Asia.

Panel 5A: Gender and Policing

Police Reform and Gender

Dr. Ramani Jayasundere, Senior Technical Advisor (Justice and Gender, Asia Foundation, Sri Lanka)

In Sri Lanka today, there is extensive discussion surrounding police reforms. Moving from a policing role during conflict and war, the Sri Lanka Police is looking at its role of policing in peace times. Thus speaking about and implementing reforms to policing is timely and crucial for strengthening the rule of law. Police reform is a central part of security sector reform and such reform includes the focus and participation of all security sector actors, their roles, actions and responsibility to manage and operate the system in a manner that is consistent with democratic norms and sound principles of good governance. A police reform process has to necessarily be strategic, consultative and coordinated. **In such a reform process, focus on what gender means to the police services and to effective policing becomes an intrinsic part of the process.**

This paper on “Police Reform and Gender” explores the promotion of gender equality and mainstreaming gender in the police service and in policing. It explores the issue from a theoretical, conceptual as well as practical perspective. The paper examines the emphasis placed on understanding and addressing diverse gender issues in the police service, and the positives and achievements as well as the gaps and challenges in addressing gender issues within the police service. The paper identifies the need for promoting gender equality and mainstreaming gender, as well as the need for special focus on women. This need is explored in light of the current reforms discourse and provides insights to make the police more operationally effective, accountable, equitable and rights respecting.

Panel 5B: Child Protection

Specialized Police for Child Rights Protection: International Standards, Challenges and Good Practices

Dr. Ingrid van Welzenis, UNICEF International Expert on Justice for Children

In each and every country in the world, day after day, children come into contact with law enforcement officials as alleged child offenders, child victims and child witnesses of crime. The way law enforcement officials and other professionals deal with these children can have serious implications on their future lives. For that reason, international instruments promote the development of **specialised responses for dealing with children in contact with the law** that take into account their age, level of maturity and individual needs. Various countries throughout the world have established specialized child police units and have provided specialized training to law enforcement officials on how to deal with children in contact with the law in a child-sensitive, gender-sensitive and age-appropriate manner.

The ‘UN Common Approach to Justice for Children’ (2008) promotes **eight guiding principles** for all

professionals dealing with children in contact with the law. Law enforcement officials need to understand what do these principles mean in actual practice – among other things – that children have the right to have their best interests given primary consideration; to be treated fairly and equally; to express their views freely and to be heard; to be protected from abuse, exploitation and violence; and to be treated with dignity and compassion.

Globally, police and other professionals encounter similar **challenges** when working with children in contact with the law, like how the privacy of boys and girls can be guaranteed during the justice process; how child-victims and child-witnesses of crime can be protected from secondary victimization and trauma; how detention can be used as a measure of last resort and for the shortest appropriate period of time for child-offenders, etc.

Law enforcement officials need to be aware of the **good practices** that are developed in order to address the challenges, for example the development of standard operating procedures (SOPs) on how to deal with children in contact with the law and to implement national legal provisions; capacity building initiatives that focus on improving skills of justice for children professionals; raising the minimum age of criminal responsibility to minimum 14 years; implementing diversion and alternatives to detention for children in conflict with law; using structured protocols when interviewing child-victims/witnesses of crime; and dealing with children living and working on the street through social welfare system instead of the (child) justice system.

Panel 6A: Terrorism and Violent Extremism in the Age of Globalization

Terrorism, Human Rights and Violent Extremism in the Age of Globalization: In search of Police Reform Priorities in South Asia

ASM Ali Ashraf, Associate Professor, Department of International Relations, University of Dhaka

What are the top reform priorities for South Asian law enforcement and intelligence agencies in addressing the complex threats of terrorism, human rights abuses, and violent extremism? The purpose of this paper is to address this question by exploring the salient features of counterterrorism strategies at the national and regional levels. Drawing extensively on open source literature and key informant interviews, it argues that the success of future policing in South Asia will largely depend on the integration of technology, reorganization of intelligence, and developing a culture of regional information sharing. Evidence suggests that while most of the national police agencies in South Asia have demonstrated a favourable attitude toward the first two reform priorities—technological modernization and intelligence reform, and the concept of SAARC POL has emerged for more than a decade, regional information sharing is yet to be fully institutionalized. In the absence of an effective regional intelligence sharing platform, SAARC Members demonstrate a preference for a statist model of counterterrorism cooperation that privileges working closely with bilateral partners on a case-by-case basis.

