Australian Government

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REIMAGINING SECURITY SECTOR SUPPORT IN CRISIS-AFFECTED CONTEXTS

CASE STUDY REPORT:

KARENNI STATE, MYANMAR
BANGSAMORO, PHILIPPINES
LUMBINI PROVINCE, NEPAL
VANUATU

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Reimagining Security Sector Support in Crisis-Affected Contexts

Case Study Report:

Karenni State, Myanmar
Bangsamoro, Philippines
Lumbini Province, Nepal
Vanuatu

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Contents

Executive Summary

This study examines the evolving landscape of community safety, security and policing in conflict-affected regions, focusing on four case studies: Karenni State in Myanmar, Bangsamoro in the Philippines, Lumbini Province in Nepal, and Vanuatu. It underscores the re-emergence of federal, devolved, and autonomous forms of governance as tools to manage intra-state conflicts and support inclusive state-building. These regions, characterised by unique socio-political and historical contexts, present diverse challenges and opportunities in implementing effective security sector governance.

Case Study 1: Karenni State Police in Myanmar

The establishment of the Karenni State Police (KSP) represents a bold step toward birthing a community-centric law enforcement amidst ongoing conflict in Myanmar. Formed in response to the needs of the Karenni people, the KSP prioritises human rights, community engagement, and gender equality. Despite facing challenges such as resource limitations and political instability, the KSP has made significant strides in building trust within the community. The case study highlights the importance of timing, local agency, and networked relations in establishing effective and legitimate policing structures in conflict-affected regions.

Case Study 2: Bangsamoro Autonomous Region of Muslim Mindanao

The transition from the Autonomous Region of Muslim Mindanao (ARMM) to the Bangsamoro Autonomous Region (BARMM) marked a significant milestone in addressing decades-long grievances of the Moro people. The normalization process, a key component of the peace agreement, includes creating a Bangsamoro Regional Police and integrating former combatants into law enforcement. However, challenges such as delays in decommissioning, the proliferation of armed groups, and intercommunal tensions persist. Community policing initiatives and international support play crucial roles in fostering trust and cooperation between security forces and the community.

Case Study 3: Lumbini Province in Nepal

Nepal's transition to a federal system after the Maoist insurgency introduced new challenges in policing and security governance. Lumbini Province, with its diverse geography and porous border with India, faces issues like unemployment, poverty, and migration, which complicate community safety and security. The Nepal Police struggle to adapt to the new federal structure and values, with a misalignment between centralised policing and the constitutional values of the federal setup. Effective security provision requires organisational transformation towards local empowerment and service orientation.

Case Study 4: Vanuatu

Vanuatu's post-independence experience highlights the integration of customary and state policing to address localised conflicts. The Vanuatu Police Force collaborates with community leaders and customary chiefs to balance formal law enforcement with traditional dispute resolution mechanisms. This approach underscores the importance of respecting cultural norms while ensuring public security.

Lastly, the report offers concluding reflections and recommendations addressed primarily to local and international civil society actors, and the donor community as a baseline for future programming as part of a long-term strategy for community safety, security, and policing.

Background of the Study

In the socially and culturally diverse Indo-Pacific, conflicts over ethnic homeland rule, the right to territorial autonomy and even nation-statehood have proliferated.[1] In the twenty-first century, federal, devolved, and autonomous forms of governance have re-emerged as tools to manage these intra-state conflicts and support more inclusive state-building. For example, in 2019, the Bangsamoro Autonomous Region of Muslim Mindanao was formally established as part of a peace agreement to end nearly five decades of conflict between the Philippine government and Moro communities seeking autonomy and the right to self-determination. In Nepal, after the decade-long Maoist insurgency (1996 – 2006), the country's 2015 Constitution instituted a new three-tiered federal system as a centrepiece reform designed to support the redressal of socio-economic inequality and improve sensitivity to regional difference – historic drivers of conflict in the country. In the context of post-coup Myanmar, pro-democracy / anti-State Administrative Council groups formed the National Unity Coordinating Council (NUCC) – the most inclusive dialogue process in Myanmar's history – with a mandate to develop a roadmap towards the eradication of dictatorship, restoration of democracy, and establishment of federalism, addressing ethnic groups' aspirations for self-determination. Alongside the NUCC process, different states and revolutionary groups are exploring their aspirations for federalism including governance structures, justice systems, and community safety in 'liberated zones' such as in Karenni State in the country's southeast. Vanuatu gained its independence from joint British and French colonial rule in 1980, marking the end of a condominium government that had lasted since 1906. This significant milestone was celebrated by the Ni-Vanuatu people, who embraced the opportunity to build a sovereign nation with a unique cultural identity and governance system.

As part of the emergent trend towards devolved governance arrangements, in conflict-affected contexts, authority over policing powers has increasingly been moved to subnational levels of the state. For example, the Comprehensive Agreement of the Bangsamoro provisioned for the establishment of a regional police, which would enable the Philippine military to reduce the presence of troops and help disband private armies in the area.[2] Under Nepal's federal arrangement, the 2015 Constitution has bestowed the seven new provincial governments with policing powers. The newly formed Karenni State Consultative Council in the Karenni State, Myanmar has formed its own police force to ensure security in the areas that it controls.[3] Vanuatu has experienced occasional localised conflicts. In conflict-affected zones, community safety and policing assume a critical role in restoring stability and fostering peace. Policing efforts in these areas often involve a delicate balance between respecting customary dispute

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[1] Kerry Breen, "The Introduction: Ethnic Conflict Regulation Through Territorial Autonomy" in Kerry Breen (ed), *Territorial Autonomy and Ethnic Conflict Regulation* (Springer, 2022).

[2] see Bangsamoro Organic Law art XI

[3] Myanmar Now, 2021

resolution mechanisms and applying formal law enforcement practices. The Vanuatu Police Force collaborates closely with community leaders, customary chiefs, and local councils to understand the unique dynamics of these conflict zones.

In these conflict-affected and transitional contexts, civilian policing systems can play a central role in demilitarization; the restoration of public security, including the establishment and upholding of the rule of law; supporting the state's provision of services to citizens; and rebuilding trust in government.[4] Moreover, as policing is a local phenomenon, where forces are under the command of subnational governments, police have an enhanced capacity to serve local community concerns,[5] while also acting as an important conduit to the state's broader national security architecture. However, within the broader literature and analysis that the re-emergence of federalism and devolved forms of government has initiated, to date, policymakers have given limited attention and support to understanding the unique dynamics of police and security architecture in these conflict-affected federal or autonomous regions. This is particularly the case regarding the provision of practical support and training to subnational, devolved police forces in conflict-affected contexts.[6] Significant gaps in knowledge and practice remain concerning critical issues such as how to ensure the coherence of the national security landscape amidst devolution and (ethnic) autonomy. This includes, importantly, issues such as coordination and collaboration among governmental units (e.g., provinces and the centre/federation) and between agencies (e.g., police and other security agencies, including the military).

It is essential to fill these gaps in knowledge and practice and deepen our understanding of policing systems in new federal and autonomous contexts. Indeed, there is a need to demonstrate the challenges and successes of devolved, community policing in conflict-affected settings. In particular, in the new federal and autonomous regions in the Indo-Pacific, we need to better understand the role that police have played during and post-conflict; community aspirations and vision for the role of security actors, including local police agencies; strategies and challenges related to the mistrust of security actors; gaps or needs to ensure community safety; gender dynamics in policing; cross-agency relationships (e.g., police-military), and emergent security structures, including intergovernmental relations within (quasi-) federal arrangements. Identifying creative and strategic approaches is key to enhancing the role of police, located within a broader security architecture, in ensuring longer-term peace and stability, community safety, trust, and reconciliation in conflict-affected societies. It is also necessary to enable the thoughtful accompaniment of security agencies, including local police forces, which is mission-critical for development partners seeking to strengthen governance institutions in conflict-affected contexts.

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[4] William G O'Neill, Police Reform in Post-Conflict Societies: What We Know and What We Still Need to Know (International Peace Academy, 2005)

[5] Christian Leuprecht, Public Security in Federal Polities: Delivering Collaborative Security Governance (University of Toronto Press, 2021)

[6] for an overview, see KC, 2020

Methodology

The project was executed over four phases. In the first phase, drawing on our existing networks, the research group advised which contexts to prioritise for the development of case studies. The analytical framework was designed to capture dynamics and provide analysis across the spectrum of case studies and to analyse a broad range of institutions, actors, and influences – state and non-state; formal and informal; direct and indirect; national and international. Deploying a Policy Lab methodology, this group developed the analytical framework, which was used to guide the comparative analysis.

A Framework for Appraising Community Safety and Security in Conflict-affected Contexts
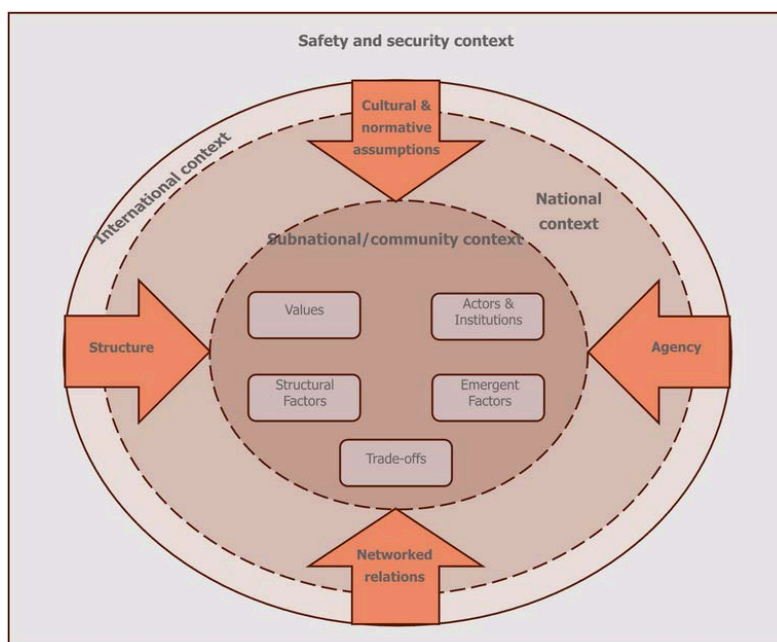
In the second phase, four contexts were explored (Karenni State, Lumbini Province, Bangsamoro, Vanuatu), where at least three in-person visits were made to collect data. During in-person site visits, the research team undertook interviews with key security sector actors, such as current/former police and security personnel, local government representatives, community leaders, lawyers, and peace negotiators.[7] In-person interviews will be supplemented by preparatory and follow-up virtual interviews.

The case studies encompass a thorough conflict analysis and the mapping of security institutions and actors, which include state and non-state, formal and informal, direct and indirect, and national and international entities. The case studies examine the evolution of systems and structures related to the security sector, focusing on the role

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[7] The list of interview respondents in each case study context is annexed in this report.

of police during and after conflict, including their interactions with other security agencies. The studies also analysed gaps and needs in community safety, identified barriers and challenges in addressing these needs, and explored gender dynamics in policing with examples of innovative approaches. Police coordination with other agencies and lessons learned, recommendations, and opportunities for future engagement were also examined in the case study contexts.

One of the cross-cutting themes considered in each context will be the role of women, utilising a Women, Peace, and Security (WPS) lens. This included identifying key women to be included in the research process, and for future engagement as trainers and research partners.

In the third phase, the research team began the process of drafting and analysing the case studies. The research team also developed a synthesis analysis, which utilised the comparative analytical framework to draw additional insights from the case studies. The draft case studies and synthesis analysis was presented to the research group to be contested, refined, and authenticated.

In the final phase, the research team will reflect and strategize on activities that can be jointly engaged to support a longer-term strategy for the accompaniment of security actors in autonomous and federated contexts in the Indo-Pacific.

BIRTHING A POLICE FORCE: THE CASE OF THE KARENNI POLICE IN MYANMAR

CASE STUDY 1
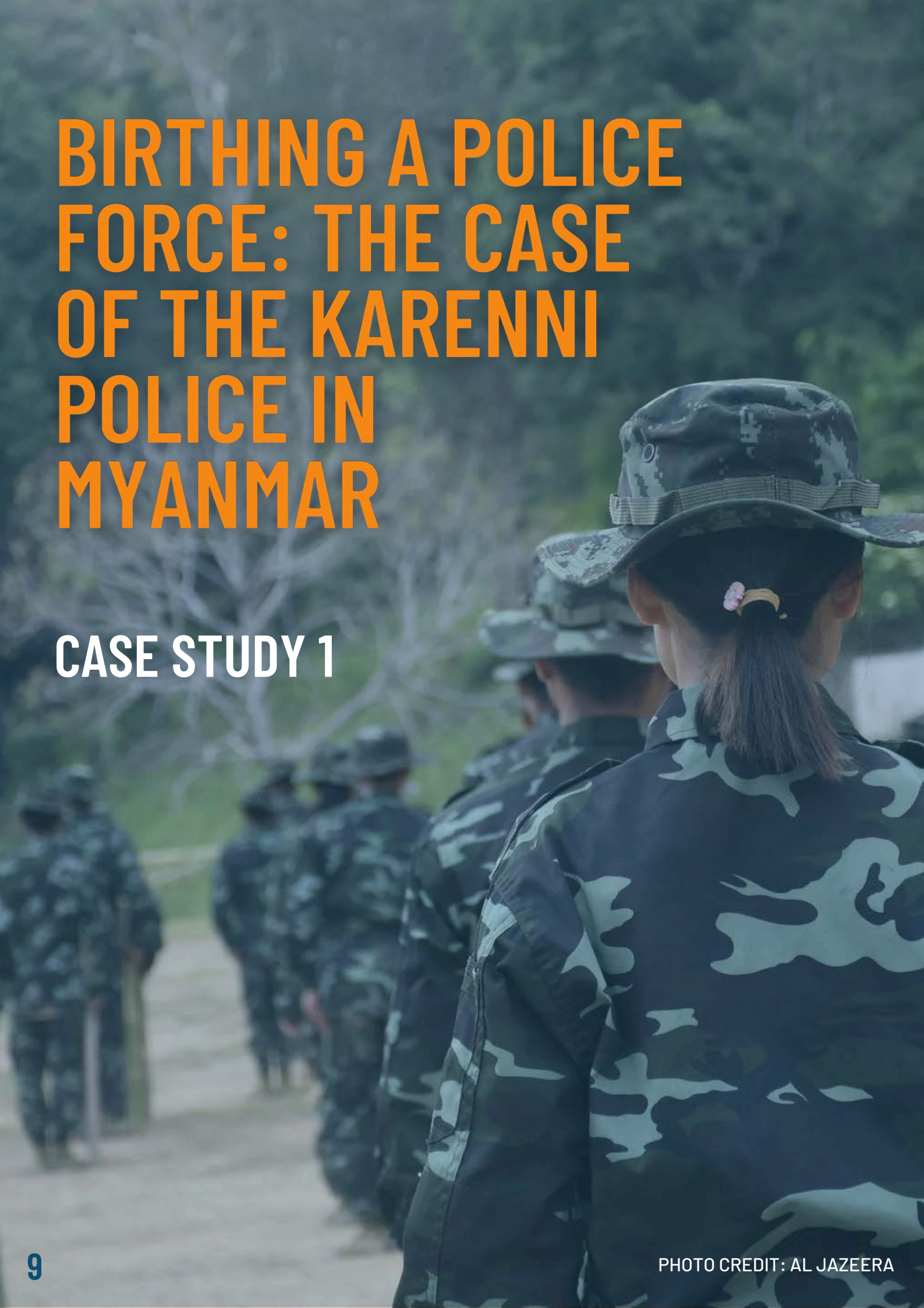
KEY TAKEAWAYS

- The establishment of the Karenni State Police (KSP) amidst ongoing conflict in Myanmar exemplifies a bold step toward redefining community safety and security through locally driven and people-centred law enforcement initiatives.

- By establishing a policing framework that prioritises human rights, community engagement, and gender equality, the KSP has made significant strides in building trust and legitimacy within the community.

- The KSP's journey is emblematic of the broader struggles and aspirations of minority communities in Myanmar and elsewhere, who seek to establish governance structures that reflect their unique cultural, social, and political contexts.

SETTING THE CONTEXT

The prolonged civil conflict in Myanmar, spanning seven decades and involving the military and various armed groups, has inflicted significant suffering, especially on the country's ethnic minorities, who have been specifically targeted by the military and allied militias. After the military coup in 2021, over 320 government police in Karenni State initiated the largest Civil Disobedience Movement (CDM) in the nation. While some police participants transitioned to join armed resistance against the military, others collaborated to establish the Karenni State Police (KSP) with support from the Karenni State Consultant Council (KSCC) to lead community safety and security initiatives.[8] The KSP aimed to uphold people-centred rule of law and security services in the face of ongoing violence perpetrated by the military dictatorship.

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[8] KSCC's goal is to enhance connections among the forces in Karenni State, foster unity, and identify common ground in the political objectives of Karenni State. This includes the transitional period spanning from the current revolutionary phase to the construction of a federal democratic union.
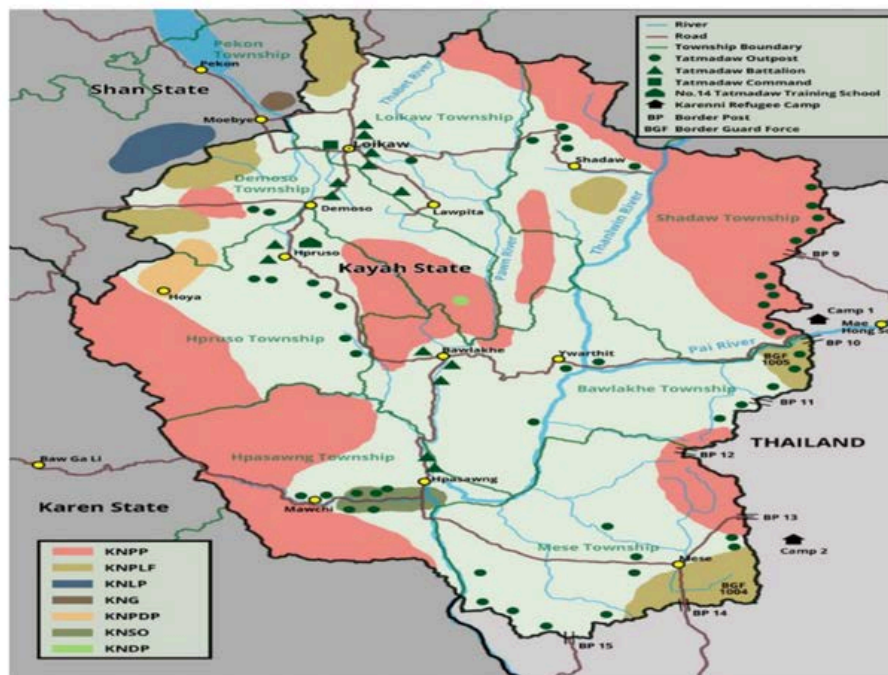
Source: This map is based on information from KCSN and TNI Research.
This map is illustrative only and meant to give a general indication of Karenni armed organisations and their areas of influence.

The Karenni State, previously referred to as Kayah State, is a region located in the eastern part of Myanmar, sharing borders with Shan State to the north and Kayin State to the south. It is one of the smallest states in Myanmar, both in terms of land area and population. Historically, the Karenni people, an ethnic group indigenous to the region, have inhabited this area for centuries, cultivating a unique cultural heritage that sets them apart from neighbouring ethnic groups. The Karenni State is characterised by its rugged terrain, with dense forests, hills, and valleys dominating the landscape. The Salween River, one of the longest free-flowing rivers in Southeast Asia, runs through the state, providing water and sustenance to the local communities.

Throughout its history, the Karenni State has experienced periods of relative autonomy and external control. Before British colonisation in the 19th century, the area comprised small, independent chiefdoms, each with its distinct governance structure. However, British colonial expansion brought the Karenni State under the administration of the British Empire, along with much of present-day Myanmar.

During World War II, the Karenni State, like much of Myanmar, became a battleground between Allied and Axis forces. The region saw significant fighting and upheaval during this time, with various ethnic groups and factions vying for control. After the war, Myanmar gained independence from British rule in 1948, forming the Union of Burma. However, the Karenni people, like many other ethnic minorities in Myanmar, found themselves marginalised and subjected to discrimination by the central government.

The post-independence period saw sporadic conflicts between the Karenni people and the Burmese military, as well as the emergence of various Karenni nationalist movements advocating for greater autonomy or independence from Myanmar. One such movement is the Karenni National Progressive Party (KNPP), which has sought to represent the interests of the Karenni people and negotiate with the central government for political rights and self-determination.

The Karenni State has also been affected by the broader political and social dynamics of Myanmar, including the rise of military rule in 1962 and subsequent pro-democracy movements. The military junta, known as the State Peace and Development Council, imposed authoritarian rule over the country for decades, exacerbating ethnic tensions and leading to widespread human rights abuses in ethnic minority regions like the Karenni State.

In recent years, Myanmar has undergone significant political reforms, including the transition to a quasi-civilian government in 2011 and the election of Aung San Suu Kyi's National League for Democracy (NLD) in 2015. However, despite these changes, ethnic conflicts and tensions persist in regions like the Karenni State, fuelled by longstanding grievances and unresolved political issues.

Today, the Karenni State remains a complex and contested region within Myanmar, grappling with issues of ethnic identity, political autonomy, and economic development which affects community safety and security. The state, characterised by its diverse ethnic landscape, has witnessed prolonged conflicts and instability, leading to the displacement of populations and hindering socio-economic development. While efforts have been made to address these challenges through dialogue and peace negotiations, achieving lasting peace and stability in the region continues to be daunting, requiring the commitment and cooperation of all stakeholders involved. This case study delves into the efforts undertaken to enhance safety, security, and policing in the Karenni State, shedding light on the initiatives, challenges faced, and outcomes achieved.

PEACE AND SECURITY IN THE KARENNI STATE

Of all Myanmar's regions, the Karenni Region, which includes Karenni State and southern Shan State's Pekon Township, has become one of the regions that has experienced some of the most sustained armed resistance to the post-coup military regime. The security and safety situation in the Karenni State is deeply influenced by the complex political landscape of Myanmar. For decades, various ethnic armed groups have operated in the region, often in opposition to the central government in Naypyidaw. The most prominent of these groups is the KNPP, which has been engaged in armed struggle for greater autonomy and rights for the Karenni people since the 1950s.

One of the key factors contributing to the insecurity in Karenni State is the presence of the Myanmar military, known as the Tatmadaw. The Tatmadaw has been accused of human rights abuses, including arbitrary arrests, forced labour, and extrajudicial killings, particularly in areas with ethnic minority populations like Karenni State.[9] The military's presence and actions have fuelled resentment and resistance among the local population, leading to ongoing conflict and instability.

