

Civil Security in Khyber Pakhtunkhwa: The Evolution of New Institutions in the Wake of Crisis

Ingrid Nyborg and Bahadar Nawab

In the aftermath of conflict, the military often plays a central role in providing security until civil security actors such as the police are able to take over and ensure the rule of law. How well this transition is managed, however, cannot depend solely on government security actors - communication and collaboration with civil society and local institutions are critical. In this brief we share our findings from the Swat Valley in Pakistan, where new forms of hybrid institutions are emerging in the wake of conflict as examples of how police and communities can work together to build trust and ensure lasting peace.

LOCAL INSTITUTIONS IN SWAT

Local institutions have historically been strong throughout north-western Pakistan, and Swat in the province of Khyber Pakhtunkhwa is no exception. The *jirga*, (committee of well-respected elders) for example, has been around for centuries as a tenet of Pashtunwali, or local code of conduct. Jirga have played important roles in conflict resolution in Swat, and have co-existed with other forms of centralized rule including in the princely state of the Wali of Swat, who ruled over the region until it was incorporated into Pakistan in 1969. Since then, a lack of government investment and service provision led to a strained relationship between the people of Swat and the government, and continued reliance on local institutions for security and justice. When militants entered Swat in the late 2000s, their first and foremost targets were the elites, politicians, landlords and influentials who often organize and run local institutions. These local institutions were thus also targeted and significantly weakened. The police were targeted as well, and many young recruits lost their lives. Therefore, both the police and jirga, whose roles were to work for the safety and security of the population, were unable to function and a security void was created. Afterwards, the army engaged in several operations to rid the valley of militants and restore peace and remained a

strong security actor in the valley for the next several years. Slowly, a new police force was built up to take over local security needs. Recognizing the importance of local institutions in providing security and justice, police reforms in Khyber Pakhtunkhwa looked for new ways to work with these institutions. The results have been the development of a number of hybrid institutions where civil society and police work together to address the everyday security needs of the valley.

TRANSITIONS FROM MILITARY TO CIVIL SECURITY

Immediately following the conflict, the army was in full control of security, and the police worked alongside them to support their efforts. The army established defense committees in the villages, where representatives from each family were expected to participate in patrolling the villages at night and report on any suspicious activity or arrival of strangers. While villagers appreciated the expulsion of militants, the army's involvement in community matters was problematic: *'... They helped us in getting rid of militants but killed many innocent people and without any proof arrested many people. They have usurped properties of innocent people. They have broken their trust. Now we don't trust*

anybody' (woman from Swat). The focus of the army was mainly on the threat of insurgents, while communities faced multiple insecurities that were not being addressed. Just when communities were struggling to rebuild their lives and livelihoods after the conflict in 2009, they were hit with the mega-floods of 2010, setting back recovery another 10 years. These new sets of insecurities required the involvement of a set of actors beyond the military, and required collaboration with local communities to both understand and address the ways in which different people experienced and were affected by insecurities. Recognizing the important role of local institutions and communities in designing new approaches to security, the Khyber Pakhtunkhwa government (including the police, army and courts) and local institutions started to explore new forums where, for example, police and communities would work more closely together in ways that built trust rather suspicion.

CITIZEN PARTICIPATION AND HYBRID INSTITUTIONS

Several different institutions have evolved under this process, including Islahi/Musalhati Committees, Dispute Resolution Councils (DRC), UNDP Islahi Committees, Public Liaison Councils, and Public Safety Commissions. All of these were designed to provide timely and less resource demanding conflict resolution outside of the ineffective and expensive court system. Not all of them have been successful or accepted by everyone. The Islahi/Musalhati Committees, for example, were rejected by lawyers who were left out of the process, and by villagers who didn't agree with the composition of the committees. They were subsequently deemed to be unconstitutional by the Supreme Court and discontinued. The UNDP Islahi Committees were also discontinued, likely due to the inclusion of political members, who politicized cases important to them. Despite these setbacks, the government and communities learned from these experiences and came up with better solutions. These include the Depute Resolution Councils, and the Public Liaison Committees, both of which are comprised of a mix of community members and police representatives. What is