Panel 6B: Human Rights

Prof. Imtiaz Ahmed, Executive Director, Regional Centre for Strategic Studies

Panel 7A: Environmental Policing and Disaster Management/Emergency Relief

Policing and Environment in South Asia

Dr. Amena Mohsin, Professor, Department of International Relations, University of Dhaka

South Asia has a history of environment management. Its ecological architecture and agricultural

system led to a system of conservation and preservation, which were sanctioned through religious edicts and sociological and political processes. The idea of sustainability was built in within the system and processes. However Industrialization and modern development brought in its own ethos of profit and consumption with little regard for environment. The politics of the day too was responsible for this state of affairs. The end of the Cold War, however brought in a shift in the global discourses and with it, politics; the idea of human security came to the fore. Associated with the latter was the idea of sustainable development. This understanding has brought about substantial changes in the legislations of countries regarding environment as well policing. The role of policing has also witnessed meaningful changes and evolution over the years, from a law enforcing agency it is endeavouring to evolve as a partner of the community in the management and enforcement of laws. Police academies have added rights and gender discourses in their academic curriculum. This paper attempts to look at the processes through which the idea of environmental policing has evolved and the state of the same in various South Asian countries.

Panel 7B: Trafficking and Border Control
Changing the Policing Culture in South Asia

Dr. Ayesha Siddiq, Independent Consultant

Today, the police in South Asia faces challenges that are far bigger than their traditional role of crime prevention and ensuring peace and stability in the society. Terrorism, drugs and weapons proliferation and migration are some of the challenges that require major shift in the policing culture and its structure. This makes the task for law enforcement agencies difficult particularly in the backdrop of numerous political issues, civil-military balance, and the obscurity between boundaries and frontiers. In these conditions police reforms cannot work if they use the traditional colonial framework. The task of the police, especially as far as contribution in border policing and control is concerned, and coordination amongst LEAs is needed. Here is a need to combine modern technologies with organizational structures and doctrines.

Regional and International Cooperation between Law Enforcement, Financial Intelligence Units and Prosecutorial Authorities in Countering all forms of Organised Crime

Mr. Tofik Murshudlu, Chief, Implementation Support Section, Organized Crime and Illicit Trafficking Branch, Division for Treaty Affairs, United Nations Office on Drugs and Crime

Organized crime networks progressively operate across borders and act as transnational criminal entities using advanced technologies both in the conduction of illegal activities and in the implementation of financial transaction and money laundering schemes.

Regional cooperation in countering of all forms of organized crime is essential to address such phenomena in a transnational way. Regional platforms of drug control cooperation exists but, in several cases, their effectiveness is poor due to limited capacities in intelligence sharing, cross-border cooperation and application of sophisticated joint operations such as controlled deliveries. Such platforms of regional cooperation might be even weaker when dealing with transnational organized crime related crimes such as, for instance, money laundering.

Therefore UNODC has been promoting regional and international cooperation between law enforcement, financial intelligence units and prosecutorial authorities in countering all forms of organised crime through building and using existing cooperation platforms for criminal intelligence exchange, and coordination of joint multilateral long term operations targeting organised crime and illicit financial flows originating from it.

UNODC has launched and supported number of initiatives in this area, for instance:

“Networking the Networks” – which aims to improve coordination and cooperation between existing regional and international criminal intelligence centres in support of exchange of criminal intelligence and potentially for coordinating joint/parallel operations targeting all forms of organised crime and illicit financial flows originating from it;

“LE TrainNet – Law Enforcement Training Network” – Promoting a network of law enforcement training and educational institutions for more systematised, sustainable and inclusive regional and interregional cooperation between law enforcement training institutions, allowing them to share best practices, training materials, training methodologies and trainers and potentially developing jointly new training materials;

Establishment of South Asian Regional Intelligence And Coordination Center - On Transnational Organised Crime (SARICC - TOC). Six countries of South Asia namely Bangladesh, Bhutan, India, Maldives, Nepal and Sri Lanka seek to establish a regional platform for information/intelligence sharing to enable all Member States to respond to organised crime in a much better and coordinated way. In view of the fact that the countries in the region are impacted to a great extent by drug trafficking sourced to Myanmar, the need was felt that this initiative should extend beyond the six countries and Myanmar’s presence in this regional platform would further strengthen this initiative and make it more effective.