In addition to the conflict between ethnic armed groups and the military, Karenni State has also been affected by broader political developments in Myanmar. The country's transition from military rule to a quasi-civilian government in 2011 raised hopes for peace and reconciliation, but progress has been slow and uneven. While ceasefire agreements have been signed between the government and some ethnic armed groups, including the KNPP, implementation has been fraught with challenges, and sporadic violence continues to occur.

On 27 October 2023, an alliance of ethnic armed groups launched a coordinated offensive against regime forces in the north of Myanmar's Shan State, seizing several towns, severing important overland trade routes to China and overrunning dozens of military outposts. Named 'Operation 1027' in reference to the day it commenced, these attacks involved several thousand experienced, well-armed fighters attacking multiple locations simultaneously. The attacks represent the biggest battlefield challenge to the military since its February 2021 coup. Sensing that the regime may be at its weakest point yet, several other armed groups have gone on the march in other parts of the country, threatening to overstretch the junta's military capacity.[10]

The situation for the regime has quickly turned from a concerning problem in one part of the country into a multi-front threat that constitutes the biggest battlefield challenge it has faced since the February 2021 coup. The Three Brotherhood Alliance attacks in northern Shan alone dealt a major blow to the military. Some units have lost significant weaponry to their opponents, who have seized tanks, armoured personnel carriers,

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[9]   Human Rights Watch, "They Came and Destroyed Our Village, Again": The Plight of Internally Displaced Persons (Report, 9 June 2005) <https://www.hrw.org/report/2005/06/09/they-came-and-destroyed-our-village-again/plight-internally-displaced-persons>.

[10] United States Institute of Peace, (2023), Myanmar's Junta Is Losing Control of Its Border with China.

multiple-launch rocket systems, a howitzer, trucks and anti-aircraft heavy machine guns. That outcome would not just be discomfiting for the junta; it would also alter the balance of power in the area.[11]

Inspired by 'Operation 1027', a coalition of Karenni resistance groups began a large-scale assault on Loikaw, the Karenni State capital, on 11 November 2023. Despite the initial capture of about half the city, the offensive has stalled. But the operation forced the regime to pull its forces from other positions around the state, allowing the Karenni resistance to consolidate control across remote areas and several small towns.[12]

Amidst these challenges, efforts to promote peace, reconciliation, and development in Karenni State are ongoing. Civil society organizations, local community leaders, and international actors are working to address the root causes of conflict, build trust between different stakeholders, and foster inclusive dialogue. However, achieving lasting peace and stability in Karenni State will require sustained commitment, political will, and cooperation from all parties involved. The creation of the Karenni State Police aims to fill the lack of effective policing mechanism in the state to control the security situation, leaving communities less vulnerable to crime and violence.

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[11] Ibid 9.
[12] IISS Myanmar Conflict Map, The Karenni State report as of January 2024, (Online) <https://myanmar.iiss.org/updates/2024-01>.

THE KARENNI STATE POLICE

Under the close supervision of the Karenni State Consultative Council (KSCC), the Karenni State Police was established in August 2021 by the CDM Police. The Karenni State Police Department is centred on the people and is based on the federal system and opposed to the authoritarian system. Under the guidance of the Interim Executive Council (IEC), KSP is to ensure compliance with the rule of law, security, and safety, serving the people by adhering to their police manual and regulations and the Universal Declaration of Human Rights. It is envisioned that in the future Federal Union, when the State government chosen by the people emerges, KSP will continue to stand as a fully capable and qualified department.[13]

Under the supervision and guidance of the Karenni State Consultative Council and Karenni Interim Executive Council (IEC), KSP is organised as follows:

Structure of the Karenni State Police[14]
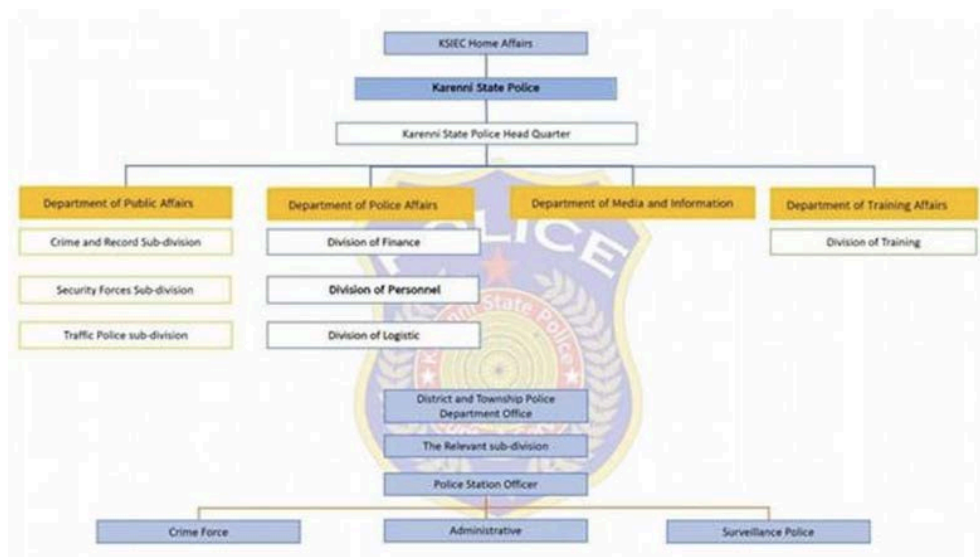
After establishing seven police stations for the public within their current jurisdiction, in cooperation with Civil Society Organisations, local armed groups, and the public, 235 cases of arrest and prosecution related to conflict, narcotic drugs and drug abuse, theft, and State Administration Council (SAC)[15] informers were recorded.[16] For public security issues, the KSP were able to establish two police outposts at the locations where public health services are being provided.

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[13] Based on the collective vision of respondents who were interviewed for this case study.

[14] Image sourced from an internal document of the Karenni State Police as of 30 May 2024.

[15] The State Administration Council (SAC) is the military junta that has governed Myanmar since seizing power in a coup d'état on February 1, 2021. This coup overthrew the democratically elected government, allowing the SAC, under the leadership of Commander-in-Chief Min Aung Hlaing, to assume control of the country. The council was established to manage governmental functions during the state of emergency declared by the military.

[16] Data based on an internal KSP document reporting the two-year operations of the KSP
This report is an internal document of the KSP and is not available to the public.
The Centre for Peace and Conflict Studies and the United States Institute for Peace held a number of capacity-building policing workshops for the KSP.

In the first two years since the establishment of the KSP, the police force investigated and collected evidence of war crimes, human rights violations and other criminal cases committed by the Tatmadaw, as well as the people, and presented them to the National Unity Government Ministry of Human Rights and International Human Rights organizations to bring to the attention of local and foreign-based media. From the period of 2022-2023, the KSP was to expand and open an additional police station and two security patrols. The police force reported 127 cases were arrested and prosecuted.

The KSP department systematically screen and recruit young people who are interested in police work and are given basic training on military, human rights, gender equality and Convention on the Elimination of All Forms of Discrimination against Women democratic principles and community-based policing, federal principles, and an overview of relevant laws such as the Penal Law, Evidence Act, and the Code of Criminal Procedure.

It is important to highlight the representation of women in the Karenni State Police. Based on the KSP 2023 annual report, the participation rate of female police officers among new trainees has reached 35 per cent, which is a significant number for an emerging police force.[17] According to the respondents, these women officers hold not only administrative tasks but also participate in arrest operations as well. This is also evidenced during police training workshops conducted for the KSP.[18] A number of women are sent to participate in the policing workshop where they actively engage with the discussions and practical exercises.

For the KSP to transform into a highly efficient democratic police, these trainings are being done continuously. Relevant police stations receive training on police reform based on practical experiences of domestic and foreign experts. The KSP continuously aim to enhance how they engage with their communities by attending what they call "people-centred police activities" or workshops on how to improve community safety and security. The workshops include engaging with different people who served as police officers in various countries with federal democratic systems to learn the democratic policing they have been practicing in their contexts. This activity also opens opportunities for them to connect with the international community to provide services to the Karenni people in accordance with democratic international standards.

Engaging the community is at the forefront of the priority of the KSP in providing safety and security. The KSP carry out patrols for public safety within the jurisdiction of KSP departments. For example, random inspections are being carried out on public roads in coordination with the villagers and civic organisations. The KSP Department also conduct campaigns on how to educate the public on police services and drug prevention. Traffic awareness education programs are also being implemented in the communities.

[17] This report is an internal document of the KSP and is not available to the public.
[18] The Centre for Peace and Conflict Studies and the United States Institute for Peace held a number of capacity-building policing workshops for the KSP.

Aside from providing the security and safety, the KSP also works with various organisations in delivering humanitarian aid for those communities affected by the ongoing conflict. In cooperation with the Free Burma Ranger group, emergency relief programs and assistance for the Karennis who are fleeing due to the conflict are provided in the different Karenni police stations. The KSP strives to provide comprehensive support for public service activities, fully utilising their available human resources possible.

PERCEPTIONS OF SAFETY AND SECURITY

Local perspectives on safety and security structures highlight several key points. Firstly, the community's perception of existing non-state or informal safety and security structures is shaped by past experiences. The previous police force had a reputation for corruption and abuse. However, with the formation of the KSP, there has been a positive shift. The KSP is perceived as more democratic and connected to the community and this is because of the efforts in engaging in public consultations and awareness campaigns. This increased communication has led to a better understanding and cooperation between the community and the KSP, resulting in a positive change in perceptions.

> *We want to build our state with dignity. Therefore, this is the time to carefully establish a police force that reflects democratic policing.*
> *– Karenni State Police*

Secondly, local communities perceive state security actors, such as the military and police, differently. Since the coup, there has been a proliferation of armed forces, each with its own interests and policies. This fragmentation creates confusion among the community about which organisation to approach for resolving issues, such as the Ethnic Revolutionary Organisations (EROs). There is a need for better coordination and collaboration among these state actors to address community concerns effectively.

Thirdly, bridging the gap between federal/provincial actors and local communities poses several challenges. One major challenge is the lack of knowledge about law and community policing among the community members. People are unsure about how to work with the police force to improve community safety and security. There is a need for education and awareness campaigns to inform people about the importance of their involvement in community policing initiatives and to organise them to participate actively. Additionally, some community members may be reluctant to work with the KSP and may prefer to resolve issues independently. Overcoming this reluctance requires building trust and demonstrating the benefits of collaboration with the KSP.

Furthermore, revolutionary groups may also try to engage with the KSP, further complicating the dynamics between state actors and local communities. Overall, addressing these challenges requires a comprehensive approach that involves

education, communication, trust-building, and effective coordination among all stakeholders involved in ensuring community safety and security.

CHALLENGES IN ADVANCING POLICING EFFORTS IN THE COMMUNITIES

The formation of the Karenni State Police from the remnants of the CDM police marks a significant step towards restoring law and order in the region. However, despite this transition, the force finds itself grappling with the pressing need for new members to bolster its ranks. The scarcity of personnel hampers their ability to extend adequate police services to the populace, thereby straining their capacity to uphold public safety and enforce the law effectively.

Eager as they are to fulfil their duty to the Karenni people, the KSP encounter numerous other challenges that impede their operational effectiveness. Foremost among these hurdles are financial constraints, which inhibit the procurement of essential resources and the provision of requisite services. Additionally, the lack of adequate funding poses obstacles to meeting uniform requirements and maintaining a professional appearance, thereby potentially undermining public trust, and confidence in the force. Insufficient vehicles further compound these issues, hindering mobility and responsiveness in carrying out policing duties.

In the current tumultuous period characterised by revolution and continuous change in the security and safety situation in Myanmar, conducting police activities presents a myriad of challenges for the Karenni State Police. Operating in areas fraught with instability and conflict, they face obstacles in gathering evidence pertaining to crimes, human rights abuses, and war crimes. The volatile security landscape complicates efforts to maintain order and uphold the rule of law, necessitating innovative strategies to navigate these precarious environments while safeguarding the rights and interests of the Karenni people. Amidst these complexities, ensuring the safety and security of both police personnel and civilians remains paramount to the KSP.

The case of the KSP illustrates the complex dynamics of coordinating security in a conflict-ridden region, as various stakeholders hold diverging views and operational methods. The KSP's engagement with multiple organizations showcases the intricate balance of collaboration and conflict that characterises their operational environment. Among these organisations, support for the KSP varies significantly; some view the police force favourably, acknowledging their efforts to maintain peace and security, while others are sceptical or outright hostile, often due to past grievances or conflicting objectives.

One of the major challenges faced by the KSP is the security of their territory, particularly the fear of airstrikes that has impeded the construction of vital infrastructures such as police stations. This fear stems from the ongoing conflict and

the presence of multiple armed forces in the region, each with their own agendas and tactics. The varying approaches to security between the police and these armed groups often lead to confusion and mistrust among the local population. While the armed forces may handle situations with a militarised strategy, the KSP attempts to adopt a more community-focused approach, aiming to rebuild trust and ensure a sense of safety among the citizens.

The efforts of the KSP are further complicated by the broader strategic ambitions of different coalitions of armed forces. These groups are actively seeking to expand their control over the entirety of the Karenni territory, using it as a base for further operations. In this volatile environment, the KSP must navigate the dual challenges of external aggression and internal coordination. Their role in providing security during conflict and other military activities necessitates close cooperation with other security forces, yet differing operational philosophies can hinder effective collaboration.

In response to these challenges, the KSP is making concerted efforts to improve its operations and address the public's negative perceptions, which have been shaped by historical actions of law enforcement in the region. Their current strategy focuses not only on immediate security concerns but also on long-term trust-building through consistent, fair, and community-centred policing.[19] This approach is pivotal in transforming the public's perception and fostering a more cooperative relationship between the police, the community, and other security entities in the region.

THE ASPIRATION OF THE KARENNI STATE POLICE

Despite these challenges, the Karenni State Police have outlined a comprehensive strategy aimed at fostering law enforcement, justice, and public safety within the region, underpinned by principles of a federal democratic system and human rights.[20]

Central to these plans is the commitment to enforce laws and administer justice impartially, ensuring adherence to legal norms and upholding the rights of all individuals within the state. Through the implementation of transparent and accountable practices, the police aim to instil public trust and confidence in the justice system, thereby fostering a conducive environment for the rule of law to prevail. Concurrently, efforts to ensure public safety and security are prioritised, with a steadfast dedication to protecting the fundamental rights and dignity of every citizen. This entails not only

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[19] The IEC has recently passed in 2024 a policing law which articulates the KSP's mandate and objective to be a community-centric police force.

[20] These plans were gathered from the discussions during workshops and meetings conducted by the Centre for Peace and Conflict Studies with members of the Karenni State Police in November 2023, March and July 2024.

preventing and addressing criminal activities but also proactively engaging with the community to identify and address emerging threats and vulnerabilities, thus promoting a safer and more secure environment for all.

In alignment with their commitment to service-oriented policing, the Karenni State Police are poised to collaborate closely with local communities to deliver responsive and effective services tailored to meet the needs of the public. By fostering partnerships and dialogue with community stakeholders, including civil society organisations and grassroots initiatives, the KSP seek to co-create solutions and initiatives that address local concerns and priorities. Moreover, a key aspect of their upcoming plans involves continuous capacity-building initiatives aimed at modernising and enhancing the skills and capabilities of police personnel. Through comprehensive training programs and professional development opportunities, officers will be equipped with the requisite knowledge and competencies to navigate evolving challenges and effectively perform their duties. Additionally, proactive measures to combat drug-related offences are emphasised by the case study respondents, with a focus on education, prevention, and enforcement strategies to mitigate the scourge of drug abuse and trafficking. The KSP envisages establishing its own Police Academy[21] to provide comprehensive training programs for its officers, ensuring they are well equipped with the necessary skills, knowledge, and ethical standards to effectively carry out their duties in maintaining law and order within the community.

KARENNI WOMEN IN THE POLICE FORCE

> *Democratic policing should focus on gender. – Karenni State Police*

Gender dynamics play a significant role in shaping community safety and security. Traditionally, women and girls in the Karenni State have been restricted by customary norms from participating in activities related to community safety and security. In many cases, they are not prioritised in the administration of security measures. This adherence to traditional gender roles remains strong within the Karenni community, making it challenging for people to accept changes in gender dynamics within these roles.

However, efforts are being made to address gender disparities within security institutions. For example, under the policing law, it is required to have at least 30 per cent women serving in the KSP. As of writing, there are 116 women who are part of the KSP holding various positions including in the leadership. This indicates a fundamental

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[21] Shared in a meeting between CPCS and members of the Karenni State Police on March 2024 in Chiang Mai, Thailand.

policy or principle within the KSP not to discriminate based on gender. There are two high-ranking female police officers leading different police stations, demonstrating opportunities for women to advance within the institution.

The integration of women into the police force has significantly enhanced community relations, with the presence of female officers receiving widespread approval from residents. The research participants reported the increased number of women reporting cases directly to the police as they can see several women police officers being assigned to police stations. This positive response not only highlights the critical role women play in law enforcement but also strengthens the case for boosting their representation within the force. Recognising the unique and valuable contributions that women can make, there is a growing commitment to promote gender diversity in policing roles. By increasing the number of women in the police force, the KSP's aim is to enhance sensitivity and inclusiveness in handling community issues, ultimately leading to more effective and equitable law enforcement. This approach is part of their broader strategy to leverage diverse perspectives and skills, thereby enriching the police force's ability to address the specific needs and concerns of the community they serve.

CRITICAL CONSIDERATIONS: VALUES, LEGITIMACY, POWER, TRADE-OFFS

POWER AND LEGITIMACY

The KSP provides a compelling case for examining the complexities surrounding power and legitimacy in the domain of community safety and security. This discussion draws on various aspects, including agency, structure, cultural and normative assumptions, and networked relations, to explore how these dimensions interact and influence the KSP's effectiveness and acceptance within the community.

Agency, in the context of the KSP, pertains to the capacity of individual actors and the organisation to act independently and make decisions that influence community safety and security. The formation of the KSP was a significant exercise of agency by local actors in response to the perceived inadequacies and abuses of the central government's security forces. By choosing to establish a policing entity that adheres to principles of human rights and community-centred policing, local actors demonstrated a proactive approach to reclaiming power and authority in the governance of their own security.

The agency of the KSP is further highlighted in its operational decisions, such as the recruitment of personnel, the focus on gender equality, and the adoption of community-based policing strategies. These decisions are not just administrative; they are also symbolic actions that reinforce the KSP's commitment to aligning its practices with the community's values and needs, thereby enhancing its legitimacy and authority.

Cultural and normative assumptions are deeply embedded in the fabric of the Karenni community and significantly impact the legitimacy of the KSP. Traditionally, the community may have certain expectations of authority figures and law enforcement based on past experiences with the national military forces, which were often negative. The KSP's efforts to build a different model of policing are contingent upon changing these normative assumptions about security providers. By incorporating principles such as gender equality and by actively involving women in both administrative and operational roles, the KSP challenges the traditional patriarchal norms prevalent in many security forces. This not only changes the perception of what a police force can be but also aligns the KSP's practices with broader societal shifts towards gender equality and human rights, fostering greater community support and enhancing its moral legitimacy.

The KSP's effectiveness and legitimacy are also a function of its networked relations with various stakeholders, including local communities, ethnic armed groups, CSOs, and international partners. These relationships are crucial for building a collaborative approach to community safety and security. For example, the KSP's engagement with CSOs and local armed groups in establishing police stations and outposts demonstrates a networked approach that leverages the strengths and resources of different actors to enhance security outcomes.

Beyond the immediate organisational structure, the broader structural factors such as the ongoing conflict, the presence of various armed groups, and the historical marginalisation of ethnic minorities in Myanmar play a crucial role. These elements create a challenging environment in which the KSP must navigate multiple sources of authority and legitimacy, both from within the community and in relation to external actors like the national government and international organisations.

Furthermore, the KSP's connections with different international partners play a significant role in bolstering its legitimacy by aligning its operations with internationally recognized standards and practices. These networked relations not only provide practical support and resources but also contribute to the narrative of the KSP as a legitimate and progressive policing organisation committed to upholding the rule of law and protecting human rights.

STRUCTURE

The establishment and operation of the KSP involve a complex network of stakeholders, reflecting the diverse socio-political landscape of the region. Key actors include the KSCC and the IEC, which oversee and guide the KSP's policies and actions. This governance structure is designed to ensure that the KSP remains aligned with the federal principles and democratic ideals that are championed by these higher bodies.

Additionally, local civil society organisations and various ethnic armed groups play critical roles, either as collaborators or adversaries, influencing the operational context of the KSP. International actors and humanitarian organisations also interact with the KSP, providing support, oversight, and sometimes critique, particularly concerning human rights and democratic policing standards. These relationships are pivotal, as they shape the strategic direction and day-to-day operations of the KSP, highlighting the intersection of local, national, and international interests in shaping community safety and security.

The prolonged history of ethnic conflict and political instability deeply ingrained social norms, and economic disparities marks the structural backdrop of the Karenni State. These factors collectively influence the behaviours and expectations within society, thereby influencing how security and policing are perceived and implemented. Historical grievances against the central government and ongoing conflicts significantly challenge the KSP's efforts to establish a stable and trusted policing environment. Moreover, the rugged geographical terrain complicates effective policing and service delivery, further emphasising the need for adaptable and community-tailored policing strategies.

In the volatile and dynamic environment where the KSP operates, emergent factors such as sudden political shifts, military offensives, and alliances among ethnic armed groups frequently disrupt the established order. For instance, operations like the coordinated offensive against regime forces in northern Shan State and subsequent reactions significantly affect the security landscape, necessitating rapid and flexible responses from the KSP. These emergent factors often lead to unexpected challenges or opportunities, influencing the effectiveness of community safety efforts and requiring constant adaptation by the KSP and its supporting institutions.

VALUES

The values held by various community stakeholders critically influence the definition and implementation of safety and security measures in the Karenni State. The KSP's approach to policing, which emphasizes human rights, gender equality, and community engagement, reflects a significant shift from previous practices. This shift is aimed at building trust and legitimacy among the local population. Values such as inclusivity, transparency, and accountability are becoming increasingly important, as they are seen as essential for fostering long-term peace and stability. These values were emphasised by the research participants. However, aligning these progressive values with traditional community norms and expectations remains a significant challenge.

TRADE-OFFS

The KSP faces numerous trade-offs in its operations, balancing between immediate security needs and long-term community trust, between national security imperatives and local autonomy, and between traditional and modern policing methods. The need to cooperate with ethnic armed groups, while also maintaining independence and local trust, illustrates the delicate balancing act required in such a complex security environment. Furthermore, resource constraints often force the KSP to prioritise certain initiatives over others, which may not always align perfectly with community expectations or needs. The context in the Karenni State also involves navigating a complex array of trade-offs and challenges. On one hand, effective policing is essential for maintaining law and order, preventing crime, and upholding the rule of law, thereby contributing to the overall well-being and stability of the community. However, in the context of ongoing conflict, political turmoil and ethnic tensions, the pursuit of security objectives must be balanced with the protection of human rights and civil liberties. Striking this balance requires careful consideration of various factors, including the potential impact of policing practices on marginalised and vulnerable populations, the need to build trust and collaboration with local communities, and the imperative to address root causes of insecurity such as poverty, inequality, and historical grievances.