common to several of these new institutions is of traditional institution such as the jirga, that have a high degree of legitimacy in communities. This is what makes them different than a conventional mediation exercise run by a judge in the court system. The DRCs, for example, are comprised of a broad set of civil society actors such as retired civil/security officers, lawyers, community elders who participate voluntarily. They engage the victim, offender, and local community elders in a process in pursuit of reconciliation through arbitration, forgiveness and compromise acceptable to all stakeholders. The DRCs focus on a broad variety of civil complaints, but refer more serious criminal cases to the police and courts. They have in their relatively short history resolved thousands of cases that would likely have been stuck in the court system for years.

The Police Liaison Committees (PLCs) are another example of a new way of public-police interaction. PLCs are established at village and neighborhood levels, are comprised of 70% elected members and 30% village elders and are headed by a designated police officer. The functioning of these committees varies according to how the police understand their role in the communities. Under a conventional police approach, these committees are merely used as informants, reporting on suspicious activities, much like the defense committees after the conflict, and play a minimal role in trust-building. However, in areas where police leaders and officers have been exposed to and are committed to Community-Oriented Policing (COP) approaches, these committees are more inclusive, and play an important role in problem identification, joint problem solving and prevention. Youth often make up the majority of committee members, and women's PLCs have also been established. These forums are thus transformed into arenas of mutual trust.

REPRESENTATION AND HUMAN RIGHTS

These new institutional forms are not perfect. While the DRCs build on values of restorative justice, dialog and mediation, they can also lack sufficient attention to representation and human

rights. Women and minorities are not automat have the knowledge of their legal rights. Proponents, however, argue that building the competence of DRC members in human rights and the issues of women and minorities will lead to both better representation and access to justice. This has already been the case for PLCs that have been the focus of competence-building efforts by civil society organizations. An important part of the reform process in Pakistan has been the active participation of civil society networks and organizations in debates around police laws and police reform.

LESSONS LEARNED

The challenges of security following a conflict are many, made worse by a serious lack of trust in society both between the government and communities, and within communities themselves. Studying the evolution of new forms for community-police interaction in Khyber Pakhtunkhwa has given us insight into how police (and justice) reform processes can better build on local experiences and contexts to become more legitimate and trusted.

Some of the lessons we have learned:

- Mapping of local institutions. It is critical to fully understand how local institutions function when embarking on reform, including a thorough analysis of their strengths and weakness.
- Creativity and flexibility in the evolution of new forms of interaction, combined with an open review of their effectiveness in building trust and addressing local issues.
- Engagement of communities and civil society organizations in police reform processes. These actors can give the police valuable insight into the specific needs and perceptions of part of the population which are often invisible in formal forums.
- A commitment to Community-Oriented Policing. Police leadership needs to be clearly committed to changing the relationship between police and community from one built on suspicion and informing, to one of mutual trust and partnership
- Values of tolerance, tranquility, co-existence and mutual respect, rooted in Islam and Pakhtunwali and thus familiar to the local population, can be promoted to ensure a resilient and vibrant society that would cooperate with the government institutions for promoting peace in the region

REFERENCE

Nyborg and Nawab (2020). Civil Security in the Wake of Crisis - Renegotiating Police-Community Relations in Post-Crisis Development in Swat, Pakistan (forthcoming)

Author Bio

Dr. Ingrid Nyborg is Associate Professor at the Department of International Environment and Development studies, Noragric, Norwegian University of Life Sciences. Dr. Nyborg leads the ICT4COP project, as well as the Gender and South Asian work packages.

Dr. Bahadar Nawab is a member of the South Asia work package of ICT4COP and Associate Professor and Head of Department of Development Studies at COMSATS Institute of Information Technology in Abottabad, Pakistan.

The Project

The ICT4COP research project seeks to understand human security in post-conflict settings by researching community-based policing and post-conflict police reform.

The Norwegian University of Life Sciences (NMBU) is the project coordinator.

Contact: Daniel Lohmann, Dissemination Manager, NMBU daniel.lohmann@nmbu.no

www.communitypolicing.eu