Copyright is owned by the Author of the thesis. Permission is given for a copy to be downloaded by an individual for the purpose of research and private study only. The thesis may not be reproduced elsewhere without the permission of the Author.
Integrating Community-Oriented Policing and Traditional Justice Systems as Police Reform and Development in Post-Conflict Countries

A research project presented in partial fulfilment of the requirements for the degree of Master of International Development

School of People, Environment and Planning
Massey University
Manawatu, New Zealand

Catriona McLeod

2014
Abstract

Police reform in post-conflict countries has seen the increasing implementation of the community-oriented policing model as a means to introduce democratic policing as a component of the peace building process. However, in many post-conflict countries the situation of legal pluralism exists, where multiple justice systems operate in the same space. Many communities often rely on customary or traditional forms of justice as the formal state justice system does not extend to their location or have any real influence or authority.

This research project used document analysis to investigate the contribution community-oriented policing can make to those communities that rely on traditional justice systems. This report introduced two community-oriented policing mechanisms, tara bandu ceremonies in Timor-Leste and the Community Officer Project in Solomon Islands, as case studies. These two mechanisms were analysed and compared with a specific focus on their respective levels of community participation and how they responded to raising awareness of the principles of human rights.

The case study analysis found that the tara bandu ceremonies had high levels of community participation and support due to them being an endogenous social structure and the extensive involvement the communities had in developing their respective tara bandu ceremonies. This was in contrast to the Community Officer Project which is an introduced structure and one in which the community appeared to have no real input into the design and implementation process. These findings led to the conclusion that in integrating community-oriented policing and traditional justice systems, consideration should be given to utilising pre-existing traditional structures that have the support of the community.
Acknowledgements

To Kevin, for without you I would not have started this process let alone finished it.

Thank you to my supervisor Dr Maria Borovnik for all your support and positivity.

Thank you Jas and Andrew for taking the time to read my draft’s and offering your expert opinions.

To my family, especially mum, who have always supported me in whatever endeavour I have undertaken.
<table>
<thead>
<tr>
<th>Glossary</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arbakai</td>
<td>Pashtun tribal security system in Southeast Afghanistan</td>
</tr>
<tr>
<td>Horok</td>
<td>Symbol of prohibition, hung from a tree</td>
</tr>
<tr>
<td>Kastom-law</td>
<td>Customary law</td>
</tr>
<tr>
<td>Maklehat</td>
<td>Person who holds the highest authority in <em>tara bandu</em> ceremonies</td>
</tr>
<tr>
<td>Nehe biti</td>
<td>Traditional resolution process</td>
</tr>
<tr>
<td>Suco</td>
<td>Village</td>
</tr>
<tr>
<td>Tara bandu</td>
<td>Traditional community resolution ceremony</td>
</tr>
<tr>
<td>Xefe suko</td>
<td>Head of village</td>
</tr>
</tbody>
</table>
Acronyms

CAP   Community Auxiliary Police
CO    Community Officer
COP   Community-Oriented Policing
BCPP  Bougainville Community Policing Programme
IMF   International Monetary Fund
NGO   Non-Governmental Organisation
NZAID New Zealand Agency for International Development
PLA   Participatory Learning and Action
PNTL  Policía Nacional de Timor-Leste
PPF   Participating Police Force
RSIPF Royal Solomon Island Police Force
RAMSI Regional Assistance Mission to Solomon Islands
UN    United Nations
UNCIVPOL United Nations Civilian Police (prior to 2003)
UNMIT United Nations Integrated Mission in Timor-Leste
UNTAET United Nations Transitional Administration in East Timor
Table of Contents

Abstract ....................................................................................................................... iii

Acknowledgements ................................................................................................. v

Glossary ...................................................................................................................... vii

Acronyms .................................................................................................................... ix

Chapter one- Introduction ......................................................................................... 1

1. Introduction ..................................................................................................... 3
   1.2 Research Project Aims .............................................................................. 4
   1.3 Research Question’s .................................................................................. 4
   1.4 Methodology ............................................................................................. 5
   1.5 Ethical Considerations and Biases ........................................................... 5
   1.6 Research Project Structure and Development Theory ........................... 6

Chapter two- What is Community-Oriented Policing? .............................................. 9

2. Introduction ................................................................................................. 11
   2.1 Community- Oriented Policing Origins ................................................ 12
   2.2 How is the Community- Oriented Policing Concept Defined? ........... 12
   2.3 Criticism of the Community- Oriented Policing Concept .................... 16
   2.4 The implications of Community-Oriented Policing for Development 18
   2.5 Chapter Conclusion ............................................................................... 21

Chapter three- The Implementation of Community- Oriented Policing and Democratic Policing as Part of Police Reform .............................................................. 23

3. Introduction ..................................................................................................... 25
   3.1 Police Reform and the Role of Police in Post-Conflict Countries ...... 25
   3.2 The Role of Community-Oriented Policing in Police Reform and Peace Building ........................................................... 27
   3.3 Police Reform in the Context of Post-Conflict Countries ............... 29
   3.4 Timor-Leste ............................................................................................ 29
   3.5 Solomon Islands .................................................................................... 32
   3.6 Chapter Conclusion ............................................................................... 35
Chapter four - The Intersection of Traditional Justice Systems and Formal Justice Systems ................................................................. 37

4. Introduction ........................................................................................................... 39
    4.1 Traditional or Customary Justice Systems .................................................. 39
    4.2 The Existence of Duel Judicial Systems or Legal Pluralism ................. 44
    4.3 Legal Pluralism in Timor-Leste ............................................................... 46
    4.4 Legal Pluralism in Solomon Islands ......................................................... 48
    4.5 Issues of legal pluralism for police reform and development ............. 49
    4.6 Chapter Conclusion ............................................................................... 50

Chapter five - Mechanisms to Engage Communities with Formal Policing in Timor-Leste and Solomon Islands .............................................................. 51

5. Introduction ........................................................................................................... 53
    5.1 A Comparison of Two Mechanisms to Engage Traditional Justice Systems with Formal Justice Systems: Tara Bandu and the Community Officer Project ........................................................................ 53
    5.2 The benefits of Tara Bandu and the Community Officer Project ....... 58
    5.3 The Negative Aspects of Tara Bandu and the Community Officer Project ................................................................................................. 63
    5.4 Chapter Conclusion ............................................................................... 66

Chapter six - Analysis and Evaluation of Tara bandu and the Community Officer Project and their Ability to Integrate Community-Oriented Policing with Traditional Justice Systems ........................................................................ 69

6. Introduction ........................................................................................................... 71
    6.1 Evaluation of the Community Officer Project and Tara Bandu Ceremonies ................................................................................................. 71
    6.2 The Effectiveness of Tara bandu and the Community Officer Project .... 72
    6.3 Conclusion ............................................................................................. 79

References ............................................................................................................. 81

References ............................................................................................................. 82
Integrating community-oriented policing and traditional justice systems as police reform and development in post-conflict countries: a research project presented in partial fulfilment of the requirements for the degree of Master of International Development, School of People, Environment and Planning, Massey University, Manawatu, New Zealand

McLeod, Catriona

2014

http://hdl.handle.net/10179/7385
28/11/2018 - Downloaded from MASSEY RESEARCH ONLINE