RECOMMENDATIONS

Based on the research findings and discussions presented in the case study, several recommendations can be proposed to address the challenges and opportunities related to community safety and security, particularly within the Karenni State of Myanmar:

Investing in capacity-building and resources for policing in the Karenni State is essential for enhancing operational effectiveness. Addressing the shortage of personnel and resources requires prioritizing initiatives such as recruitment drives, training programs, and infrastructure development. These efforts will bolster the police force's capacity and improve their ability to maintain law and order effectively.

Promoting community engagement and participation is key to building trust and legitimacy in security structures. Engaging local communities and empowering them to participate in policing initiatives can involve community policing programs, public awareness campaigns, and initiatives to educate communities about their rights and responsibilities in ensuring safety and security. Training programs with the Karenni State Police should be designed to foster this engagement.

Enhancing inter-community dialogue and cooperation is critical in the complex political landscape of the Karenni State, where historical grievances persist. Fostering dialogue and cooperation among different ethnic and political groups can be achieved through dialogues, peace-building workshops, and collaborative projects. These initiatives aim

to promote understanding and reconciliation among diverse stakeholders, contributing to a more harmonious and secure environment.

Promoting gender equality and inclusivity within security institutions is crucial for ensuring effective community safety and security measures. Efforts should be intensified to increase the representation of women in the police force, provide training on gender equality and human rights, and engage with women and marginalised groups in decision-making processes.

CONCLUSION

The establishment of the Karenni State Police represents a significant move toward community-centered safety and security through locally driven law enforcement. This case study illustrates the complexities the KSP faces, showcasing its achievements and challenges in its early years. Rooted in democratic governance and human rights principles, the KSP is transforming policing in the Karenni State by prioritising human rights, community engagement, and gender equality. KSP's efforts to recruit and train personnel, build infrastructure, and engage with civil society and armed groups are fostering trust and legitimacy.

However, challenges remain, including resource limitations, the need for comprehensive training, and the integration of diverse community expectations. The ongoing conflict continues to pose threats to peace and security. The KSP's adaptability and resilience are evident in its efforts to enhance operational capabilities, increase public awareness, and strengthen ties with international human rights bodies, crucial for conflict resolution and long-term peace.

The KSP's journey reflects broader aspirations of minority communities in Myanmar seeking governance structures that align with their cultural, social, and political contexts. Its success depends on addressing internal challenges and navigating Myanmar's political dynamics with international support. The KSP's efforts toward a safe, just, and inclusive society in Karenni State are linked to Myanmar's democratic aspirations, providing lessons on integrating human rights and community-centric policing in newly autonomous regions.

SECURITY IN TRANSITION: THE CASE OF THE BANGSAMORO AUTONOMOUS REGION OF MUSLIM MINDANAO

CASE STUDY 2

KEY TAKEAWAYS

- The Bangsamoro region has a long history of conflict rooted in the struggle of the Moros for self-determination, uneven development, and historical grievances against the state. The Comprehensive Agreement on Bangsamoro (CAB) and the Bangsamoro Organic Law (BOL) marked significant milestones in granting the region autonomy, aiming to address these issues and promote peace and stability.

- The normalization process includes creating a Bangsamoro Regional Police and integrating former combatants into law enforcement. However, challenges persist, including delays in decommissioning, the proliferation of armed groups, and intercommunal tensions. Community policing initiatives are critical in bridging gaps between security forces and the community, fostering trust and cooperation.

- International organisations provide vital resources and expertise to strengthen law enforcement and promote stability. Local governance structures, including traditional and religious leaders, play crucial roles in conflict resolution and community policing, ensuring that law enforcement strategies are culturally sensitive and effective in maintaining peace and order.

SETTING THE CONTEXT

Mindanao, the second largest island in the Philippines, is home to a rich tapestry of cultures and a long history of complex political and social dynamics. This region has been the focus of an enduring horizontal (people-to-people) and vertical (people-to-government dimensions) conflict that can be traced back for decades. Over the past 44 years, the conflict in the Moro areas has evolved from an ethnic-nationalist struggle between the aggrieved minority and the central government to now a highly fragmented and complex conflict with multiple overlapping causes of violence. The historical roots of the Moro conflict run deep. The Spanish colonial rule divided the Christianised inhabitants between the capital of Manila and Moro Mindanao and started a conflict that has continued for over 300 years. Moreover, conflict-affected areas of Mindanao have

shown highly uneven development, the highest poverty levels, and the lowest levels of human development and growth in the Philippines.[22] Poverty, insufficient opportunities, dispossession of land, and marginalisation are some of the key drivers of historical grievances against the state by the Muslim minority population.[23]

Map of conflict-affected areas in Mindanao [24]
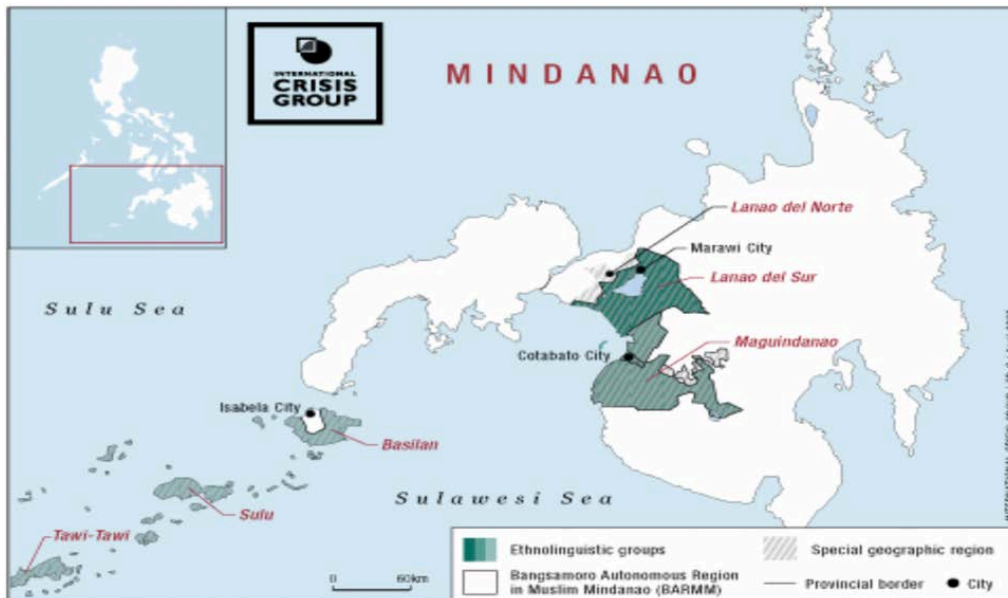
While state-minority dispute has been traditionally viewed as the central form of contestation in Moro areas, competition among elite is the major source of dispute and violence. Local-level conflict can escalate into state-minority conflict. For example, clan feuds (rido)[25] have instigated state-insurgent violence. Conflict dynamics differ in various communities, even under the same province, contingent on the configuration of the political networks of the local elites, and the presence of insurgent groups. The Moro's grievances and fight for self-determination began during the 1970s and took shape as an armed revolutionary movement with an Islamic ideology.

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[22] The Asia Foundation, The Contested Corners of Asia: Subnational Conflict and International Development Assistance (Report, 2013) <https://asiafoundation.org/publication/the-contested-corners-of-asia-subnational-conflict-and-international-development-assistance/>.

[23] Herbert Docena, Conflict Analysis of the Philippines (Report, DFID, 5 September 2019) <https://assets.publishing.service.gov.uk/media/5d654ce7ed915d53ac85a04c/648_Conflict_analysis_of_The_Philippines.pdf>.

[24] International Crisis Group, *The Philippines: Militancy and the New Bangsamoro* (Report No 301, 14 April 2020) <https://www.crisisgroup.org/asia/south-east-asia/philippines/301-philippines-militancy-and-new-bangsamoro>.

[25] *Rido* is defined as a persistent condition of conflict between families and kinship groups, marked by a sequence of retaliatory violent actions intended to seek retribution for a perceived offense or injustice.

THE EARLY STRUGGLE FOR SELF-DETERMINATION

From 1972 to 1996, the Moro National Liberation Front (MNLF), led by Chairman Nur Misuari, was the primary force in the Moro armed struggle in Muslim Mindanao, significantly raising the Moro cause on both national and international levels. The conflict escalated during the Marcos dictatorship, which saw the enforcement of martial law in 1972 and subsequent military attempts to disarm groups like the MNLF.[26] These efforts culminated in the Tripoli Agreement of 1976,[27] which, while intending to establish peace, led to a split within the MNLF due to frustrations over its implementation.

After martial law, peace talks resumed under President Corazon Aquino, but were hindered by constitutional provisions calling for autonomy within national sovereignty, which the MNLF rejected. It was not until President Fidel Ramos's administration that a Final Peace Agreement was signed in 1996, establishing the Southern Philippine Council for Peace and Development and appointing Misuari as governor of the Autonomous Region of Muslim Mindanao (ARMM). Under President Joseph Estrada, the MNLF's threat diminished as Misuari joined the government. However, a new challenge arose from the Moro Islamic Liberation Front (MILF), formed as a breakaway faction led by Vice Chairman Hashim Salamat in 1977, pushing for autonomy rather than independence. This splintering has continued to shape the conflict and peace process in Mindanao.[28]

The presidency of Benigno Aquino III in 2010 rekindled hopes for renewed peace negotiations, culminating in the 2012 signing of the Framework Agreement[29] on the Bangsamoro between the state and the MILF.[30] This pivotal agreement outlined the creation of a new basic law to replace the ARMM and addressed complex issues such as power and wealth sharing, transitional arrangements, and security, collectively termed as "normalisation." Progress continued with the signing of the Comprehensive Agreement on Bangsamoro (CAB) in 2014, marking the end of over four decades of conflict. This final peace agreement paved the way for the Bangsamoro Organic Law (BOL), or Republic Act No. 11054, which was passed by the Philippine Congress and

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[26] Asia Society, The Origins of the Muslim Separatist Movement in the Philippines (Online) <https://asiasociety.org/origins-muslim-separatist-movement-philippines>.

[27] The Tripoli Agreement is a peace agreement signed in 1976 between the Government of the Philippines and the Moro National Liberation Front aimed at granting autonomy to Muslim-majority areas in Mindanao.

[28] Office of the Presidential Adviser on Peace, Reconciliation, and Unity, 'Peace Process with the Moro National Liberation Front (MNLF)' (Online, 2024) <https://peace.gov.ph/timeline/peace-process-mnlf/>. *Rido* is defined as a persistent condition of conflict between families and kinship groups, marked by a sequence of retaliatory violent actions intended to seek retribution for a perceived offense or injustice.

[29] Framework Agreement on the Bangsamoro (signed 15 October 2012) (FAB) <https://peacemaker.un.org/sites/peacemaker.un.org/files/PH_121015_Framework%20Agreement%20on%20the%20Bangsamoro.pdf>.

[30] Benigno S. Aquino III, 15th President of the Philippines (Official Gazette of the Republic of the Philippines, 6 November 2012) <https://www.officialgazette.gov.ph/about/gov/aquino-administration/>.

signed into law by President Rodrigo Duterte in 2018, establishing a new self-governing entity led by the MILF.[31] The CAB reaffirmed commitments to previously agreed-upon annexes, supporting a just and lasting peace in Mindanao. The ratification of the BOL during a 2019 plebiscite effectively concluded the MILF's 40-year quest for autonomy, which had spanned negotiations over the terms of four presidential administrations.[32]

The enactment of the Bangsamoro Organic Law (BOL) was a significant milestone for establishing the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), presenting a crucial opportunity for the Bangsamoro people to actively pursue genuine autonomy and inclusive development. This legislation also aimed to foster a just and enduring peace in the region. The transition from the previous autonomous entity to BARMM led to the establishment of the Bangsamoro Transition Authority (BTA), which functions as the interim government during this period. As stipulated by the BOL, the BTA exercises both legislative and executive powers, with the Interim Chief Minister holding executive authority.[33]

Additionally, the BOL introduced a parliamentary system of governance within the BARMM, operating under the unitary government of the Philippines. This system is designed to offer more efficient governance by harmonising the legislative and executive branches, thus minimising the typical friction caused by checks and balances.[34] The BOL's fundamental aim is to recognise the rights of the Bangsamoro people and other indigenous communities within BARMM, providing them with a structure for meaningful self-governance under the Philippine Constitution and upholding national sovereignty and territorial integrity.

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[31] See generally, *Presidential Peace Adviser Hails Duterte Legacy in Mindanao, Cites Passage of Bangsamoro Organic Law* (Office of the Presidential Adviser on Peace, Reconciliation and Unity, 21 February 2022) <https://peace.gov.ph/2022/02/presidential-peace-adviser-hails-duterte-legacy-in-mindanao-cites-passage-of-bangsamoro-organic-law/>.

[32] *2019 Plebiscite Results for Bangsamoro Organic Law (BOL)* (Comelec) <https://comelec.gov.ph/?r=References/BangsamoroOrganicLaw/BOLPlebisciteResults>.

[33] Republic Act No 11054 (Philippines), Title XVI, Section 13, Bangsamoro Transition Authority <https://legacy.senate.gov.ph/republic_acts/ra%2011054.pdf>.

[34] Access Bangsamoro, *The New Rules of the Game: Electoral System in the Bangsamoro* (Online, 25 June 2023) <https://www.access-bangsamoro.ph/posts/think-pieces/the-new-rules-of-the-game-electoral-system-in-the-bangsamoro>.

POLICING AND NORMALISATION PROCESS

A key element in the 2014 peace deal is the component referred to as the normalisation process. In correspondence to the peace agreement, and for the purposes of this case study, "normalisation" is defined as "the process whereby communities can achieve their desired quality of life, which includes the pursuit of sustainable livelihood and political participation within a peaceful deliberative society".[35] Normalisation aims to, among other things, ensure human security and development in the Bangsamoro. It will help build a society that is committed to basic human rights, where individuals are free from fear of violence or crime and where long-held transitions and values continue to be honoured. The normalisation process includes the redeployment of the Armed Forces of the Philippines units and troops from or within the conflict-affected areas in the Bangsamoro, and the disbandment of private armed groups (PAGs).[36]

In terms of law enforcement, the Annex on Normalisation under the Framework Agreement on the Bangsamoro (FAB), provides that, "Law enforcement and maintenance of peace and order in the Bangsamoro shall be the primary function of the police force for the Bangsamoro" (Annex on Normalisation, 2014, p. 1). Moreover, the creation of a Bangsamoro Regional Police (BRP) cannot be without the participation of the Bangsamoro Government. The Annex on Normalisation specifically states that "[u]pon its establishment and pending the implementation of the agreed policing in the Bangsamoro, the BTA shall have substantial participation in choosing the head and in the employment and the deployment of the existing Philippine National Police (PNP) in the Bangsamoro." This is consistent with the principle of one police force administered and controlled by the National Police Commission (NAPOLCOM).[37] Ideally, by placing a Bangsamoro government representative in the NAPOLCOM this will assure that the interest of the autonomous region will be protected, and its concerns addressed particularly as regards the BRP. Sec. 11, Art. VI of the BOL likewise recognizes Bangsamoro participation in the National Government, as it provides that: *"As far as practicable, the Bangsamoro Government shall be represented in the departments, offices, commissions, agencies, and bureaus of the National Government that implement and enforce policies, programs, and projects of the National Government in the Bangsamoro Autonomous Region."*

VISION OF FUTURE POLICING IN THE BANGSAMORO

The establishment of the Independent Commission on Policing (ICP) under the Framework Agreement on the Bangsamoro (FAB)[38] was a strategic move by the

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[35] See generally, *Presidential Peace Adviser Hails Duterte Legacy in Mindanao, Cites Passage of Bangsamoro Organic Law* (Office of the Presidential Adviser on Peace, Reconciliation and Unity, 21 February 2022) <https://peace.gov.ph/2022/02/presidential-peace-adviser-hails-duterte-legacy-in-mindanao-cites-passage-of-bangsamoro-organic-law/>.

[36] Comprehensive Agreement on the Bangsamoro (signed 27 March 2014), Annex on Normalization, s B (1), (3).

[37] The National Police Commission is the agency mandated by the 1987 Constitution and the Major Police Reform Laws, Republic Act Nos. 6975 and 8551 to administer and control the Philippine National Police.

[38] The Annex on Normalization and Annex on Power Sharing are the critical foundations of the work of the ICP.

Government of the Philippines and the MILF. The commission was formed to address and tailor the unique needs of the Bangsamoro through well-conceived policing strategies suitable for the region's socio-political landscape. The ICP's mandate, as articulated in its Terms of Reference, was to formulate a blueprint for a policing model that would be inherently civilian, highly professional, and unequivocally neutral in political matters. This model was envisioned to enhance law enforcement effectiveness and efficiency while being fair and impartial. Moreover, the designed police force was expected to maintain a dual accountability system: it would be answerable to both the Central Government and the newly formed Bangsamoro Government, fostering a sense of shared responsibility and cooperation. Additionally, the structure was to be responsive to the needs of the communities it serves, ensuring that the local populace felt both protected and represented, thereby reinforcing trust and legitimacy within the new political framework.

Implementation Roadmap for Policing in the Bangsamoro[39]
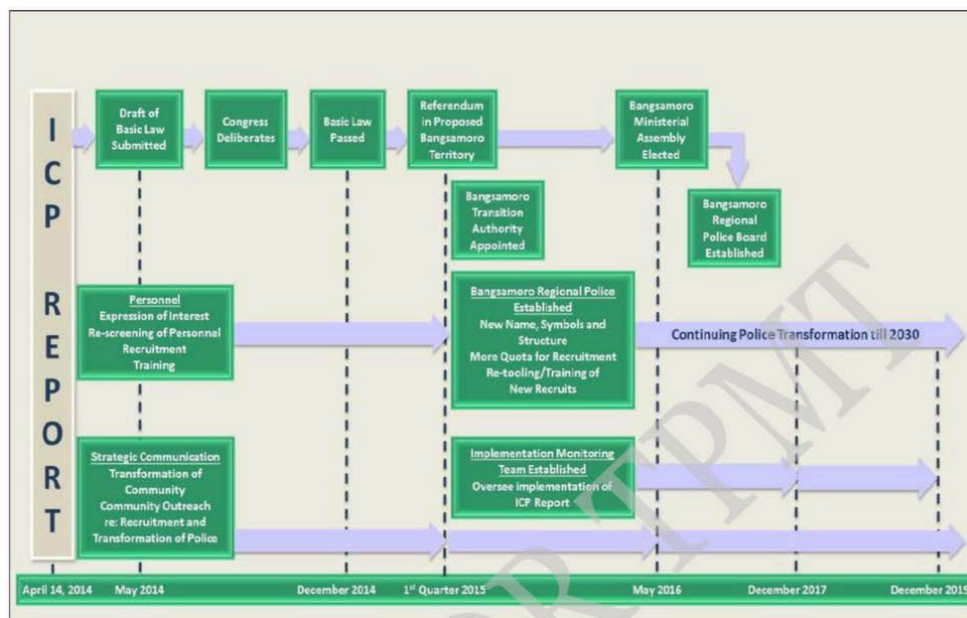
When the ICP released its findings in April 2014, it emphasised the crucial role of community policing as a cornerstone for not only maintaining law and order but also for facilitating the peace process in the Bangsamoro region. Community policing was highlighted as essential for bridging the gap between the security forces and the community, thus cultivating a mutual trust that is vital for the stability and success of the post-conflict normalisation process. The significance of this approach becomes even more pronounced when considering the concurrent security transitions, such as the phasing out of the Joint Peace and Security Teams (JPSTs) and the demobilisation of MILF combatants. These processes require a delicate balance between maintaining order and fostering reconciliation, roles well suited to a community-centric policing strategy. Such a strategy not only supports the decommissioning efforts by ensuring a smooth transition of former combatants into civilian life but also integrates them into a communal framework that promotes peace and cooperation rather than discord and

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[39] Independent Commission on Policing Report, 2014

division. The community policing model proposed by the ICP, therefore, serves as a fundamental element in the broader efforts to secure lasting peace and facilitate a successful transition to self-governance for the Bangsamoro.

Having transitioned from a prolonged conflict to a significant autonomy arrangement under the BOL, BARMM embodies the complex interplay of governance, law enforcement, and civil society efforts in fostering peace and stability. This transition provides a rich ground for examining the effects of autonomy on community policing, the integration of formal and informal security structures, and the overall impact on public safety. Additionally, the region's efforts to balance local cultural practices with national legal frameworks offer valuable insights into the challenges and successes of establishing security and justice in diverse and transitional political landscapes.

PEACE AND SECURITY CONDITIONS IN THE NEWLY AUTONOMOUS REGION OF THE BANGSAMORO

When the research participants were asked about their notion of community safety and policing in their respective localities, they emphasised the important role of community in terms of how it changes the way the national and regional government services are provided at the local level such as in responding to crimes and improving the quality of security welfare in the communities. Since the inception of the transition process in the Bangsamoro, there have been significant strides towards peace and security, albeit with ongoing challenges. The establishment of the BARMM marked a pivotal moment in the region's history, promising to address decades-long grievances and aspirations for self-determination among the Bangsamoro people ushering in a new era of governance, autonomy, and stability. Despite these positive developments, the region continues to

grapple with multifaceted security issues. The BTA, tasked with overseeing the transition process, faces challenges in institutionalising governance structures, establishing effective mechanisms for revenue generation, and addressing historical injustices which are part of the envisioned peace dividends. Additionally, sporadic outbreaks of violence, often stemming from entrenched conflict dynamics, pose a threat to peace and stability.

Efforts to disarm and reintegrate former combatants, as outlined in the normalisation process, have encountered obstacles, including delays in the decommissioning of MILF forces and the proliferation of armed groups in remote areas. Intercommunal tensions, exacerbated by competition over resources and land, further complicate the security landscape. Additionally, the BARMM faces a cyclical occurrence of armed conflicts due to the presence of terrorist groups, lawless elements, and the prevalence of *rido*. Moreover, transnational, serious, and organised crimes, such as human and drug trafficking, exacerbate peace and security threats in the region.[40] Given its strategic location in the East ASEAN growth area, coupled with porous border control measures, the region is vulnerable to infiltration by international crime syndicates, facilitating easy access to and from neighbouring countries like Malaysia and Indonesia.[41]

Moreover, issues of corruption in government, lack of capacities of Local Government Units (LGUs) to provide the basic services, poor infrastructure facilities, weak implementation of the rule of law, fragmented and uncoordinated approach in governance, poverty, deprivation of economic opportunities, resource-based conflict, proliferation of unregistered firearms, and historical injustices[42] have contributed to the multi-faceted concerns of peace and security in the region.[43]

Violence is expected to rise as the region heads towards the 2025 elections. Surge in group violence is anticipated as the Bangsamoro readies for its first parliamentary elections in 2025. The Bangsamoro Parliament has yet to ratify essential laws necessary for conducting the elections in the upcoming year. Legislative proceedings are foreseen to be contentious, with each decision under thorough scrutiny. Numerous forecasts

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[40] Security briefing delivered by the Police Regional Office of the Bangsamoro (PRO-BARMM) during the research team's visit to the PRO-BARMM headquarters in Parang Maguindanao, January 2024.

[41] UNODC Report on Exploring Security and Policing Reform Options in the Bangsamoro, 2019.

[42] Historical injustice is defined in the Transitional Justice Reconciliation Conciliation (TJRC) Report p. 24, as are "'wrongdoings' committed or sanctioned by governments (Spanish, American, and Japanese colonial governments, and the Philippine Government) that hurt or harmed people, affected relationships repeatedly over time and were not (properly) addressed."

[43] These issues were identified by those that were interviewed by the research team.
Patricia Lourdes Viray, 'Group: Brace for More Poll Violence in 2025' (online, 15 July 2024) *Inquirer.Net* <https://newsinfo.inquirer.net/1854727/group-brace-for-more-poll-violence-in-2025>.
Summary of analysis from the Critical Events and Monitoring Events System (report, January 2024), Council for Climate and Conflict Action Asia and the International Contact Group Report on Philippines: Bangsamoro's Village Elections Point to a Long Path to Peace (report, February 2024).
International Alert, Enduring Wars Hamper Bangsamoro's Conflict-to-Peace Transition (Online, 2021) <https://www.international-alert.org/stories/enduring-wars-hamper-bangsamoros-conflict-peace-transition/>.

warn of potential violence during the upcoming 2025 elections,[44] yet little attention is given to how legitimacy, certainty, and security might characterise this significant democratic event. If these predictions materialise, the cycle of violence could escalate, resulting in significant human suffering as former rebels, political warlords, and traditional elites compete for political dominance across national, regional, and local arenas.[45] Such a scenario unfolds against a backdrop of enduring violent extremism and lingering post-election tensions.[46]

LAW ENFORCEMENT IN THE BARMM

The provisions outlined in the CAB concerning the establishment of a dedicated Bangsamoro police force did not pass through Congress and were consequently omitted from the organic law. Instead, security within the region is currently maintained by the Police Regional Office Bangsamoro Autonomous Region (PRO-BAR) operating under the PNP. The absence of a Bangsamoro police force directly accountable to regional authorities is viewed as a setback by the MILF; however, their negotiators opted against jeopardising the passage of the organic law by pushing for this provision. Members of both the MNLF and MILF could join the Regional Police force. While it is anticipated that some demobilised MILF combatants will seek to join the regional police, there is no set quota for former fighters, unlike the arrangement for the MNLF under the 1996 peace agreement.

The MILF has opted to work with the Government of the Philippines towards pragmatic solutions in the context of facilitating the entry of its members into the PNP. A Technical Working Group (TWG) on policing was set up under the Inter-Governmental Relations Body that was tasked with finalising respective guidelines. The TWG has been working on recommendations to accommodate eligible graduates to allow them to join the PNP. As far as the location of the deployment of recruits is concerned, it is intended to give preference to the BARMM, while relevant national laws and regulations for the police force apply in principle.

NAPOLCOM conducted a Special Qualifying Eligibility (NSQE) Examination for MILF and MNLF members on 29 May 2022. 7,145 out of 11,075 applicants successfully passed the exam (4,962 MILF and 2,183 MNLF).[47] On 10 May 2023 NAPOLCOM issued Resolution No.

[44] Patricia Lourdes Viray, 'Group: Brace for More Poll Violence in 2025' (online, 15 July 2024) *Inquirer.Net* <https://newsinfo.inquirer.net/1854727/group-brace-for-more-poll-violence-in-2025>.

[45] Summary of analysis from the Critical Events and Monitoring Events System (report, January 2024), Council for Climate and Conflict Action Asia and the International Contact Group Report on Philippines: Bangsamoro's Village Elections Point to a Long Path to Peace (report, February 2024).

[46] International Alert, Enduring Wars Hamper Bangsamoro's Conflict-to-Peace Transition (Online, 2021) <https://www.international-alert.org/stories/enduring-wars-hamper-bangsamoros-conflict-peace-transition/>.

[47] Bangsamoro Information Office, '7,145 MILF, MNLF Members Pass NAPOLCOM Special Qualifying Eligibility Exam' (Online News Article, July 2022) <https://bangsamoro.gov.ph/news/latest-news/7145-milf-mnlf-members-pass-napolcom-special-qualifying-eligibility-exam/>.

2023- 0380 approving the recommendation to allocate 400 slots from the recruitment quota for 2023 for the rank of patrolman / patrolwoman to former MILF and MNLF members. On 10 August 2023, 102 recruits – 52 from MILF and 50 from MNLF – took their oath as new officers of the PRO BAR. Further 693 applicants had undergone physical agility tests or psychological and psychiatric exams with the intention to fill the 400 slots.[48]

The BOL under Article XI, Section 2 mandates a five-year waiver period of age, height, and education requirements to facilitate entry of MNLF and MILF members into the police force. The waiver formally expired in January 2024 five years after the ratification of the BOL. Extending the period on entry requirements might require an amendment to the BOL unless a flexible solution is found. As recruitment of MILF and MNLF into the police force started much later than originally anticipated, it would be logical for the waiver provision to be extended so that it would not be an obstacle to appropriate recruitment into the PNP.

There remains uncertainty in the BARMM on how many MILF and MNLF can ultimately be accommodated in the PNP. Recruitment quotas for the following years still need to be determined. The Bangsamoro Government would favour a special quota and a considerable increase in numbers; however, it is not evident whether this can be adjusted. Not significantly raising the quota will likely result in considerable frustration among those who have successfully passed the NSQE exam and may not be offered a position. There remain other open questions in relation to policing in the Bangsamoro. The recent report of the Third Party Monitoring Team claims that so far, not even the existing law is being followed, as the Chief Minister of the BARMM was not consulted during appointments of the Chief of the PNP PRO BAR in line with RA[49]No. 6975. Howevee, research participants from PRO-BAR and the Ministry of Interior and Local Government (MILG) have mentioned the involvement of the Chief Minister in the appointment of the current director of PRO-BAR.

The continued threat to peace and security and the recurrence of armed conflict in the Bangsamoro region have made policing to be highly securitised, and in many places, arguably militarised. In the island provinces of Basilan, Sulu and Tawi-Tawi in particular, the Armed Forces of the Philippines (AFP) is taking a lead role in joint operational activities with PRO-BAR that encompasses the elements of law enforcement.[50]

Meanwhile, the implementation of the normalization component of the CAB also included policing that support the police forces for the maintenance of peace and order in the Bangsamoro region. JPSTs, composed of members of the AFP, PNP, and the Bangsamoro Islamic Armed Forces (BIAF),[51] to work for public order and safety of areas

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48 Bangsamoro Information Office, '7,145 MILF, MNLF Members Pass NAPOLCOM Special Qualifying Eligibility Exam' (Online News Article, July 2022) <https://bangsamoro.gov.ph/news/latest-news/7145-milf-mnlf-members-pass-napolcom-special-qualifying-eligibility-exam/>.

50 Ibid 38.

51 The Bangsamoro Islamic Armed Force (BIAF) is the armed wing of the Moro Islamic Liberation Front.

that are mutually identified by the Government of the Philippines and the MILF for development, as well as ensure peace and order during the conduct of decommissioning process of former combatants in their transition to civilian life. There are demands to include more women in the JPST as well as increase women's participation in the PNP and the government's security sector. The MILG on the other hand has actively supported police operations in the BARMM, through construction of new police stations and the provision of patrol cars. The MILF looks at current arrangements as an intermediate solution and would like to bring its preferred concept of a Bangsamoro police back on the table, if necessary, by reopening the questions on constitutionality of policing.

COMMUNITY POLICING IN THE BANGSAMORO

Efforts have been made to materialise community safety and security in the Bangsamoro. Given the complexity of the overlapping security mechanisms that exist in the region, the MILG envisions the Bangsamoro Community Policing as a system that links and bonds the PNP, LGUs and the community that makes policing strategy more effective in managing and preventing crimes. Due to its consultative approach, it aims to enhance public trust and accountability, therefore, the police will be more effective in carrying out their responsibility in providing community safety and security. This is anchored on local and international legal bases.[52]

In the Bangsamoro, a unique hybrid security framework has been established, intertwining formal security forces with informal entities such as local groups or clan-based security structures. This approach is carefully tailored to reflect the cultural and societal norms prevalent in the region. For example, there is a strong presence of groups of Indigenous Peoples also residing in the Bangsamoro who have their own traditional or informal forms of conflict resolution mechanisms and local mediators that perform policing activities. Alternative Dispute Resolution mechanisms led by the Council of Elders and other religious leaders are also present and often sought by the community to settle conflicts before they escalate to violence.[53]

The resulting integration of these diverse elements forms a hybrid framework that not only supplements traditional law enforcement methods but also serves as a critical counterbalance, addressing specific local needs and contributing to a more comprehensive security system. The security protocols within BARMM are profoundly shaped by ongoing political settlements designed to tackle the root causes of local conflicts. These political agreements are instrumental in aligning the interests of diverse groups, fostering a cohesive system that aims to support local autonomy while ensuring alignment with national governance structures. This political and security integration is pivotal in maintaining a stable and peaceful environment within the region.

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[52] Republic Act 6975: Department of the Interior and Local Government Act of 1990; Section 2, Republic Act 8551: Philippine National Police Reform and Reorganization Act of 1998; The United Nations Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and A New International Economic Order 1985; and the United Nations Security Council Resolution on Security Sector Reform 2014.

[53] Interview with Abdulnasser Binasing, Chairperson, Tiyakap Kalilintad in Cotabato City, January 2024

BARMM faces a spectrum of unique security challenges that are deeply rooted in the region's history and geopolitical context, including local insurgencies, clan disputes, and cross-border issues. These complex threats demand adaptable and culturally attuned policing strategies that can effectively address and mitigate potential conflicts unique to the region.

The reliance on local governance structures is particularly pronounced due to a widespread lack of trust in institutional mechanisms. Communities frequently turn to local leaders, such as village heads and other influential figures, to mediate disputes and provide protection. This reliance underscores the critical role of community policing strategies that are deeply embedded within local governance and social frameworks, ensuring that law enforcement is responsive and aligned with community needs.

Local government officials, including Mayors and Barangay (village) Chairpersons, are integral to the conflict resolution process. These officials often act as primary mediators, leveraging their authority and the respect they command within the community to effectively manage and resolve disputes. Their roles are essential in preventing conflicts from escalating and in maintaining harmony within the community.

In BARMM, traditional and religious leaders also play a significant role in maintaining social order. These leaders use their moral authority, respected across the community, to mediate and resolve conflicts. Their involvement is crucial in ensuring that resolutions are culturally congruent and broadly accepted within the community.

The PNP has implemented a Community-Oriented Policing System to foster a cooperative relationship between the police force and community members. This initiative prioritises understanding the specific needs of communities and developing policing strategies that respect local customs while effectively maintaining public order. Additionally, the Joint Peace and Security Teams, which include both former combatants and government forces, play a vital role in the normalisation process. Their collaboration is essential for ensuring public order and safety and for facilitating the reintegration of former insurgents into societal roles that contribute positively to community security and development.

These insights reveal that community policing in BARMM transcends traditional law enforcement strategies by incorporating a comprehensive approach that integrates political, social, and cultural dimensions. This method is not only a component of governance but is also crucial in enhancing community resilience and ensuring sustained peace and security in the region.

KEY ISSUES AND CHALLENGES IN COMMUNITY SAFETY AND SECURITY IN THE BANGSAMORO

In addressing community safety and security in the Bangsamoro region, several key issues and challenges emerge, each requiring comprehensive attention and strategic intervention. Firstly, the region grapples with a patchwork of justice and security provisions that lack coherence, often relying heavily on informal or traditional systems. This fragmentation hampers the effective delivery of justice and security services. Secondly, there exists a pervasive lack of trust in the performance of the police force among community members. This skepticism undermines cooperation and collaboration between law enforcement agencies and the populace they serve. Historical injustices and deep-seated grievances have cultivated a climate of mistrust as well between communities and the security sector, exacerbating tensions and hindering efforts toward reconciliation and peacebuilding. Additionally, the limited participation of women in addressing community security further restricts the diversity of perspectives and solutions in policymaking and implementation processes. The role of women in community safety and security and policing in the Bangsamoro was rarely mentioned by research participants during the interview, which indicated strong cultural view that men are the main actors in the provision of security. Moreover, the absence of a holistic, community-centred, gender-responsive, and conflict-sensitive policing approach exacerbates existing vulnerabilities and perpetuates insecurity. Lastly, both local police and community members lack adequate awareness and knowledge of existing state laws and policies relevant to policing issues, including human rights standards and the security provisions outlined in the signed Bangsamoro peace agreement. Addressing these multifaceted challenges requires a coordinated and inclusive approach that prioritises capacity-building, community empowerment, gender mainstreaming, and the promotion of intercultural dialogue and understanding.

It is important to note as well that people in the Bangsamoro still rely on their local leaders for protection and justice implying their strong ties to local, informal families, or

clans. Security considerations are a major factor in everyday life, and most people depend on local elites for their safety and security. The management of security and the prevention of violence exert a strong influence on local political dynamics. The dynamics between community members and influential figures in regions affected by conflict prove to be more intricate than initially assumed. While local elites may offer essential protection, they can also be instigators of violence, as evidenced by instances such as rido.[54] Local government officials from the municipal down to the barangay level play an important role in resolving conflicts in the community. Traditional and religious leaders also perform crucial roles in alternative dispute resolution mechanisms and exercise conflict mediation and resolution.

THE ROLE OF THE INTERNATIONAL COMMUNITY

International support plays a pivotal role in enhancing community safety, security, and policing efforts in the Bangsamoro region. Due to the sensitivity of the policing issue in the Bangsamoro, the policing aspect of the peace agreement is lagging behind the other security components. However, the international community has made efforts to support community safety and security and the entry of former Bangsamoro Islamic Armed Forces combatants into the national security force.

Various international organisations provide critical resources, expertise, and technical assistance to strengthen law enforcement capabilities. These efforts encompass a range of activities, including capacity building for local law enforcement agencies, training programs on conflict resolution and community policing strategies, and the provision of equipment and infrastructure to bolster security measures.

For example, Australia advocated for lowering the qualifications required for former MILF members to enter the police force. Australia also supported strategic communications to encourage both male and female former combatants to take the test.[55] Conciliation Resources developed a 'Bangsamoro Community and Safety Toolkit' while the United Nations Office on Drugs and Crime, UN Women, and the Government of Japan jointly supported the Bangsamoro Community and Service-Oriented Policing Action Planning for the Joint Peace and Security Committee and Joint Peace and Security Team members.[56]

CRITICAL CONSIDERATIONS: VALUES, LEGITIMACY, POWER, TRADE-OFFS

PRACTICE-BASED CONSIDERATIONS IN COMMUNITY SAFETY AND SECURITY

Many actors and institutions shape the terrain of community safety and security enabling its conception and construction, as well as sustaining it. In the Bangsamoro, various security actors and institutions play crucial roles in maintaining peace and stability. The BIAF historically played a significant role in the region's security dynamics.

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[54] Fermin Adriano and Thomas Parks, The Contested Corners of Asia: Subnational Conflict and International Development Assistance (The Case of Mindanao, Philippines) (The Asia Foundation, 2013).

[55] From interview with the Australian Embassy in Manila, January 2024.

[56] From interview with the Bangsamoro Ministry for Interior and Local Government, January 2024

However, with the signing of the peace agreement and the subsequent establishment of the BARMM, efforts have been made to transform former combatants into partners for peace and development, an example of this is their integration in the PNP as well as the JPST. Alongside the BIAF, traditional community leaders and local governance structures, such as barangay officials and tribal councils, and informal security mechanisms such as early response networks, exert influence over security matters at the grassroots level. Furthermore, the PNP continues to maintain law and order, collaborating with the Bangsamoro Government in areas under the BARMM's jurisdiction. Additionally, international actors and organisations, including the United Nations and various donor countries, provide support for capacity-building, peacebuilding, and conflict resolution initiatives.

Multiple layers of formal mechanisms are present in the Bangsamoro. Security mechanisms such as the Committee on Cessation of Hostilities (CCCH) and Ad Hoc Joint Action Group (AHJAG)[57] still exist even if the Bangsamoro Autonomous Region has already been established. Moreover, new security bodies were formed post-BARMM establishment such as the JPST and the presence of the PRO-BAR and military infantry divisions across the Bangsamoro provides another complication in the layers of security currently existing in the autonomous region. Coordinating these diverse security actors and institutions is essential for effective governance, conflict mitigation, and provision of security.

The delivery of holistic or comprehensive community safety and security has become an important attribute of newly developed hybrid security mechanisms in Mindanao. The segmentation of different pillars of security, each working separately and with their own set of personnel, works to disadvantage state formal mechanisms of security which need to observe pre-agreed rules and separation of functions. It shows how the development of hybrid political order[58]— and that of hybrid security mechanisms— parallels the process of state-building in the newly autonomous region. This is characterised by a state highly dependent on local power structures and the dispersion of power among local power holders. The state—and corresponding legal hybridity—has ensured a fluid co-existence of traditional and state authorities. This means that the state has not disappeared but functions through clan-based authority. This is demonstrated in how security provision works through clans and the development of new hybrids that harness the resources and power of both state and traditional authorities.

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[57] While CCCH primarily deals with the cessation of hostilities and ceasefire monitoring, AHJAG is more oriented towards addressing security threats and conducting joint security operations in the Bangsamoro.

[58] "Hybridity" as discussed by Boege, Brown, et al (2008), refers to a concept where traditional, modern, and international norms, values, and institutions intermingle and influence one another. This hybridity is particularly relevant in the context of fragile states, which often exhibit a sovereignty gap that leaves significant portions of the population insecure, ungoverned, and potentially ungovernable. In their works, these authors explore how hybrid political orders, as opposed to fragile state frameworks, can offer a more nuanced understanding of governance in such contexts, proposing that these mixed systems can provide pathways to stability and security by incorporating diverse governance mechanisms.

TRADE-OFFS

In the Bangsamoro, achieving community safety and security often involves navigating complex trade-offs that stem from historical, social, and political dynamics. One significant trade-off lies between ensuring security through traditional law enforcement measures and addressing underlying grievances that fuel conflict. While robust policing and military operations may temporarily suppress violence, they may also exacerbate tensions and alienate communities, potentially perpetuating cycles of violence. Conversely, prioritising reconciliation, dialogue, and addressing socio-economic disparities can contribute to long-term stability but may require diverting resources away from immediate security needs. Another trade-off involves balancing state-centric approaches to security with local governance and community-led initiatives. While centralising security efforts may enhance coordination and effectiveness, it risks marginalising local voices and overlooking community-specific needs and solutions. Conversely, empowering local communities to participate in decision-making and peacebuilding processes can foster trust and ownership but may encounter resistance from entrenched power structures. Striking a balance between these trade-offs requires a comprehensive approach that integrates top-down security measures with bottom-up community engagement, recognising the complex interplay of factors shaping safety and security in the Bangsamoro.

The state has the capacity to support the disarmament process; however, the sustainable framework to drive development after that is a challenge due to the lack of financial resources caused by the COVID-19 pandemic.[59] Several of the interview participants agreed that maintaining peace and order remains a challenge not only for both the national and regional governments. If the regional state is weak and cannot improve the peace and order situation in Bangsamoro, it will be difficult to disarm the MILF completely with the presence of other armed groups competing for power.

Providing community safety and security in the Bangsamoro entails navigating a complex web of trade-offs and challenges. On the one hand, there is a need for robust law enforcement measures to address persistent security threats, including armed conflict, criminal activities, and extremist violence. However, the heavy-handed approach often risks alienating communities and perpetuating cycles of mistrust and resentment. Balancing the imperative for security with respect for human rights and civil liberties presents a delicate trade-off, requiring law enforcement agencies to adopt community-oriented policing strategies that prioritize dialogue, engagement, and respect for

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[59]   Jules Jenkins, 'Philippines Bangsamoro Peace Process: Normalization Track Hits Some Bumps' (Web Page, United States Institute of Peace, 12 September 2022) <https://www.usip.org/publications/2022/09/philippines-bangsamoro-peace-process-normalization-track-hits-some-bumps>.

cultural sensitivities. Additionally, efforts to disarm and demobilise former combatants must contend with the risk of rearmament and the challenge of ensuring sustainable livelihood opportunities for reintegrated individuals. Moreover, the allocation of resources towards security measures may compete with investments in socio-economic development initiatives, posing trade-offs between short-term security imperatives and long-term peacebuilding objectives. Ultimately, achieving lasting community safety and security in the Bangsamoro necessitates navigating these trade-offs judiciously, with a comprehensive approach that addresses the root causes of conflict, fosters social cohesion, and promotes inclusive governance.

POWER AND LEGITIMACY

Power and legitimacy play crucial roles in shaping community safety and security dynamics in the Bangsamoro. Historically, various actors, including traditional leaders, armed groups, and state institutions, have wielded influence over security governance, often resulting in complex power dynamics and contested legitimacy. The transition to the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) seeks to reconfigure these dynamics by granting greater autonomy to the Bangsamoro people and institutions. However, the process of consolidating power and establishing legitimacy remains a delicate endeavour, characterised by tensions between formal and informal governance structures, as well as between competing visions of authority and representation.

In the context of community safety and security in the Bangsamoro, the notions of power and legitimacy play fundamental roles in shaping governance structures, law enforcement mechanisms, and community engagement strategies. Power in this context often stems from historical dynamics, socio-political relationships, and institutional authority. The transition to the BARMM represents a reconfiguration of power dynamics, with the BTA assuming governance responsibilities. However, the distribution of power remains a contentious issue, with various stakeholders vying for influence and control.

Legitimacy, on the other hand, is intricately linked to perceptions of authority and adherence to norms, laws, and cultural practices. In the Bangsamoro, legitimacy is often derived from traditional governance structures, religious authorities, and the consent of the governed. The legitimacy of the BTA and its security apparatus is contingent upon its ability to effectively address the security needs of the community, uphold human rights standards, and operate within the framework of the Bangsamoro Organic Law.

RECOMMENDATIONS

The recommendations in this case study are guided by the current realities on the ground. Within the context of the CAB and BOL, there is a significant and unique

opportunity towards pushing forward community safety and security initiatives in the Bangsamoro with the absence of its own Bangsamoro police force.

At a minimum, efforts should be made to work towards a version of community-based policing in the Bangsamoro based on ICP recommendations and what is feasible under the current framework. The ICP expects that it will take several years for the proposed Bangsamoro Regional Police to be fully functional and operational once it is established. In fact, police reform should never stop so that the police can remain effective in meeting the changing demands of the community.

International cross-learning on community safety and security, including policing, is crucial as it allows for the exchange of best practices, experiences, and innovative strategies across different contexts and regions. By engaging in cross-learning globally, law enforcement agencies, policymakers, and communities can gain valuable insights into effective approaches to crime prevention, conflict resolution, and community engagement.

CONCLUSION

The interlocking nature of conflicts in the Bangsamoro lends itself to multiple and complex processes of providing community safety and security. The existence of a multi-layered security mechanism operating within and outside the state system reflects the complexity of conflict and power dynamics in Muslim Mindanao.

The concept of hybridity should not only be acknowledged but actively endorsed to strengthen public security. This approach requires a reimagination and support of the relationships among informal leaders, state authorities, and local communities. It is imperative that future recommendations focus on redefining and bolstering these relationships to create a more integrated and effective framework for maintaining public order and safety. Such initiatives would involve enhancing collaboration and mutual understanding between various governance actors, thereby fostering a more cohesive and resilient security infrastructure.

Further support in funding and implementing a range of activities, including capacity building for local law enforcement agencies, training programs on conflict resolution and community policing strategies, and the provision of equipment and infrastructure to bolster security measures is needed. Cross-learning on community safety and security, including policing, is crucial as it allows for the exchange of best practices, experiences, and innovative strategies across different contexts and regions. By engaging in cross-learning, law enforcement agencies, policymakers, and communities can gain valuable insights into effective approaches to crime prevention, conflict resolution, and community engagement. This sharing of knowledge helps identify common challenges and opportunities, fosters collaboration and solidarity, and ultimately leads to the development of more robust and responsive safety and security frameworks.

Additionally, international cross-learning promotes cultural understanding and appreciation, enhancing cooperation and trust between diverse stakeholders involved in ensuring public safety.

COMMUNITY SAFETY, SECURITY, AND POLICING: THE CASE OF LUMBINI PROVINCE, NEPAL

CASE STUDY 3

KEY TAKEAWAYS

- Lumbini's open border with India and the linked issues of unemployment, over-reliance on employment in the informal sector, poverty, and migration, especially among youth, are fundamental binding constraints for community safety and security in the province.

- Despite the imperative for organisational transformation, Nepal Police is struggling to adapt not only to the structures but, more importantly, to the new values of Nepal's post-conflict federal context. Nepal Police has not taken advantage of the opportunity to transform itself from an institution guided by practices of top-down, command and control into an organisation that places local empowerment, service-orientation, and responsiveness to a diverse array of community needs at the heart of its mission.

- The transition from a centralised to a federal system has been marked by challenges, including reluctance from successive federal governments and police headquarters to implement necessary reforms. There is a growing misalignment between the architecture policing, on the one hand, and the constitutional values of the new federal setup and the needs and expectations of communities, on the other, hindering effective security provision.

SETTING THE CONTEXT

In September 2015, Nepal began a new chapter in its governance history by ratifying a new Constitution, transforming the previously unitary and highly centralised state into a federation with seven provinces, including Lumbini Province. Located in Nepal's southwest, Lumbini expands across an area of 22,288 square kilometres and is home to a population of 5.12 million (see Figure 5). The province's geographical diversity includes high mountains, hills, and large tracts of plains (Tarai), which stretch along a 413.14 km porous border with the Indian states of Bihar and Uttar Pradesh.

Nepal's 2015 Constitution emerged from the post-conflict peace process, which concluded the decade-long Maoist 'People's War' (1996–2006). The Maoist insurgency was fuelled by a long history of social, political, cultural, and economic exclusion—structured along ethnic, caste, linguistic, and gender lines, with corresponding regional dimension—which is recognised as a root cause of conflict.[60]

Map of Lumbini Province in Nepal

The insurgency was initially localised in the remote districts of Rolpa and Rukum, both now part of Lumbini Province, where the Maoists recruited heavily, especially among ethnic minorities, which form significant communities within the province's diverse ethnic, linguistical, and religious mosaic.[61] These districts served as the principal base area for the Maoists, making the province one of the most affected regions by the conflict. In 2001, for example, as the intensity of the conflict grew, the Royal Nepali Army battalion in Lumbini's Dang district was the first to be attacked by the Maoists.

The insurgency saw significant violence from both the Maoists and government forces. The UN documented over 17,000 deaths, 100,000 to 150,000 internally displaced people, and 1,300 disappearances.[62] Properties were destroyed, and targeted gender and sexual violence was common. Nepal Police reports that during the conflict, the organisation lost 1,485 officers, with many more injured, and over 768 police stations damaged or destroyed.

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[60] Thus, for example, human development outcomes have historically been far better for upper-caste Hindus, compared to indigenous, Madhesis, and Dalit groups. See Pitamber Sharma, Basudeb Guha-Khasnobis and Dilli Raj Khanal, Nepal Human Development Report 2014: Beyond Geography, Unlocking Human Potential (Government of Nepal, National Planning Commission and United Nations Development Programme, 2014).

[61] Demographically, Lumbini is home to numerous ethnic communities, none of which are larger than 15 per cent of the province's total population. The linguistic and religious diversity of the province is notable, with significant Muslim populations, especially in the border districts of Kapilvastu and Banke.

[62] United Nations Office of the High Commissioner for Human Rights, *Nepal Conflict Report* (UNOHCHR, 2012) <https://www.ohchr.org/en/documents/country-reports/nepal-conflict-report>.

In November 2006, the Comprehensive Peace Accord (CPA) was signed, bringing an end to the conflict. In the post-insurgency period, significant focus was placed on constitution-making, culminating in the enactment of the 2015 Constitution, and on state-building, particularly through the establishment of new forms of sub-national government. As one of seven new provinces, the new Constitution created Lumbini as a distinct entity within a new federal framework, establishing in it a provincial government with an 87-member elected provincial assembly. Notably, the Constitution mandates a transformation in law enforcement practices, designating police administration as a provincial responsibility.

Even after the conclusion of the Maoist insurgency, Nepal has continued to experience intermittent violence, particularly in the southern Tarai region, including in Lumbini. The Madhesh Movements of 2007 and 2015,[63] along with other localized conflicts, underscore the ongoing challenges to achieving safety and security.

Discussions with key stakeholders in Lumbini highlight the complex array of issues that shape community safety and security. In particular, two structural factors were recurrently identified as binding constraints. For one, *the open border that Nepal shares with India* not only conditions many aspects of governance and social life but, therefore, is also fundamental for community safety and security. Communities on each side of the porous border move between the two countries without little concern for the international boundary. From cross-border smuggling, trafficking, and crime, to migration, Hindu-Muslim conflict, and geopolitical considerations, the border is a decisive factor, and in the view of the head of the provincial police, constitutes 'the most significant challenge' to the province's security (see Box 1).

The linked issues of *unemployment, over-reliance on employment in the informal sector, poverty, and migration, especially among youth*, are a second fundamental factor shaping community safety and security. At 24.35 per cent, the poverty incidence rate in Lumbini is higher than the national average of 20.27 per cent.[64] Internal migration, especially of youth, to urban centres, places a significant strain on infrastructure and poses new challenges to public safety, and unplanned and unregulated urbanisation in the post-insurgency period is beginning to show indications of urban decay. Fifty-five per cent of Lumbini's population now resides in urban municipalities,[65] and in the 2024 budget the Lumbini government announced that it would pursue policies aimed at discouraging migration from hill areas to the Tarai.[66] More broadly, continued out-migration from

[63] See International Crisis Group, Nepal's Troubled Tarai Region (Asia Report No 136, 9 July 2007); Human Rights Watch, 'Like We Are Not Nepali': Protest and Police Crackdown in the Terai Region of Nepal (2015).

[64] National Statistics Office, *Nepal Living Standards Survey IV, 2022-23: Summary Report* (Office of the Prime Minister and Council of Ministers, February 2024).

[65] National Statistics Office, National Population and Housing Census 2021 - Provincial Report: Lumbini Province (2023) 1 <https://censusnepal.cbs.gov.np/results/files/result-folder/province/Lumbini_Province_census_report.pdf>.

[66] 'Lumbini Govt's Policy and Programs Aim to Discourage Migration from Hills to Terai, Child Marriage', Republica (online, 4 June 2024) <https://myrepublica.nagariknetwork.com/news/lumbini-govt-s-policies-and-programs-aim-to-discourage-migration-from-hills-to-terai-child-marriage/>.

Nepal is of the largest scale. In 2023-2024, the Department of Foreign Employment granted more than half a million outbound labour approvals to Nepali workers,[67] a significant increase from the 350,000 permits issued in 2022-23, mostly for workers heading to countries in the Arabian Gulf. In 2021-2022, 58,000 labour permits were issued from Lumbini, of which only 3,000 (5%) were to women.[68] Around 80 per cent of migrant workers are below the age of 34.[69] On top of these figures, approximately 30 per cent of the estimated one million Nepalis working in India come from Lumbini.[70] Beyond the stark impact on local demography—a local media reporter estimates that more than 60 per cent of families in Lumbini's Gulmi district, for example, have at least one family member outside Nepal, mostly young men—the resulting impacts on social cohesion and mental health, among other things, are significant.

Drug use, addiction, and smuggling are historic issues. Marijuana cultivation has long been prevalent in the Maoist heartland districts of Rolpa, Rukum, and Arghakhanchi, serving as a source of funds for the insurgents. Today, new challenges are emerging, with the availability of synthetic drugs in border areas becoming a growing concern for law enforcement. These newer drugs are not only prevalent in larger urban areas near the border—where drug use is most common—but are increasingly found in hill and mountain communities, 'anywhere that there is a road', according to provincial police reports. Data from Nepal's Ministry of Home Affairs indicates a threefold increase in drug use from 2008 to 2020.[71] From 2017 to 2021, heroin seizures tripled.[72] A 2019 survey by the Ministry of Home Affairs revealed that over three-quarters of drug users in Nepal are under the age of 30,[73] with children as young as 14 frequently involved in cross-border smuggling.[74] Communities are increasingly concerned about the trend of young people travelling across the Indian border specifically to buy and use drugs.

Related is *illegal cross-border trade.* This occurs at the individual level whereby Nepalis cross into India to buy their daily essentials as they can be found in Indian markets at much lower prices. The cost of 10kg sugar, for instance, is much more than the legally

[67] '550,000 People Acquire Work Permits till April of Current Fiscal Year', *Republica* (online, 20 April 2024) <https://myrepublica.nagariknetwork.com/news/550-000-people-acquire-work-permit-till-april-of-current-fiscal-year/>.

[68] Ministry of Labour, Employment and Social Security, *Nepal Labour Migration Report 2022* (2022) 65–66.

[69] Ibid 57.

[70] Ibid 134.

[71] Anup Ojha, 'Alarming Rise in Substance Abuse among Youths Calls for Policy-Level Intervention', *The Kathmandu Post* (online, 18 June 2023) <https://kathmandupost.com/national/2023/06/18/alarming-rise-in-substance-abuse-among-youths-calls-for-policy-level-intervention>.

[72] Dilli Raj Joshi, 'Pilot Study on Measuring Illicit Financial Flows (IFFs): Drugs and Persons in Trafficking in Nepal' (December 2022) <https://www.unescap.org/sites/default/d8files/event-documents/S3_Nepal_IFF_7-8Dec2022.pdf>.

[73] UNAIDS, 'Demanding More Options for Young People Who Use Drugs in Nepal' (26 June 2023) <https://www.unaids.org/en/resources/presscentre/featurestories/2023/june/20230626_young-people-who-use-drugs-nepal>.

[74] For example, see 'Rupandehi Border Becoming Hub for Drug Smugglers', Republica (online, 26 August 2024) <https://myrepublica.nagariknetwork.com/news/rupandehi-border-becoming-hub-for-drug-smugglers/>.

prescribed import limit of 1,000 Nepali Rupees (approx. US$7.50). However, illegal cross-border trade also occurs at a wholesale scale. Sixty per cent of Nepal's imported rice, for example, is brought in informally across the border.[75]

Trafficking in persons is another significant concern. According to a 2022 National Human Rights Commission (NHRC) Report, around 40,000 Nepalis, mostly women and girls, were trafficked over the preceding two years, while around 1.9 million people are at risk for trafficking.[76] Another report by the NHRC in 2022 concluded that 12,000 – 15,000 girls between the ages of 6 and 16 are trafficked each year from Nepal to India.[77] According to the provincial police, while it used to be that uneducated women from rural areas were predominantly those at risk for trafficking, due to a shift by traffickers to social media, increasingly educated women in urban areas are also at risk.[78] Moreover, young men are engaging in human trafficking networks in an attempt to enter the United States, not always understanding that the path they are on is illegal. Lumbini's districts of Rukum and Dang are the two primary source locations for these migrants.[79] In addition, a substantial number of Nepalis—as many as 15,000—have joined the Russian military to fight in Ukraine, lured by a $2,000 monthly salary and a fast-tracked process to obtain a Russian passport.[80]

Sexual and family violence are other growing issues. According to the Nepal Demographic and Health Survey 2022, 23 per cent of women in Nepal aged 15–49 have experienced physical violence since age 15. Twenty-seven per cent of women have experienced physical, sexual, or emotional violence from their current or most recent husband/intimate partner in their lifetime. Lumbini is above the national average at 29 per cent. These trends are increasing.[81] According to local civil society activists, the

[75] Krishana Prasain, 'Informal Cross-Border Trade Balloons: Report', The Kathmandu Post (online, 17 May 2024) <https://kathmandupost.com/money/2024/05/17/informal-cross-border-trade-balloons-report>.

[76] 'Harsh Laws, Stiff Penalties', *The Kathmandu Post* (online, 3 January 2023) <https://kathmandupost.com/editorial/2023/01/03/harsh-laws-stiff-penalties>.

[77] Akanshya Shah, *Human Trafficking: An Unplucked Thorn in Indo-Nepal Ties* (Nepal Institute for International Cooperation and Engagement, 13 December 2023) <https://niice.org.np/archives/8857#>.

[78] 'Harsh Laws, Stiff Penalties' (n 50).

[79] See, for example Janak Raj Sapkota, 'Nepalis Take Backdoor to the American Dream', *Nepali Times* (online, 5 November 2023) <https://nepalitimes.com/here-now/nepalis-take-backdoor-to-the-american-dream>; Janakraj Sapkota, 'A Nepali Man's Odyssey from Dang to San Diego', *The Kathmandu Post* (online, 29 June 2019) <https://kathmandupost.com/national/2019/06/29/a-nepali-mans-odyssey-from-dang-to-san-diego>. Rishi Gupta, 'Nepalis Stuck in the Russian Army: A Familiar Tale for Nepal', The Diplomat (online, 16 March 2024) <https://thediplomat.com/2024/03/nepalis-stuck-in-the-russian-army-a-familiar-tale-for-nepal/>.

[80] Ministry of Health and Population and New ERA, *Demographic and Health Survey 2022* (2022) 447, 455. Cf in 2018, the World Health Organisation estimated that globally, 26–28% of ever-partnered women aged 15 years and older had experienced physical and/or sexual intimate partner violence in their lifetime. See, World Health Organization, *Violence Against Women Prevalence Estimates, 2018: Global, Regional and National Prevalence Estimates for Intimate Partner Violence Against Women and Global and Regional Prevalence Estimates for Non-Partner Sexual Violence against Women* (2021) xii.

[81] Ministry of Health and Population and New ERA, Demographic and Health Survey 2022 (2022) 447, 455. Cf in 2018, the World Health Organisation estimated that globally, 26–28% of ever-partnered women aged 15 years and older had experienced physical and/or sexual intimate partner violence in their lifetime. See, World Health Organization, Violence Against Women Prevalence Estimates, 2018: Global, Regional and National Prevalence Estimates for Intimate Partner Violence Against Women and Global and Regional Prevalence Estimates for Non-Partner Sexual Violence against Women (2021) xii.

prevalence of intimate partner violence is particularly pronounced among Lumbini's Muslim and Madheshi communities. The LGBTQI+ community faces particularly acute violence. Four in five members of LGBTQI+ communities have experienced at least one form of violence in their lifetime, including half reporting experience of physical violence and half reporting sexual violence.[82] This survey data is substantiated anecdotally by civil society representatives in Lumbini, who have long lists of cases that increasingly dominate local media and social media.

While police claim that a majority of rape cases are reported to the police, women's groups challenge this and highlight the obstacles to justice through state mechanisms. Within communities, they report, survivors are often silenced or paid off. Moreover, survivors must spend time and money to travel to report a case, and even when a case is registered with the police, it is widely understood that civil society advocacy on behalf of the survivor is essential for action to be taken. Further, a lack of women police officers, currently only 11 per cent of the force, a lack of awareness and sensitivity to gender and human rights policies, and an orientation that has set the police up as disconnected from communities mean that women prefer to report sexual violence to specialist NGOs rather than police. Overall, limited support systems — both within the police's remit and beyond — discourage victims from pursuing the path of criminal prosecution.

Communities also raise the spectre of increasing suicide. Indeed, suicide is now the single leading cause of death among women of reproductive age in Nepal, with significant contributing factors including abuse, interpersonal conflicts, marital disputes, relationship problems, adjustment problems, unpaid loans, and financial losses as well as mental health conditions such as mood disorder, adjustment disorder, and substance abuse disorder.[83] Lumbini has one of the highest suicide rates in the country.[84]

[82] UN Women, Addressing Violence Against LGBTIQ+ People in Nepal (2023).

[83] Sarina Pradhan Kasaju, Anja Krumeich and Marc Van Der Putten, 'Suicide and Deliberate Self-Harm among Women in Nepal: A Scoping Review' (2021) 21(1) BMC Women's Health 407.

[84] Binod Acharya et al, 'Association between COVID-19 Pandemic and the Suicide Rates in Nepal', ed Christine Leong (2022) 17(1) PLOS ONE 1.

Box 1: The challenges of an open border

The open border with India, stretching 413.14 km along Lumbini's border with Bihar and Uttar Pradesh—two of India's states with significant crime rates—exemplifies the complex interplay between community safety, economic necessity, and governance challenges. The provincial police view it as 'the most significant challenge' to the province's security. This porous border has very few restrictions; communities straddling it share close bonds through marriage and familial ties and move freely between the countries. However, this ease of movement also makes the border a conduit for various security threats that local governments struggle to manage.

Inter-religious violence between Hindus and Muslims has increased, exacerbated by events like the inauguration of the Ram Mandir in Ayodhya, Uttar Pradesh in January 2024. During this time, large motorbike rallies throughout Lumbini's Indian border regions, with young men waving Hindu flags and brandishing swords, reflect escalating inter-communal tensions and the influence of militant Hindu nationalism from India on Nepal.

Drug use, addiction, and smuggling have become pressing concerns. Young people frequently cross into India, where it is easier to procure drugs. One civil society leader notes, 'They consume the drugs in India and return. We can see they have had drugs by the speed that they ride their motorbikes on their way home.'

Illegal cross-border trade is driven by the economic disparities between Nepal and India. Nepalis routinely cross into India to purchase daily essentials at lower prices. This individual-level cross-border activity is compounded by larger-scale illegal trade, with about 60 per cent of Nepal's imported rice entering informally across the border. This trade is a lifeline for many, making government crackdowns politically sensitive. 'Whenever government tightens the border, people protest,' says Lumbini's Secretary of Home Affairs. 'It's people's livelihood.'

Capitalising on restrictive alcohol and gambling laws in Uttar Pradesh, several new casinos have opened in Lumbini in recent years. As one government official quips, 'Our borders are open like Las Vegas.' The flow into Lumbini of patrons for these establishments brings new challenges, including connections to regional networks of money laundering and organised crime.

Criminal activities, including armed robberies by cross-border gangs, terrify local communities. The head of police in Lumbini recounts incidents where armed gangs cross into Nepali villages to commit crimes before retreating to India. As one deputy mayor from a border town lamented, 'It is easy for people to come to Nepal, commit a crime, and return back to India.'

The growth of madrasas along the border and the exploitation of the border by violent extremist groups present additional security concerns. Human trafficking is another ongoing reality, with traffickers being difficult to detect due to the free flow and unchecked movement of people across the border.

Local government representatives, burdened by these security challenges, are disempowered by centralised governance, which places border management decisions in the hands of distant officials, leaving local authorities to grapple with daily issues without adequate support or resources.

Inter-religious tensions are growing and sporadically flair into communal violence in the Hindu-Muslim communities along the border, reflecting a trend towards religious-based violence across Nepal. Saffron flags, put up by Hindu nationalists, and green flags, representing Muslim communities, are increasingly visible throughout Lumbini's border communities. Tensions generally increase during Hindu and Muslim holy days. The stakes are increasingly raised by provocateurs on both sides. A civil society leader from a Muslim community explains, 'During cricket matches between India and Pakistan, if India loses, the Hindu community vandalises public property, and if Pakistan loses, the same happens from the Muslim side'. In October 2023, the Sub-Metropolitan city of Nepalgunj (population 166,000) was put under a week-long curfew as a preventative measure to avert communal clashes after an inflammatory post on social media sparked competing Muslim and Hindu rallies.[85] Amid a backdrop of historical grievances, the rise of militant groups inspired by the Rashtriya Swayamsevak Sangh (RSS) model of Hindu nationalism, and the divisive role of social media, security agencies are under immense pressure to maintain peace and order. In this context, 'the disruption of social harmony' was among the principal justifications provided by the federal government for its ban of TikTok in November 2023.

The People's War continues to impact communities, especially through the ongoing and intergenerational trauma associated with it. Indeed, as one deputy mayor stated, 'The first issue concerning security in our community is that of bringing together those affected by conflict and working through the effects it has led to in their thought process. It is important for us to heal those people who still carry the trauma of the conflict.' The conflict reinforced the notion that state security personnel are 'enemies' of the community in the former Maoist heartland areas, she notes, and distrust is an ongoing legacy of the conflict. Thus, when criminal issues arise, people often prefer to seek resolution within the community rather than going to the police. Communities highlight shortcomings in the rehabilitation process, which has only engaged with the actual individuals and affected communities in limited ways and has led to dissatisfaction and dejection among the ex-Maoist combatants. While the likelihood of their remobilisation is perceived as low, communities report that it is many of the former combatants who are involved in criminality. Moreover, communities see the intergenerational legacy of the conflict in the violence that they see 'engrained in the minds of children', pointing to a recent 10-year-old juvenile homicide as an example.

Finally, changing climate patterns and environmental disasters pose increasing threats that exacerbate existing vulnerabilities and create new security challenges for communities in Lumbini. Increasingly erratic weather patterns, including more frequent and severe floods, landslides, and droughts, disrupt agriculture and livelihoods, pushing more people into poverty and forcing many to migrate.[86] The Tarai region, where much of

85 Rupa Gahatraj, 'Nepalgunj Curfew Extended for 2nd Day' (online, 4 October 2023) <https://kathmandupost.com/province-no-5/2023/10/04/banke-district-administration-extends-curfew-in-nepalgunj>.

86 Tanka Dhakal, 'Nepal's Migrant Workers Eye Overseas Jobs as Climate Threats Loom', Dialogue Earth (27 February 2024) <https://dialogue.earth/en/climate/nepals-migrant-workers-eye-overseas-jobs-as-climate-threats-loom/>.

Lumbini is situated, is particularly prone to flooding, which not only destroys homes and crops but also contaminates water sources, leading to health crises. Rising temperatures and shifting monsoon patterns further strain water resources, complicating efforts to maintain food security and public health. Population growth places further pressure on irrigation infrastructure, land access, and forest management, and the expansion of human habitats into the wildlife areas exacerbates human-wildlife conflict. As traditional coping mechanisms become less effective, the region's socio-economic fabric is further strained, heightening tensions and exacerbating issues like migration, unemployment, and social unrest.

PROVISIONING SAFETY AND SECURITY IN LUMBINI

NEPAL POLICE

Nepal Police is the principal law enforcement agency in the country, and the primary organisation of the state tasked with ensuring community safety and security. There are currently 10,000 officers of Nepal Police stationed in Lumbini Province, and with around 2,600 units across Nepal and active requests for 400 more units to be established, Nepal Police maintains one of, if not the most, widespread presence of any single governmental agency throughout the country.[87] Not only is Nepal Police at the forefront of maintaining law and order, but it also finds itself at the coalface of state-citizen relations where the state is made visible to communities, and is relied upon by communities as a first responder during all manner of crises.

Prior to the mid-twentieth century, in many areas of Nepal policing and judicial functions were in the hands of local governors, who acted virtually as autonomous rulers with delegated authority from the central government in Kathmandu. These local rulers, in turn, were dependent on village heads and village councils to maintain order in their respective communities. The scope and intensity of police and judicial activities varied largely according to local leaders and customs.

Through the early twentieth century some modernisation of police administration was undertaken in in Kathmandu and other large towns; however, it was not until the collapse of the Rana regime in 1951 that the police system began to be transformed into the organisation that it is today. With assistance from India, policing was reorganised, and, modelled on the Indian police administration, the Nepal Police Act 1955 was enacted. Under the Act, the Nepal Police Force was established as a nationwide organisation, and subsequently administratively divided into 14 zones and 75 districts. The responsibility for the maintenance of law and order was bestowed on the chief district officer (CDO), the senior bureaucrat in the district, who supervised police and who was accountable to the Ministry of Home Affairs in Kathmandu.

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[87] Compare to, for example, 753 local government units throughout the country.

In subsequent years, several new units were established, including the Central Investigation Bureau, the Drug Control Bureau, the Anti-Human Trafficking Bureau, and the Cyber Bureau, and initiatives were developed, such as the establishment of community police service centres and specialised Women and Children Service Centres and the inclusion of 'inclusive recruitment' policies.[88] However, the overarching organisational structure of the Nepal Police has remained unchanged. Indeed, the original 1955 Act remains in place without significant amendment, and policing in Nepal continues to deploy a model, inherited from India, the structures and mindset of which retain an imported 'colonial' mindset of command and control,[89] and reinforced by a longstanding state political culture of ruler-subject dynamics.

In fact, very little has changed. As the institutional architecture currently stands (awaiting the federalisation of Nepal Police), 'the way in which policing occurs is not much different from before, except that sometimes we need to coordinate with the local and provincial governments', the Head of Province Police in Lumbini notes. While a Provincial Security Committee has been established to support intra-province coordination, structures have yet to be adjusted to align with the new federal setup, and policing remains organised around the obsolete district structures. Indeed, there is a growing misalignment between organisational structures and population centres, which continue to change as a result of migration as well as due to the elevation in the importance of certain towns/villages under the new federal setup. This misalignment is a significant issue that is promised to be addressed through the process of federal adjustment.

FEDERALISATION OF NEPAL POLICE

The introduction of federalism through the 2015 Constitution compels wholesale institutional reform to police administration in Nepal. In particular, by designating police administration as an exclusive power of the provinces,[90] the Constitution elevates the role of the seven provinces to primary in the provision of policing and thus safety and security for communities. This requires the establishment of seven new provincial police organisations in addition to Nepal Police, which will continue at the federal level.

To begin facilitating this transformation, in 2020 two Acts were enacted by the federal parliament. The Nepal Police and Province Police (Operation, Coordination, and Supervision) Act 2020 (the 'NPPP Act') demarks the responsibilities of the new federal and provincial organisations. According to the Act, offences against the state, offences related to citizenship and passports, organised crime, terrorist activities, human

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[88] For example, Nepal Police has a recruitment quota of 9 per cent for women officers. The current female recruitment is 11 per cent of the force.

[89] See, for example KS Subramanian, 'The Sordid Story of Colonial Policing in Independent India', The Wire (online, 20 November 2017) <https://thewire.in/government/sordid-story-colonial-policing-independent-india>; Nahal Sheikh, 'Colonial and Casteist Ideas Still Shape Criminalisation and Policing in India', Himal Southasian (online, 24 January 2024) <https://www.himalmag.com/politics/colonial-brahminical-order-caste-carcerality-criminalisation-police-abolition-india>.

[90] Constitution of Nepal 2015, art 268(2), sch 6(1).

trafficking, cybercrimes, and cross-border crimes continue to be under the jurisdiction of Nepal Police. Provincial police organisations have jurisdiction over crimes other than those under the scope of Nepal Police and the offences investigated by other agencies or officers in accordance with the prevailing law.

The Act also establishes functional linkages among police organisations, creating a Police Coordination Committee, which is chaired by the Minister of Home Affairs, and which includes the representation of each of the provincial Ministers for Internal Affairs, as well as a similar coordination committee in each province. It establishes criminal investigative jurisdictions at both the federal and provincial levels, with provisions to enable the support and coordination of crime investigation, including international and regional crime investigation, information collection, and law and order situation analysis. It establishes the federal police force as responsible for establishing standards for training and capacity building and the management of weapons, ammunition, and communication equipment. It also establishes monitoring and supervision of provincial police by the federal police force.

Box 2: Institutional challenges to the federalisation of Nepal Police

The obstacle to the devolution of Nepal Police to the seven provinces, as widely commented on in the media, is due to 'the reluctance of the federal government and the police headquarters. [91]

For the senior command of Nepal Police, several issues are at the core of contention. For one, they argue that the salary incentive to be adjusted to the provinces is perceived to be too low by police officers, especially in light of the already low pay and poor working conditions in which police officers serve — a point that community stakeholders agree on. Further, current police officials, especially in senior leadership, see their adjustment into the provincial police organisations as a hindrance to their career development. The new laws give provinces authority to manage only officers up to the senior superintendent level, while the Ministry of Home Affairs commands senior officers. Moreover, it is argued that the establishment of provincial police forces risks increased political interference, including geopolitical interference, and not only increases coordination costs but also potentially invites disagreement among police forces.

Serving Inspector General of Police Basant Kunwar has publicly stated that adjustments should be made in such a way that does not pose challenges to national security. Many senior Nepal Police officers have served in UN missions in conflict zones and, as one officer says, 'We see what happens when the security situation fragments. For Nepal Police leadership, it is thus imperative that the 'chain of command' issue— namely, how and who oversees making decisions at the subnational level, especially in times of crisis—is resolved before adjustment proceeds. Nepal Police leadership's formal position is that provincial police chiefs should be answerable to the Inspector General of Nepal Police at the federal level, not the province's chief minister. 'If the federal government declares that intervention within a province is necessary, it should be able to do so' without needing the consent of the province government, senior officers argue.

Further, the police point to the fact that the attorney's offices and the courts all remain unitary. In the justice sector, only Nepal Police is commanded to be federalised, which they see as an indignity and a potential catalyst for the fragmentation of the delivery of justice.[92]

Finally, a lack of police personnel and resourcing is also an issue. Requests for greater police presence through the establishment of more police offices in more locations is a common request by local governments.

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[91] Tapendra Karki, 'Central Govt Reluctant to Entrust Police Command Control to Provincial Govts', Republica (online, 29 November 2023) <https://myrepublica.nagariknetwork.com/news/central-govt-reluctant-to-entrust-police-command-control-to-provincial-govts/>.

[92] This issue is similarly raised by subnational politicians but used to argue for greater devolution of state prosecution and judicial institutions.

The Police Personnel Adjustment Act 2020 (the 'PPA Act') was enacted to enable the organisational restructuring of Nepal Police, authorising the federal government to assign a deputy inspector general of Nepal Police to serve as provincial police chief and enabling the transfer of officers to provinces in consultation with the provincial governments concerned. According to the organisational management survey, endorsed by the federal cabinet in 2020, the total force requirement in Nepal remains at 80,000 police personnel, 30 per cent of which will remain under Nepal Police with the remaining 70 per cent adjusted to the seven provinces. The Act envisages a capital region police agency, administering policing in the three districts of the Kathmandu Valley, as part of the federal/central police organisation.

In addition, a Federal Police Act is under development, which will replace the existing Nepal Police Act 1955. It has been under drafting for a long time, but contestation and delay—not helped by the frequent churn of governments (since the 2017 elections, Nepal has had 8 Home Ministers)—have prevented it from being tabled in parliament.

Despite the establishment of a new legal framework on paper, four years after the enactment of the NPPP Act and the PPA Act, these crucial legislative reforms have yet to be implemented, flying in the face of the PPA Act's own requirement that details of the adjustment process be decided within one month of its promulgation. The Federal Police Act has yet to emerge.

The implementation of these reforms has come against significant resistance from Nepal Police (see Box 2), and provincial representatives have increasingly voiced frustration with the federation's inaction, leading to increased public criticism and demands for action. In late 2023, for example, an all-party ultimatum was issued by Madhesh Province, and the Internal Affairs Ministers from all seven provinces jointly lobbied the Prime Minister and Minister for Home Affairs.

CRITICAL CONSIDERATIONS: VALUES, LEGITIMACY, POWER, TRADE-OFFS

As communities in Lumbini grapple with the complexities of a dynamic socio-political landscape—marked by inter-religious tensions, drug smuggling, illegal cross-border trade, a changing climate, and deep economic vulnerabilities—the need for substantial reform in policing practices is increasingly evident. The discussion above sheds light on the underlying values and structures of policing, the issues of legitimacy and power dynamics, and the trade-offs that influence the development of effective community safety strategies.

VALUES

The political transformation initiated by the 2015 Constitution, including the

establishment of a democratic, republican regime and the federal restructuring of the country was driven by the need for a new set of values to reshape the Nepali state. This transformation presented a crucial opportunity to redefine the principles guiding policing practice and architecture, enabling Nepal Police to restructure itself after the Maoist insurgency to develop a genuine sense of belonging within the communities its officers serve and redefine itself as a service-oriented and responsive police organisation. This realignment of values will require Nepal Police to shift from traditional top-down command-and-control methods to a more inclusive model that places the community at the centre of policing. It will also require accountability to be reimagined as a collaborative process, fostered through civic engagement, culture, and agency, where citizens and police work together to advance community safety, rather than maintaining a one-sided demand-supply relationship.[93]

The new values ushered in by the 2015 Constitution also necessitate policing practices to become more agile and responsive to effectively address the diverse needs of Nepal's heterogeneous and geographically dispersed population. As the case of Lumbini shows, different communities face unique challenges: While inter-communal religious tension is an issue of principal concern in the Tarai region along the Indian border, the intergenerational impacts of conflict-era trauma are of more significant concern for Lumbini's hill communities. Federalism introduces a framework through which community values can be balanced against the interests of central state institutions and central decision-makers. However, as the Lumbini case study illustrates, a one-size-fits-all approach to safety and security is insufficient even within Nepal's devolution model of seven provinces. To truly bring government closer to the people, a commitment to embedding values that reflect local safety and security concerns—considering varied socio-economic and cultural contexts—is essential. However, as the case study highlights, despite the constitutional mandate for organizational transformation, the Nepal Police is struggling to adapt to the new values required by Nepal's post-conflict federal context.

STRUCTURES

Transitioning to the new structures of the federal system presents significant challenges. Aligning policing practices with the Constitution's promise to bring government closer to citizens is an inherently complex undertaking. As the Lumbini case study starkly reveals, simply changing top-line constitutional structures is insufficient; comprehensive reform across the entire state is necessary. Long delays in passing key legislation and in implementing critical laws have severely impeded the implementation of federalism and the establishment of provinces and local units in Nepal. The case of Lumbini underscores this issue, revealing a stark gap between the constitutional vision for governance and the realities of administrative practice. This

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[93] See George Varughese, 'From Subjects to Citizens: Reconnecting Nepalis with a Democratic Political Process' (10 May 2017) <https://asiafoundation.org/2017/05/10/subjects-citizens-reconnecting-nepalis-democratic-political-process/> ('InAsia').

misalignment between the architecture of policing and the values of the new federal system hinders effective governance and security provision.

LEGITIMACY

The misalignment between the architecture of policing and the values of the new federal system also undermines the legitimacy of the police force. Effective and legitimate policing cannot be achieved in isolation from the broader governance context, and the current status quo—characterised by delays in constitutional implementation and incomplete devolution—diminishes the potential for responsive policing in Lumbini. The legitimacy of law enforcement relies on establishing a provincial governance framework that reflects the values of the new federal system, ensuring that law enforcement is both effective and representative of local needs. Without significant progress in provincial governance, efforts to create a responsive and accountable police force will remain superficial, failing to bridge the gap between the constitutional vision of federalism and the practical realities of community safety and security.

The Lumbini case study also illustrates how varying perceptions of legitimacy and security shape both the formal and informal mechanisms of community safety. Indeed, formal state approaches to peace and security often contrast with informal, community-driven solutions. Communities frequently prefer non-state solutions for safety, relying on community-based organizations for services and mediation, while state-authorized police must navigate this environment. Elected officials gain legitimacy not only through their state roles but also through their traditional, recognized positions within the community. Their priorities are often guided by local concerns rather than constitutional divisions of power, making local mayors, deputy mayors, and ward chairpersons' key decision-makers on issues beyond formal jurisdiction. This divergence in legitimizing logic leads to differing views on security challenges. For instance, while provincial police see the open border with India as a major security threat, local communities view the border as crucial to their livelihoods, focusing on issues like unemployment, migration, and social impacts.

POWER

An attentiveness to power dynamics reveals how structures and networks outside formal state regulation contribute to the reluctance of elected leaders to pursue meaningful reform. Since the 2015 Constitution, Nepal has faced persistent political instability, with eight changes in government and frequent prime ministerial turnover, averaging just over a year per leader. Constrained by central factional manoeuvring, provincial governments have mimicked Kathmandu's unsteady coalition politics. High-

level abuses of authority and the entanglement of kleptocracy within the state apparatus further complicate governance, eroding public trust and undermining formal institutions. Growing dissatisfaction with constitutional reforms, including federalism and secularism, has intensified critiques of the post-insurgency political order, especially among youth who have no direct memory of the civil conflict. This dissatisfaction shapes perceptions of lawlessness and public disorder, reflecting broader failures of the new political system to deliver on its promises of representative and accountable governance.

The relationship between those responsible for day-to-day policing and decision-makers, both elected and appointed, reveals significant challenges in Nepal's federal transition. Bureaucratic inertia and resistance to change have hindered the progress of federalism, particularly the enactment of key legislation. Federal interests in maintaining uniformity and centralised control obstruct efforts to decentralise police functions and empower provincial forces. Consequently, the shift from a centralised to a federal system has been fraught with difficulties, as federal authorities and police headquarters resist necessary reforms, impeding the effective implementation of the new federal framework.

TRADE-OFFS

The Lumbini case study highlights how community safety is often weighed against national security as a trade-off. While senior police leaders may pay lip service to the benefits of devolution, they perceive federalism as a significant threat to their hierarchical command and organisational coordination. They also view the devolution of decision-making authority and increased local autonomy as potential drivers of conflict. In contrast, local leaders, who bear heavy burdens for community safety, find centralised decision-making practices disempowering and inadequate for addressing their challenges.

Resistance within the Nepal Police to federal restructuring illustrates the tension or trade-off between institutional interests and community needs. Senior officers' apprehension about the impact of constitutional reforms on Nepal Police reflects a deeper concern for institutional self-preservation. As one senior police leader explained, 'In Nepal, every 10-20 years we have a new Constitution. There is a lot of instability. If we do this [federalise Nepal Police into eight distinct entities] now, what will come next?' This fear is fuelled by the recognition that Nepal has been in a state of perpetual transition for over fifty years. In this context, it is understandable why police might believe that waiting out this moment for the next transition could leave them in a more advantageous position.

RECOMMENDATIONS

Ensuring that those tasked with law enforcement are both representative of the community they serve and effective in their duties requires moving beyond typical metrics of diversity in recruitment. While a reservation system has been successfully implemented to address the issue of underrepresentation within Nepal Police, simply filling quotas is insufficient for the organisation to embed itself within communities of Lumbini and achieve genuine belonging.

By focusing beyond representation, organisational structures need to be developed that enable law enforcement to not simply be reflective of Nepali society at the national level but also equipped to be responsive to and in service of the needs that are present across Lumbini's diverse communities. For example, there needs to be a shift from the current policing model, which is rooted in a colonial perception that necessitates placing outsiders in positions of the local police command, towards restructuring law and order administration to enable local personnel to serve in their communities, fostering a heightened sense of local ownership and accountability.

Reimagine national security, nesting community safety and security at its core. Traditional perspectives often pit community safety against national security, particularly in the context of devolving police power in conflict-affected contexts. However, the Lumbini case study highlights that a secure community is the bedrock of national security. Moreover, it raises the question of whether the post-conflict measures in Nepal have effectively addressed the underlying structural issues that contributed to the rise of Maoist insurgency. Rather than viewing devolution as a threat, Nepal should embrace it as an opportunity to empower local communities and address their specific security and safety needs. This will ultimately strengthen national security in the face of evolving threats.

Focus on the enabling environment for community safety and security, including the broader governance architecture. In Lumbini, the credibility of policing is intertwined with the broader success of Nepal's federal transition. To foster community safety, it is imperative to establish legitimate and effective subnational governance structures. This means recognising that improving policing in Lumbini requires a simultaneous focus on building a robust and responsive provincial government. It also requires the linking of provincial policing architecture with local governments and their respective 'city police' forces, which are authorised by the 2015 Constitution, but which are not currently focused on law enforcement. Optimising public safety and security requires collaboration across the levels of the federation, leveraging the unique strengths and resources of each level to support more effective and responsive policing in communities.

Prioritise internal accountability for police misconduct. Public trust in the Nepal Police has been deeply eroded by police misconduct, especially past abuses committed during the Maoist insurgency and Madhesh Andolans, corruption, and widespread perceptions of discrimination and unequal treatment of marginalised communities. Addressing this history through internal and external accountability mechanisms is crucial. Investigating and rectifying these past wrongs will not only help heal past wounds but also lay the groundwork for a future police force that is truly accountable and upholds integrity. This, in turn, will be pivotal in rebuilding public trust and confidence in the institution, thereby enhancing the legitimacy of police service.

CONCLUSION

Establishing a secure and safe environment for communities in Lumbini requires a multifaceted approach that addresses the diverse and complex challenges faced by these communities. This requires not only structural reform to policing architecture but, more importantly, embracing a new set of essential values for policing, nested in ways that are culturally and constitutionally legitimate. While the 2015 Constitution's federal restructuring presents a critical opportunity for change, Nepal Police has yet to take advantage of this opportunity to transform itself from an institution shaped by practices of top-down, command and control into a service-oriented, community-focused organisation that is representative, responsive, and accountable to a diverse array of community needs. In this new era, timely and comprehensive legislative and administrative reforms are crucial for realising the goals of federalism and meeting the diverse needs of Nepal's population to ensure human and national security.

GUARDIANS OF SAFETY: INTEGRATING KASTOM AND STATE POLICING IN VANUATU

CASE STUDY 4

KEY TAKEAWAYS

- Vanuatu's community policing framework is unique in its integration of traditional *kastom* (customary practices) with formal state policing. This partnership leverages the deep understanding and authority of Chiefs within local communities, which is essential for maintaining social order and resolving conflicts, especially in rural areas where state presence is limited.

- Harmonising customary practices with formal legal frameworks presents significant challenges, particularly concerning human rights and gender-based violence. While *kastom* emphasises reconciliation and social harmony, it can sometimes conflict with the need for legal accountability.

SETTING THE CONTEXT

Vanuatu is an archipelago of over 80 islands situated in the southwest Pacific, west of Fiji and north of New Caledonia. Formerly known as the New Hebrides, it was jointly administered by France and Britain from 1906 until it gained independence in 1980. As part of the Melanesian cultural bloc, Vanuatu boasts significant socio-linguistic diversity, similar to its neighbours, the Solomon Islands and Papua New Guinea, with over 100 local languages in addition to the official languages: Bislama, English, and French. The nation has an estimated population of 323,000 people dispersed across 65 inhabited islands, with 77.6% living in rural areas, primarily in villages or hamlets, and just over 22% residing in the two main urban centres, Port Vila and Luganville. The population is notably young, with around 56.5% under the age of 25.[94]

Vanuatu's economy relies on agriculture, fishing, tourism, and offshore financial services. The nation is susceptible to global commodity price fluctuations, with

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[94] Data gathered from the United Nations, Retrieved from https://www.un.int/vanuatu/vanuatu/country-facts on 21 June 2024.

agriculture comprising the bulk of its exports. Remittances from overseas labour have increased as more Ni-Vanuatu workers participate in temporary labour schemes such as seasonal work in New Zealand and Australia. Tourism, a crucial part of the economy, has suffered due to the COVID-19 pandemic. Additionally, Vanuatu is highly vulnerable to natural disasters like cyclones and the impacts of climate change. Due to structural and economic challenges, the country is heavily reliant on international aid, with Australia being its largest bilateral donor.

Vanuatu is divided into six provinces named after their constituent islands: Shefa (Shepherd Islands and Efate), Sanma (Santo and Malo), Malampa (Malekula, Ambrym, and Paama), Penama (Pentecost, Ambae, and Maewo), Tafea (Tanna, Aneityum, Futuna, Erromango, and Aniwa), and Torba (Torres and Banks). Port Vila, the national capital, is on Efate in Shefa Province, which is the most populous province, accounting for around one-third of the national population. The other main town, Luganville, is located on Espiritu Santo in Sanma Province and has a population of approximately 18,062.

Vanuatu's geographical dispersion and limited infrastructure pose significant challenges to service delivery. Most government services, including policing and justice, are headquartered in Port Vila, with limited reach in rural areas. The Northern Police Headquarters are in Luganville. Rapid urban growth, particularly around the national capital, has been driven by limited rural employment opportunities, leading to rural-urban migration. However, high urban unemployment and living costs often force migrants into overcrowded informal settlements lacking basic amenities.

Map of Vanuatu Provinces[95]

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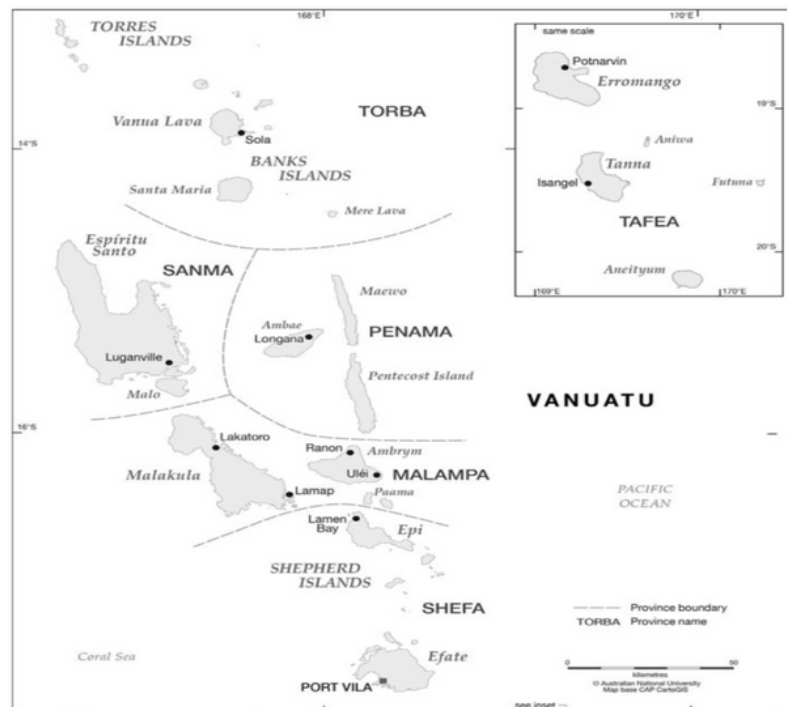
95   The Vanuatu-Australia Policing and Justice Services Study, 2023

SECURITY AND SAFETY ISSUES IN VANUATU

Community safety and security in Vanuatu face multifaceted challenges. Internationally, Vanuatu's large maritime exclusion zone and its location on trans-Pacific shipping routes make it vulnerable to transnational crime. When asked about security and safety issues, all interview respondents[96] focused on identifying problems within Vanuatu. Domestically, the country remains stable and peaceful, avoiding the high levels of crime and civil unrest seen in some neighbouring countries. Nonetheless, concerns about certain crimes, including gender-based violence, persist.[97] The National Security Strategy[98] highlights increasing crime levels, with common offences including gender-based violence, theft, robbery, assault, land disputes, and alcohol and drug-fuelled violence.[99]

Domestic violence remains a pervasive issue, with high rates of physical and sexual abuse against women and girls, often exacerbated by social norms and limited law enforcement. Women and girls in Vanuatu experience high levels of physical and sexual violence. Studies indicate that 60% of Ni-Vanuatu women have faced intimate partner violence, and one in three girls under 15 have experienced sexual abuse, often perpetrated by intimate partners or family members.[100][101] Interview respondents shared that seasonal work increasingly contributes to causes of cases of domestic violence. The Family Protection Act of 2008 criminalises domestic violence and provides for civil protection orders. However, challenges in implementation, such as low recognition of domestic violence as a serious issue and non-service of protection orders, remain.

Substance abuse is another pressing issue, particularly concerning kava and marijuana. Kava, a traditional drink with sedative properties, is widely consumed in Vanuatu. While its cultural significance is profound, excessive consumption has been linked to social and health problems, including domestic violence and reduced productivity. Marijuana use is also prevalent, contributing to health issues and social instability. Respondents from Wan Smolbag, a local non-government organisation based in Port Vila, shared that the lack of effective regulation and control exacerbates these problems, posing challenges for law enforcement agencies already stretched thin.

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[96] The list of the interview respondents is annexed on this case study.

[97] UN Women, *Pacific Partnership to End Violence Against Women and Girls (Pacific Partnership), Vanuatu Country Summary* (2022).

[98] Vanuatu National Security Strategy, *Vanuatu Government* (online. 23 May 2024) <https://www.gov.vu/images/publications/Vanuatu_National_Security_Strategy.pdf>

[99] The Strategy sets out 10 Pillars, covering security challenges and capabilities, which capture what Vanuatu's initiatives to meet the national security objectives, and what further action needs to be undertaken to ensure security and safety of its citizens.

[100] 2020 report from World Vision on violence against women and girls in Vanuatu (on 18 June 2024) <https://www.stanapstrong.com/wp-content/uploads/2023/10/WV-Engaging-Men-and-Boys.pdf> and UN Women, *Pacific Partnership to End Violence Against Women and Girls (Pacific Partnership)* (n3).

[101] The prevalence of intimate partner violence and sexual violence in Vanuatu is notably higher than in Australia. According to the Australian Bureau of Statistics (2023), approximately 23 per cent of women have experienced physical or sexual violence by an intimate partner and 22 per cent experienced sexual violence since the age of 15.

Interview with the Vanuatu Police Force identified cybercrime, such as the abuse of social media with sexual content, as an emerging threat in Vanuatu, as the country becomes increasingly connected to the global digital network. With limited cyber security infrastructure and awareness, individuals and businesses are vulnerable to various online threats, including fraud, identity theft, and cyber-attacks. The government's capacity to address cybercrime is still developing, requiring significant investment in technology, training, and public education to enhance resilience against these digital threats.

Land disputes are common in Vanuatu, often stemming from the complexities of customary land ownership and the lack of clear legal frameworks. From the Malvatumauri's perspective, all land in Vanuatu cannot be owned by non-Aboriginal islanders. It does not matter how many ownership transactions are made since the land eventually has to be returned to the traditional owners. These disputes can lead to prolonged conflicts, sometimes escalating into violence, disrupting peace and development in the community. The resolution of land disputes is further complicated by the overlapping jurisdictions of customary law and state law, necessitating a more integrated and coherent approach to land governance.

Unemployment, particularly among the youth, is a critical issue affecting community safety and security. Limited job opportunities in rural areas drive rural-urban migration, leading to overcrowded informal settlements in urban centres like Port Vila and Luganville. High unemployment rates in these areas contribute to increased crime rates, including theft and other petty crimes, as well as social unrest.

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Climate change and natural disasters pose significant threats to Vanuatu's safety and security. The country is highly susceptible to cyclones, earthquakes, and volcanic eruptions, which can cause widespread devastation and displacement. Climate change exacerbates these risks by increasing the frequency and intensity of natural disasters. The vulnerability of infrastructure, particularly in rural areas, hampers effective disaster response and recovery efforts, leaving communities exposed to prolonged periods of insecurity and hardship.

THE VANUATU POLICE FORCE

Shortly after gaining independence and as enshrined in the 1980 Constitution of the Republic of Vanuatu, the Vanuatu Police Force (VPF) was established. The Police Act Cap 105 (1980) provides for the establishment of a professional police force that will deliver effective policing services in partnership with the communities for the safety and security of Vanuatu. The VPF is responsible for maintaining law and order, investigating crimes, and ensuring public safety across the archipelago. The VPF's core functions are written as follows:

- the preservation of the Peace and the maintenance of order
- the protection of life and property
- the enforcement of Laws
- the prevention and detection of offences; and
- the production of offenders before the courts such other duties as may be described by law.

The VPF is composed of three force elements, namely, the Vanuatu Police Force. The Vanuatu Mobile Force and the Police Maritime Wing. Although all force elements possess police powers, each has a distinct function, summarised as follows:

- Police: Tasked with the everyday maintenance of domestic safety and security, including a small unit for intelligence and transnational crime investigations.
- Mobile Force: In the absence of external threats, this unit supports the police in maintaining domestic safety and security. It also provides a basic frontline defence capability against external aggression.
- Maritime Wing: Responsible for the surveillance of Vanuatu's Exclusive Economic Zone (EEZ) and addressing breaches of maritime laws and crimes at sea.

The VPF is heavily reliant on funding by different donors such as Australia, New Zealand, the United States of America and China for their operations, trainings, policing programs and infrastructure development to name a few.

The VPF operates alongside a range of other agencies to exercise its functions. These functions include not only working with state agencies but also with the *kastom* Chiefs located in the village, area, and islands in the provision of safety and security across Vanuatu. However, Vanuatu's geographic layout and limited government funding support make extending services beyond major urban centres within Shefa and Sanma a challenge. A significant number of VPF workforce is based in the capital, Port Vila, with a notable presence also in Luganville, Santo, and a reasonable number of officers stationed in Malekula and Tanna. Therefore, decentralisation, through the establishment of numerous police posts, remains a major priority and challenge for the VPF.

Interview respondents generally expressed satisfaction with police services, considering them fair to some extent. However, significant concerns persist, including limited resources, allegations of misconduct, and the need for better clarification on the division of responsibilities between police and community justice systems. Domestic violence and sexual assault are primary concerns for women seeking police assistance, although many such cases are handled within the community.

TRADITIONAL AUTHORITY AND KASTOM

The discussion on community and safety in Vanuatu gains an extra layer of complexity because *kastom*[102] (traditional customs) and community-level justice are deeply intertwined with historical significance and continuity. The concepts of making peace and fostering harmony are often regarded as integral to Vanuatu's traditions. Customary practices govern social order and security. These practices are highly localised, varying between different islands and communities. They include traditional laws, values, and social norms that guide daily life and conflict resolution. These indigenous systems of security are not static but are continuously evolving as they encounter and integrate external influences.[103]

Rooted in centuries-old traditions, *kastom* encompasses the customary laws, practices, and social norms that govern daily life, particularly in rural areas. Due to migration, traditional institutions travel to the urban areas and new institutions emerge: 'island chief' and 'town chief'. In Port Vila, these chiefs work together in the Malvatumauri (Island Community Council of Chiefs) and the 'Port Vila Town Council of Chiefs', comprising a chairperson of the Island Community Councils. According to the CEO of the Malvatumauri, *Kastom* Chiefs in Vanuatu are typically appointed through a combination of hereditary succession and community consensus. The process often varies between different islands and communities, but generally, a chief's position is passed down within a particular family lineage, reflecting the deep-rooted customs and traditions of the community. When a vacancy arises, elders and respected community members convene to confirm the successor, ensuring the candidate possesses the necessary qualities of leadership, wisdom, and adherence to *kastom*. In some cases, the community may also play a role in endorsing the new chief, reinforcing the importance of collective approval and support.[104] This blend of hereditary principles and communal validation ensures that the appointed chief embodies both traditional authority and contemporary legitimacy within the community.

In this context, the chiefs bear the primary responsibility for the governance and the wellbeing of their communities. Chiefs, who are the custodians of kastom, wield significant authority in resolving disputes, maintaining social order, and administering justice at the community level. Their decisions are often respected and adhered to due

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[102] The term kastom is a Bislama derivative of 'custom'. Bislama is the lingua franca used by Ni-Vanuatu (the people of Vanuatu). Bislama is an important means of communication between Ni-Vanuatu from different language groups.

[103] Volker Boege and Charles Hunt, 'On "Travelling Traditions": Emplaced Security in Liberia and Vanuatu' (2020) 55 Cooperation and Conflict, Issue title: Emplaced Security.

[104] Kastom Chiefs in Vanuatu are often appointed through traditional ceremonies that carry significant cultural and symbolic meaning. One common method of appointing a chief involves the killing of pigs, an act that underscores the chief's status and authority within the community. During the ceremony, the prospective chief demonstrates their ability to fulfill the role's responsibilities by performing specific rituals, including the sacrificial slaughter of pigs. This act is not only a testament to their leadership and bravery but also serves to invoke the blessings and approval of the ancestors and the community.

to their deep understanding of local customs and the community's trust in their leadership. This traditional form of governance operates alongside the formal state justice system, often filling gaps where state presence is limited or inaccessible. By resolving conflicts swiftly and in culturally appropriate ways, kastom contributes to a sense of stability and cohesion within communities.

However, the integration of *kastom* with formal state mechanisms presents both opportunities and challenges. While *kastom* can provide immediate and culturally sensitive resolutions to conflicts, respondents from the VPF, Vanuatu Women's Centre and Vanuatu Human Rights Council shared instances where customary practices may conflict with national laws, particularly regarding human rights. For example, in cases of domestic violence, kastom resolutions may emphasise reconciliation by saying 'sorry' or apologising over punishment, potentially undermining the severity of the crime and the victim's rights. Additionally, the patriarchal nature of some customary practices can disadvantage women and girls, limiting their access to justice and protection. Despite these challenges, kastom remains an indispensable part of Vanuatu's social fabric. Efforts to harmonise kastom with formal legal frameworks, through programs such as the Vanuatu–Australia Police and Justice Program, inclusive dialogue, and legal reforms, are continuously being implemented to help ensure that traditional practices continue to enhance community safety and security while upholding the rights and dignity of all individuals.

POLICE AND CHIEFS: A COMPLEX RELATIONSHIP

We have introduced in the previous sections the role of the Vanuatu Police Force and the kastom Chiefs as crucial actors in the provision of security and safety in the communities. Leveraging this unique interface between these two actors led to the design of the community policing project being carried out on different islands in Vanuatu. The community policing project of the VPF currently answers the decentralisation issue of the police force. It is crucial to acknowledge that community Chiefs and leaders in Vanuatu play a vital role in delivering justice at the local level. They often mediate complex relationships and issues with minimal support or formal training. In most areas of Vanuatu, the primary mechanism for resolving conflicts is through community leaders, particularly Chiefs. Although family members, religious leaders, and, to a lesser extent, police and courts are also involved, majority of those interviewed for this research indicated that Chiefs are the primary figures people turn to first.

Vanuatu's normative and regulatory environment is marked by high levels of pluralism, encompassing state law, *kastom* and church authority. The national justice system includes state laws enforced by police and courts, while *kastom*, administered by Chiefs, governs community norms and dispute resolution, particularly in rural areas. Christian

beliefs also play a significant regulatory role. The constitution[105] recognises *kastom* as a source of law and the authority of Chiefs, who are part of the National Council of Chiefs. Chiefs also participate in Island Courts, which resolve minor disputes according to local customs.

While state justice and *kastom* can complement each other, there are instances of dissonance, particularly concerning rights and authority. State justice faces challenges such as accessibility, male-dominated agencies, slow case processing, and inadequate resources for survivors of family and sexual violence. According to the Vanuatu Women's Centre, women can also have negative experiences with *kastom*, which can perpetuate injustices against them. However, the CEO of the Malvatumauri argues that *kastom* is dynamic and adaptable, and it can support the socialisation and advancement of women's rights. He mentioned, for example, that although women are not on the front line in decision-making, they still have a role to facilitate discussions indirectly with the concerned parties.

The Community Safety Team (CST) is a localised policing idea being implemented by the Vanuatu Police Force within communities in Vanuatu. The CST involves a collaborative approach between the Vanuatu Police Force and kastom Chiefs, integrating formal law enforcement with traditional governance to enhance public safety and security. Given the geographical challenges and the dispersed population, the VPF often collaborates with kastom Chiefs who have a significant influence at the community level. This partnership between the VPF and kastom Chiefs is crucial in areas where the reach of formal police is limited, allowing for a more comprehensive and culturally sensitive approach to community policing.

The synergy between the VPF and kastom chiefs offers several opportunities for effective community policing in Vanuatu. Chiefs can act as intermediaries, fostering trust and cooperation between the police and local communities. This relationship helps bridge the gap between formal law enforcement and traditional practices, ensuring that policing strategies are culturally appropriate and widely accepted. Additionally, community policing can benefit from the Chiefs' deep understanding of local dynamics, enabling more targeted and effective crime prevention efforts.

However, there are significant challenges in implementing community policing in Vanuatu. One major issue is the potential for conflicting approaches between formal law enforcement and traditional *kastom* practices, particularly concerning gender-based violence and human rights. Chiefs may prioritise reconciliation and social harmony over legal accountability, which can undermine efforts to protect victims and enforce the law. Additionally, varying levels of authority and influence among Chiefs can lead to

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[105] Chapter 5 of the Constitution of the Republic of Vanuatu sets out the function of the National Council of Chiefs.

inconsistencies in the application of *kastom*, complicating the establishment of uniform policing standards. There is also the challenge of resource constraints faced by the VPF, which can limit their capacity to engage consistently with remote communities and provide the necessary support to *kastom* Chiefs.

Moreover, interviews with the Malvatumauri and the Vanuatu Cultural Centre identified modernisation and external influences as threats to the traditional authority of chiefs, potentially weakening their role in community policing. As communities become more exposed to urbanisation and globalisation, maintaining the relevance and effectiveness of *kastom* in the contemporary context becomes increasingly challenging.

CRITICAL CONSIDERATIONS: VALUES, LEGITIMACY, POWER, TRADE-OFFS

The baseline framework emphasises the importance of decentralising policing powers, integrating gender perspectives, and understanding the roles of various stakeholders, structural factors, and emergent issues in shaping security outcomes.[106] This framework is particularly relevant for Vanuatu, where traditional governance structures and modern state mechanisms coexist and often intersect.

STAKEHOLDING ACTORS AND INSTITUTIONS

In Vanuatu, community safety and security are influenced by both formal state institutions and informal traditional systems. The VPF is currently the primary state institution responsible for maintaining law and order. The VPF's functions are supported by the Vanuatu Mobile Force and the Police Maritime Wing, which address domestic safety, defence, and maritime law enforcement, respectively.

Traditional authority, particularly through the role of kastom Chiefs, plays a significant role in community safety. Chiefs, as custodians of customary law, resolve disputes and maintain social order at the community level. This dual system of state and traditional governance allows for a culturally resonant approach to policing but also presents challenges in harmonising customary practices with formal legal frameworks.

International donors, especially Australia, have been crucial in supporting Vanuatu's policing and justice sectors. Programs like the Vanuatu-Australia Policing and Justice Program (VAPJP) aim to improve the quality and reach of justice and policing services, emphasising the importance of accessibility for women, children, and youth.

STRUCTURAL AND EMERGENT FACTORS

Community safety and security in Vanuatu are shaped by a complex interplay of structural challenges, such as geographic dispersion and socio-economic

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106   See methodology section.

reliance on agriculture, fishing, and tourism present unique challenges. The nation's vulnerability to natural disasters like cyclones and earthquakes further complicates the provision of consistent and effective policing services. These structural conditions create significant barriers to service delivery, particularly in rural areas where government presence is limited, and traditional governance systems play a crucial role in maintaining order and resolving conflicts.

Emergent factors on the other hand, such as rapid urban migration driven by limited rural employment opportunities, have led to the growth of informal settlements in urban centres like Port Vila and Luganville. These areas experience higher crime rates and social unrest, exacerbated by high unemployment and inadequate infrastructure. Additionally, the increasing use of technology and the rise of cybercrime pose new challenges for the VPF that must now address digital threats with limited cybersecurity infrastructure. Substance abuse, particularly of kava and marijuana, also contributes to social instability, affect community safety.

VALUES AND TRADE-OFFS

Customary social structures and traditional authorities play crucial and widespread roles in ensuring security and justice, even in numerous urban areas throughout West Africa and the Pacific Islands.[107] The interplay between traditional values and modern legal standards presents significant trade-offs in Vanuatu's approach to community safety. Kastom emphasises reconciliation and social harmony, which can sometimes conflict with the need for legal accountability, particularly in cases of domestic violence and gender-based violence. The Family Protection Act of 2008, which criminalises domestic violence, is an important step towards aligning customary practices with national laws, but its implementation remains a challenge due to cultural norms and limited resources.

> *When you do not agree with the verdict of the Chiefs, you disrespect the Chief and create more division to the community. It is not the decision of the kastom Chief that makes you happy, but the continuation of your life with the community.*
> *– Jean-Pierre Tom, CEO of the Malvatumauri*

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[107] See, eg, C Moore, 'External Intervention: The Solomon Islands Beyond RAMSI' in MA Brown (ed), Security and Development in the Pacific Islands: Social Resilience in Emerging States (Lynne Rienner, 2007); G White, 'Three Discourses of Custom' (1993) 6(4) Anthropological Forum 475; A Sawyer, 'Social Capital, Survival Strategies, and Their Potential for Post-Conflict Governance in Liberia' (Expert Group on Development Issues, UNU-WIDER, Research Paper No 5, 2005).

Efforts to integrate kastom with formal policing require careful consideration of local values and the need for inclusivity and human rights protection. Programs that foster dialogue between the VPF and kastom Chiefs, alongside legal reforms, are crucial for developing a policing system that respects both traditional practices and modern legal standards.

POWER AND LEGITIMACY

Vanuatu demonstrates a hybrid political order and security governance system. This system is marked by the interaction and intertwining of a diverse range of peace and security actors, encompassing state and non-state entities, traditional and modern practices, and formal and informal structures. These varied actors collectively contribute to the provision of security within the local context on a daily basis.[108]

The legitimacy of security providers in Vanuatu is derived from both traditional authority and state laws. Interview respondents generally shared the same view that the community policing project gives *kastom* Chiefs more power and legitimacy to exercise their role as mediators in conflicts within their communities. Chiefs hold significant power at the community level due to their deep understanding of local customs and the trust placed in them by the community. The VPF, on the other hand, relies on state laws and international support to exercise its authority.

Challenges arise when the exercise of power of the Chiefs conflicts with formal legal standards, particularly regarding human rights. For instance, traditional resolutions to domestic violence may prioritise reconciliation over punishment, potentially undermining the victim's rights. Ensuring that both systems of governance work collaboratively and complementarily is essential for maintaining legitimacy and effectiveness in policing.

RECOMMENDATIONS

This case study on community safety and security in Vanuatu highlights several key areas to enhance the effectiveness and efficiency of policing services. Based on the analysis, the following recommendations are proposed to address the identified gaps and challenges:

Improved training for police officers and Chiefs in areas such as legal knowledge, human rights, and mediation is essential for enhancing their effectiveness in delivering justice and maintaining order. Targeted and ongoing training programs can significantly boost their capabilities, ensuring that they are well-equipped to handle various challenges in their line of duty.

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108   Volker Boege and Charles Hunt, 'On "Travelling Traditions": Emplaced Security in Liberia and Vanuatu' (n8).

Establishing clearer guidelines on the division of responsibilities between police and Chiefs is vital for reducing overlap and improving efficiency in justice delivery. Clear guidelines help delineate roles, preventing confusion and ensuring that both entities can work together more effectively to uphold law and order.

Continuous development in the integration of kastom and state systems is necessary for promoting inclusive dialogue and legal reforms. By harmonising kastom with formal legal frameworks, traditional practices can be preserved while ensuring they enhance community safety and uphold human rights. This integration supports a more cohesive and culturally respectful approach to justice.

CONCLUSION

This case study of Vanuatu demonstrates the complex yet essential integration of traditional *kastom* practices and formal state policing. Vanuatu's unique approach effectively leverages the strengths of both systems, capitalising on the traditional authority of *kastom* Chiefs to maintain social order and resolve conflicts, particularly in rural areas where state presence is limited. The collaboration between the Vanuatu Police Force and *kastom* Chiefs has enabled the development of a culturally resonant policing model that fosters trust and cooperation with local communities.

However, the integration of *kastom* and formal policing is not without challenges. Reconciling traditional practices with legal frameworks, particularly concerning human

rights and gender-based violence, remains a significant issue. While *kastom* emphasises reconciliation, it may sometimes undermine legal accountability and the protection of victims' rights. This tension highlights the need for continued efforts to harmonise *kastom* with national laws, ensuring that traditional practices contribute positively to community safety and security while upholding human rights.

The success of Vanuatu's community policing framework hinges on recognising and addressing the structural and emergent factors that shape community safety and security. Geographic dispersion, socio-economic dependencies, urban migration, cybercrime, and substance abuse are key challenges that require targeted interventions. Improving training for police officers and Chiefs, clarifying the division of responsibilities, and fostering inclusive dialogue for legal reforms are crucial steps to enhance the effectiveness of policing services.

In conclusion, Vanuatu's approach to integrating *kastom* and state policing offers valuable insights for other contexts seeking to balance traditional and modern governance systems. By embracing a hybrid model that respects local customs while incorporating formal legal standards, Vanuatu demonstrates the potential for culturally sensitive and effective community policing. Continued collaboration, dialogue, and adaptation will be essential to ensure that this unique system evolves to meet the needs of all community members, promoting a safer and more just society.

Concluding Reflections and Recommendations

This concluding chapter provides reflections and recommendations stemming out from the understanding of community safety and security in conflict-affected contexts. The chapter explores how community safety extends beyond physical protection, embedding itself within the social fabric that connects individuals and groups through shared experiences and collective identities. By analysing the contexts of the Karenni State, Bangsamoro, Vanuatu, and Lumbini Province, the chapter illustrates how cultural and traditional practices are important considerations in security initiatives to build legitimacy, trust, and relevance. Furthermore, the chapter discusses the effects of local insecurities on national security, the critical timing of community-focused safety interventions, and the indispensable role of women in community security.

Reflection 1: In conflict-affected contexts, the community sense of belonging and identity are deeply intertwined with a sense of community safety and security.

The concepts of community safety and security extend beyond mere physical protection or law enforcement in conflict-affected contexts. They are intrinsically tied to the deeper social fabric of belonging and identity that are not tied necessarily to ethnicity, caste, colour, or gender. This reflection is evident in the experiences of various communities navigating the complexities of conflict and post-conflict environments.

Belonging and identity stem from the shared experience of the communities and form the cornerstone of a community's collective strength and resilience. When individuals and groups feel a strong sense of belonging, they are more likely to engage in cooperative efforts to ensure the safety and security of their community. This sense of belonging fosters trust, solidarity, and mutual support, which are crucial in mitigating the impacts of conflict and rebuilding social cohesion.

For instance, in the Karenni State, the Karennis have faced prolonged conflict and displacement. Despite these adversities, their shared identity as Karenni people has provided a foundation for communal resilience. The community's

efforts to maintain traditional practices and local governance structures have reinforced their collective identity and sense of belonging. These cultural anchors have been pivotal in organising community-led safety initiatives such as the establishment of the Karenni State Police. Similarly, in the Bangsamoro, the protracted conflict has deeply influenced the identity of the Moro people. Their struggle for self-determination and recognition has been a significant part of their collective identity. The peace processes and the establishment of the Bangsamoro Autonomous Region are envisioned to address the security concerns of the community. In Vanuatu, the integration of traditional Chiefs and community leaders in policing and justice systems exemplifies the vital role of identity in community safety. The respect for customary practices and the inclusion of local governance in the formal justice system have ensured that security measures are culturally relevant and widely accepted. This approach not only enhances the effectiveness of security initiatives but also reinforces the community's identity and sense of belonging. Lumbini Province presents another perspective and has been a melting pot of challenges where identity and belonging of different ethno-linguistic communities identified as a unified interest group that had experienced historical marginalisation and participated in the decade long conflict.

RECOMMENDATIONS

Devising mechanisms for the representation of diverse voices and interests. Understanding the connection between community safety, identity, and belonging is crucial for effective peacebuilding and development initiatives. It is essential to adopt a holistic approach that emphasises representation, relevance, and respect for culture and tradition to build legitimacy and trust within conflict-affected communities. Legitimacy in security initiatives is earned when community members see themselves represented in the processes and decision-making structures. This attention to representativeness ensures that the diverse voices within the community are heard and addressed, fostering inclusivity and trust.

Trust is the cornerstone of any security framework particularly at the local level. Building trust requires consistent and transparent communication, strong relationships, and continuous engagement, as well as the demonstration of genuine commitment to the community's well-being. For instance, in Karenni, trust was built through regular dialogues between community leaders and law enforcement, ensuring that the community's concerns and suggestions were continuously integrated into security measures. Security initiatives must be relevant to the community's specific needs and circumstances. In Vanuatu's case, involving Chiefs in the Vanuatu Police Force's planning and implementation of security measures ensured that these initiatives were tailored to the community's unique context, enhancing their effectiveness and acceptance. Respecting and integrating cultural and traditional practices into security strategies not only legitimises these efforts but also ensures their sustainability.

Consider support for harmonising custom and legal frameworks. In conflict-affected contexts, the boundary between custom and law can be fluid and dynamic. Recognising and respecting this boundary is crucial for the effectiveness of community safety and security initiatives. The boundary between custom and law can shift over time, influenced by various factors such as changing societal values, external influences, and evolving community needs. Security strategies must be adaptable to these shifts. Effective security initiatives should strive to harmonise custom and law, creating a complementary relationship between the two. This effort to harmonise ensures that traditional practices are respected and preserved while aligning with formal legal standards. For example, in Vanuatu, traditional conflict resolution mechanisms were initially distinct from formal legal systems. However, over time, these mechanisms were integrated into the formal framework, creating a hybrid model that was more effective in addressing the community's needs. In Karenni, blending customary practices with formal legal procedures created a more cohesive and accepted security framework, bridging gaps between tradition and modernity.

Reflection 2: Insecurity at the community level can pose a significant threat to national security.

The case studies from the Karenni State, the Bangsamoro, and Lumbini Province, provide compelling evidence that insecurity at the community level can pose a significant threat to national security. The persistent conflicts in these areas, driven by ethnic, political, and socio-economic factors, illustrate how local unrest can ripple outwards, destabilising broader regions and posing challenges to national stability. For instance, the Karenni State Police's efforts to establish a people-centred policing framework amid ongoing conflict highlights the direct link between local security initiatives and national peacebuilding efforts. Similarly, the Bangsamoro region's struggles with insurgencies and the transition to autonomous governance underscore how local tensions can escalate into significant national security concerns. In Nepal, the unaddressed grievances and security concerns of marginalised communities across the country, including those in Lumbini Province, led to a decade-long armed conflict that affect national security. Furthermore, the slowness and somehow reluctant adaptation of Nepal Police to the new federal structures illustrate the lack of understanding of the persistent issues. In addition to the conflict, unemployment and migration further exacerbate how local insecurities can undermine national cohesion and stability.

Given the significant impact of local insecurity on national security, it is crucial to integrate community-focused safety and security initiatives into national security strategies. These initiatives should prioritise local engagement, inclusivity, and capacity building to address the unique needs and dynamics of each community.

RECOMMENDATIONS

Involve subnational administration in early conversations about national security strategies. It is essential to include subnational administrations in early discussions about the implications of national security strategies. This involvement should extend beyond subnational counterparts to encompass elected representatives to have a greater understanding of how subnational security concerns are deeply interconnected with national security objectives. The diverse contexts and unique challenges faced by different regions must be considered to ensure that strategies are comprehensive and effective. Support for these discussions is crucial to reflect the nuances of each context, fostering a more integrated approach to security that aligns with both local and national priorities.

Develop orientation modules for executive, parliamentary and judicial branches. To enhance cross-branch awareness of the linkages between community security and national security, it is vital to develop orientation modules for the executive, parliamentary and judicial branches of government at both national and subnational levels. These modules should provide sufficient insights into how community safety contributes to broader security objectives. By equipping executive, parliamentary and judiciary officials with this awareness, they can support informed decisions that prioritise community safety as a foundational element of national security. Such orientations will promote a holistic understanding of security, emphasising the importance of addressing community-level issues as part of broader security strategies.

Support sharing of experiences in community safety and security. Encouraging the sharing of experiences and best practices in community safety and security is essential for fostering both horizontal and vertical learning. This sharing should occur both locally and across different regions, promoting the exchange of innovative solutions and effective strategies. By facilitating dialogue and collaboration among stakeholders at various levels, communities' safety and practices can be enhanced.

Reflection 3: Timing is critical for community-focused safety and security when transitioning from conflict.

The timing of interventions in community-focused safety and security during transitions from conflict is crucial. Each context provides unique insights into the dynamics of community policing, the reform of inherited police forces, the establishment of new security institutions, and the sequencing of disarmament, demobilisation, and reintegration (DDR) processes.

RECOMMENDATIONS

Ensure early support to minimise harm to existing community safety initiatives. The case studies highlight the significance of timing in preserving and enhancing existing community safety initiatives. In Vanuatu, traditional and informal community policing mechanisms play a vital role in maintaining local order and safety. Early and well-timed interventions can ensure these mechanisms are not disrupted. Instead, they can be integrated into formal security structures, thereby maintaining their effectiveness, and gaining community trust. In the Bangsamoro region, for instance, community policing initiatives have been critical in bridging the gap between formal security forces and local communities, fostering trust and cooperation.

Identify priority and stages reforms of inherited police forces. Inherited police forces and their legacy practices often require significant reform to align with post-conflict realities and community expectations. The timing of these reforms is essential to ensure they are both effective and cost-efficient. In Nepal, the transition to a federal system and the decentralisation of policing powers presented an opportunity to reform the Nepal Police. However, reluctance from federal governments and police headquarters has hindered necessary reforms for almost a decade after the promulgation of a new constitution and enduring calls for reconciliation and healing. Early reforms can prevent the entrenchment of old practices, reduce the costs associated with more extensive future overhauls, and build trust in communities recovering from conflict.

Provide sensitive support for new security institutions and initiatives. The birth of new security institutions and initiatives is best supported when community buy-in, context sensitivity, and innovative ideas are fresh. Sensitive support for such initiatives can ensure they develop equitably, robustly and sustainably, providing a solid foundation for long-term security and governance. The establishment of the Karenni State Police amidst ongoing conflict is a prime example. The KSP has made significant strides in building trust within the community by prioritising human rights, community engagement, and gender equality.

Careful sequencing of DDR processes. The sequencing of DDR processes is critical for ensuring a smooth transition to peace and stability. The Bangsamoro region's experience underscores the importance of careful planning and timing in the DDR process. The peace agreement in Bangsamoro highlighted the importance of timely implementation of normalisation processes, including the establishment of a regional police force. Delays in the decommissioning of MILF forces and the integration of former combatants into the Philippine National Police showed how critical timing is in maintaining momentum and trust in the peace process. The sequencing of DDR is important for regional security and safety considerations.

Reflection 4: Women play an indispensable role in community security.

Women play multifaceted roles in community security, serving not only as informal watchdogs but also as pivotal figures in conflict resolution and peacebuilding. Their unique positions within families, neighbourhoods, and social networks provide them with valuable insights and knowledge that can be leveraged to prevent and address threats to safety and well-being. Women often possess a deeper understanding and awareness of crimes that disproportionately affect them, such as domestic violence, drug trafficking, and the exploitation of young women, which may not be as visible or apparent to men. Their daily interactions and deep understanding of local dynamics enable them to identify and mitigate security threats early on. Women are frequently responsible for managing household and communal conflicts, ensuring that disputes do not escalate into violence. This indispensable role is highlighted in case studies where women's participation in security initiatives has led to more inclusive and effective community policing.

RECOMMENDATIONS

Invest in women in leadership. To harness the full potential of women in community security, it is essential to invest in women's leadership. This involves creating and supporting opportunities for women to ascend to leadership positions within community security frameworks and ensuring they have the necessary training and support. Empowering women leaders not only enhances the effectiveness of security initiatives but also inspires other women to participate actively in their communities' safety. The Karenni State Police's efforts to involve a significant number of women in their operations have significantly increased community trust and cooperation, underscoring the importance of women in leadership roles.

Develop context-specific training utilising women leaders. These trainings should actively engage women who possess valuable experience and insights into the unique challenges and needs of their communities. By involving these women, we can ensure that the training is tailored to address the specific safety and security concerns they face. Additionally, the training should incorporate master trainers and innovative pedagogical methods to maximise learning and skill development. Providing appropriate organisational support is also essential to foster the development and leadership capabilities of these women to strengthen their roles as leaders in community safety and security initiatives.

Increase the number of female officers in the police force. Female officers bring diverse perspectives and skills that are essential in addressing the unique security needs of women and children. Their presence in the police force can also make it more approachable and trustworthy for female community members, encouraging them to report crimes and cooperate with law enforcement. The experiences of the Karenni State Police, where the participation rate of female officers among new trainees has

reached 35 per cent, demonstrate how such inclusion can enhance the overall effectiveness of the police force.

Reflection 5: Accountability is the cornerstone of democratic policing.

While representation, legitimacy, relevance, and democratic policing are crucial aspects of transitional and transformative justice, accountability is a cornerstone that extends far beyond these principles. It serves as the backbone of any effort to address past wrongs, rebuild trust, and foster a just and equitable society.

Accountability ensures that actions taken by security forces are scrutinised, and there is a system in place to rectify mistakes, thereby preventing abuses of power. This is particularly crucial in conflict-affected regions where historical grievances and mistrust in state institutions are prevalent. For instance, in Karenni State, the establishment of the Karenni State Police amidst ongoing conflict has highlighted the importance of creating a policing framework that prioritises human rights, community engagement, and gender equality.

Similarly, in Vanuatu, the integration of traditional *kastom* (customary practices) with formal state policing underscores the need for accountability in harmonising these systems. While *kastom* emphasises reconciliation and social harmony, it can sometimes conflict with the need for legal accountability, particularly in cases of gender-based violence. Ensuring that both traditional and formal systems work collaboratively is essential for maintaining legitimacy and effectiveness in policing.

The federalisation of the state and devolution of power in Nepal are designed to address the root causes of conflict, socio-economic issues, and governance challenges. The constitution of Nepal follows the principle of subsidiarity, where the lower level (sub-national) of agency or local government is closer to the people, more familiar with the needs and preferences of the taxpaying populace, and more accountable and responsible towards them. Additionally, policing is inherently a local phenomenon and is conducted in partnership with the community. While the federal government and Lumbini Province are equipped with legal instruments, the devolution of police power has not yet occurred. There is a pressing need to establish the Lumbini Provincial Police, which must be restructured to align with the newly established sub-national government structures and the needs of the community, ensuring accountability and functional autonomy. The Lumbini police must shift from a "colonial and regimental legacy" to a "citizen-friendly and service-oriented" approach to policing.

CONCLUSION

Successful transformation of community security and safety initiatives hinges on establishing robust partnerships between those addressing the root causes of conflict and those involved in national and regional security frameworks. This collaborative approach facilitates an understanding of the multifaceted nature of security, enabling the development of holistic strategies that address both immediate threats and underlying vulnerabilities.

Fostering such partnerships can generate the political will necessary to normalise the integration of community security into broader national security strategies. This shift in perspective recognises that community-level interventions are not merely supplementary but integral to achieving sustainable peace and stability.

Governments at both national and local levels should be provided with shared learning opportunities. These platforms can showcase successful examples of community-centred security initiatives, disseminate best practices, and inspire the development of innovative methodologies tailored to specific contexts. Fostering a culture of collaboration and knowledge exchange can empower stakeholders to collectively address the root causes of conflict and build resilient communities.

In addition, capacity-building programs can equip local actors with the skills and resources needed to effectively implement community-based security measures. This includes training on conflict resolution, mediation, early warning systems, and community policing, as well as support for grassroots organisations working on peacebuilding and development initiatives.

Furthermore, integrating community security into national and regional security frameworks requires a paradigm shift in how security is conceptualised and operationalised. This involves recognising the importance of non-state actors, such as civil society organisations and community leaders, in shaping security outcomes. It also entails investing in preventive measures that address the socioeconomic and political factors that contribute to conflict and instability.

By forging strong partnerships, fostering political will, and investing in shared learning and capacity building, we can create a more inclusive and effective approach to security that prioritises the well-being and resilience of communities. A holistic and innovative approach to policing is essential for both conflict prevention and public safety and national security in today's complex world. Traditional law enforcement models, primarily focused on reactive measures and punitive actions, are insufficient to address the multifaceted challenges threatening peace and stability.

Annex 1 — List of Interview Respondents

Karenni State Case Study

1. Members of the Karenni State Police
2. Members of the Interim Executive Council of the Karenni State

*Due to security concerns, the interview respondents did not give consent for their names to be identified in the study.

Bangsamoro Case Study

Ministry for Interior and Local Government (MILG) and Ministry for Public Order and Safety

1. Atty Sha Elijah Dumama-Alba, Minister
2. Atty Marvin Mokamad, Director, Interior Affairs Services
3. Michael Laguilag, Division Chief, Public Safety Division
4. Bhenhar Ayob, Division Chief, Law Enforcement Coordination Division, Ministry for Public Order and Safety (MPOS)

Police Regional Office – Bangsamoro

1. PBEGEN Allan Nobleza, Regional Director, Police Regional Office - Bangsamoro Region (PRO BAR)

Civil society

1. Karlos Manulupig, Executive Director, Balay Mindanaw
2. Guiamel Alim, Chairperson, Consortium of Bangsamoro Civil Society
3. Abdulnasser Binasing, Chairperson, Tiyakap Kalilintad
4. Carol Arguilas, Editor-in-Chief, Mindanews
5. Professor Abhoud Syed Lingga, Executive Director, Institute for Bangsamoro Studies
6. Sarah Radam, Executive Director LEAD Bangsamoro

Former MILG Minister

1. Atty Naguib Sinarimbo, former MILG Minister and member of the negotiating panel of the Moro Islamic Liberation Front (MILF)

Australian Embassy in the Philippines

1. Matthew Boyall, Second Secretary
2. EJ Solis, Senior Program Officer
3. Ezra Bayalan, Program Officer

Lumbini Province Case Study

Nepal Police:

1. Basanta Bahadur Kunwar, IGP
2. Bhim Dhakal, DIG, Spokesperson
3. Rajesh Nath Bastola, DIG, Head of Research, Planning, and Development Directorate
4. Rabindra Singh, Staff Officer

Civil Society Roundtable at Niti Foundation:

1. Alok Pokharel, Senior Program Officer, Niti Foundation
2. Shobhakar Budhathoki, Human Rights and Public Security Expert, Niti Foundation
3. Meena Sharma, Chair, Institute of Human Rights Communication Nepal
4. Mohan Das Manandhar, Chairperson, Niti Foundation
5. Samikshya Bhattarai, Program Officer, Niti Foundation
6. Cynara Manandhar, Program Analyst, Niti Foundation
7. Bhawana Bhatta, Vice-Chair, NGO Federation of Nepal
8. Amod Gurung, Former Civil Police Adviser to UN
9. Prakash Aryal, Former IGP, Nepal Police
10. Bipin Adhikari, Senior Fellow, Niti Foundation; Former Dean, Kathmandu University School of Law.
11. George Varughese (online), Director, Institute for Global Development, University of New South Wales. Senior Strategic Advisor, Niti Foundation.
12. Narayan Baskota, Technical Advisor, Niti Foundation
13. Sushil Pyakurel, Former Commissioner of National Human Rights Commission; Former Advisor to President of Nepal
14. Priyanka Shrestha, Program Officer, Niti Foundation

National Politicians

1. Narayan Prakash Saud, Nepali Congress, former Foreign Minister
2. Prithvi Subba Gurung, UML, former Chief Minister of Gandaki Province
3. Janardan Sharma, Maoist Centre, former Home Minister
4. Shisir Khanal, Rastriya Swatantra Party, former Education Minister

Women for Human Rights

1. Rita Thapa, NHRC Member; Founder Women for Human Rights Nepal

Lumbini Home Minister and Home Secretary

1. Santosh Kumar Pandey, Lumbini Home Minister
2. Lal Babu Kawari, Lumbini Home Secretary

Lumbini Provincial Planning Commission

1. Nahakul KC, Vice-Chairperson of the Lumbini Provincial Planning Commission

Provincial Police

1. K Kadayat, DIG, Nepal Police, Head of Province Police in Lumbini

Civil Society Interaction in Butwal

1. Sher Bahadur KC, Editor, Lumbini Daily
2. Rima BC, INSEC Rupandehi
3. Hema Neupani, Advocate
4. Samundry GC, Chu Rights
5. Deepa Sunar, Creative Society Nepal
6. Resham Neupane, Sahari Kadam Nepal
7. Baburam Pandey, Nepal Bar Council
8. Kalpana Shrestha, ECN Welfare
9. Yubaraj Kandel, Advocate
10. Milan Gaha, Press Council
11. Amrit Giri, Mechikali Daily
12. Sundip Gupta, President, Lumbini Development Trust
13. Suman Humari Gupta, Mahila Sashakti Karan
14. Lucky Sharma, Kalika Manavgyan Seconday School
15. Dwiga Paudel, Kalika Manavgyan Seconday School
16. Praktriti Koirala, Kalika Manavgyan Seconday School
17. Sarina Biswokarma, Kalika Manavgyan Seconday School

Interaction with Women Leaders

1. Bhupendra Magar, Vice Chairperson, Putha Uttarganga Rural Municipality
2. Gita Chaudhary, Vice Chairperson, Susta Rural Municipality
3. Rukaiya Khatoon, Human Rights Defender, Taulihawa, Kapilvastu

Vanuatu Case Study

Vanuatu Police Force Office

1. Deputy Commissioner Willie Ben, Vanuatu Police Force
2. Supt. Alex Middlemiss, Senior Responsible Officer, Vanuatu-Australia Policing and Justice Program
3. Supt. Samson Garae, Commanding Officer of Community Safety and Security Program, Vanuatu Police

Vanuatu Cultural Centre

1. Russell Nari, Acting Director, Vanuatu Kaljoral Senta (Cultural Centre)

Vanuatu Women's Centre

1. Tatavola Matas, Coordinator
2. Miriam Bule, Counselor Manager

Malvatumauri

1. Mr Jean-Pierre Tom, CEO of the Malvatumauri National Council of Chiefs

Wan Smolbag Theatre

1. Peter Walker, Artistic Director
2. writer Jo Dorras, Founder, Writer

Vanuatu Human Rights Coalition

1. Anne Pakoa, Chairperson