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Informal Non-State Policing: Case Study of Egypt

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I. Introduction

The provision of security and justice services is deemed to be one of the main roles of the state. However, for many reasons, the provision of such state services might not meet the actual demands or expectations of the community. In Africa, for example, the majority continues to live in rural villages where access to formal state justice and security services is limited. Again in most African countries, state justice and security operate with a very limited infrastructure that does not have the resources to deal with minor disputes in settlements and villages. As a result and in situations where the state has a history of being absent, weak or predatory, some communities have created alternative channels to provide safety and resolve disputes through informal and non-state structures that take up the role of the state in providing justice and security services. The first section of this paper aims to give an overlook of the forms or types of non-state policing and the reasons behind their emergence. The second section analyses informal policing in Egypt that emerged in 2011 and the final section suggests possible ways in dealing with this informal structure.

II. Forms of Non-States policing and reasons behind their Emergence

Ray Abrahams, Richard Abel, Thomas Kirsch, Peter Albrecht, Helene Maria Kyed, Deborah Isser and Erica Harper attempted to define and study forms and types of informal or non-state policing. They defined informal policing structures as non-state actors which can take the form of community/religious based vigilante formations, spontaneous mobs, criminal gangs and/or neighborhood watch groups who play important roles in providing safety and security in the society. Informal security and justice services were also provided by chiefs, secret

societies, religious leaders, gangs or militias, paralegals, or community reconciliation and trade associations.

Considerable research was devoted to identifying the reasons behind the formation of non-state policing, such as the prevalence of a judicial vacuum or a security void, lack of accessibility to security and justice services, law available security and justice infrastructure, spread of crime, and inefficient or inappropriate formal services. Complementary research to this, carried for example by V. Boege, A. Brown, K. Clements and A. Nolan, focused on analyzing the circumstances in which informal or non-state policing structures were created. They pointed out their tendency to exist in fragile and post conflict states, or during and/or post state liberation. They exist in fragile and peace building contexts such as Nepal and in stable young democracies such as Ghana. Informal security structures are also available in conflict zones such as Afghanistan. In addition, during their liberation struggles, informal justice systems started to emerge in countries like Mozambique, Uganda and South Africa. In many of the world's fragile and post conflict states, informal or non-state actors play an important role in the provision of justice and security services. People in fragile states often rely on security and justice provided by chiefs, secret societies, religious leaders, gangs or militias, paralegals, or community reconciliation and trade associations. Other types of informal policing structures include community based vigilante formations, neighborhood watch groups; religious based vigilante groups who play a key role in providing safety and security in the society (CLEEN Foundation, 2009). Though there are no exact figures on the number of people in fragile states who rely on non-state policing and justice, there is broad agreement that non-state providers resolve around 80% of disputes (Denny, 2012).

In South Africa, informal justice systems started to emerge during their liberation struggles because formal police and courts in the 1970s and early 1980s in South Africa aimed to contain political protest while neglecting rising crime rates in many townships. As a result, street committees and disciplinary committees emerged and evolved in 1986 into people's courts. Hand in hand with the street committees, informal policing structures, known as Amasolomzi (home guards) and elected by the community were also formed, but with investigation and prevention functions rather than enforcement. Clearly, such formations jumped in to fill in the security gap or the security vacuum that was created by formal authorities. Since 1998 and because police seemed unable of and unwilling to arrest people suspected of serious crime, like armed robbery or rape, taxi drivers in South Africa started taking it upon themselves to be the police and law enforcers and accordingly, beat up men involved in any crime crisis they witnessed. (Penal Reform International, 2000).

III. The Framework for Understanding Informal Policing in Egypt

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In Egypt, when the formal state police retreated from the streets of Cairo and other Egyptian governorates during the 18 day uprising of 2011, neighborhoods formed watch brigades called "popular committees" under the leadership of young men. Without any prior arrangements among those young men, they formed popular committees all around Egypt. They rose up to fill the security vacuum and protect their families and neighborhoods as reports of criminal violence mounted in parallel to the disappearance of formal state police.

They were armed with whatever weapons were found in their homes and environments ranging from sticks and knives to even light pistols which some of them were permitted to carry due to their personal occupations as judges, banking employees or even police officers. They built barricades and established checkpoints along the different roads and neighborhoods to check out the personal Identification Cards (IDs) and driving licenses. Despite the heavy armament of some of the criminal gangs, the "popular committees" managed not only to protect their neighborhoods and many of the public properties such as the Egyptian Museum after the T.V announced it was attacked by robbers, but they also succeeded to catch some of the criminals and hand them to state authorities (El-Ghamrawy, 2011).

In analyzing informal and non-state security or policing in Egypt, two very important concepts should be taken into consideration. The first one is the "community or group involvement", which reflects a sense of community belonging. The second very important concept is the concept of "traditional justice" where "the problem is viewed as that of the whole community or group. Traditional justice also entails an emphasis on reconciliation and restoring social harmony, traditional arbitrators are appointed from within the community on the basis of status or lineage as well as a high degree of public participation" (Penal Reform International, 2000, p.22). Informal security or policing tend to exist in small communities dominated by what is called multiplex relationships that are based on past and future economic

and social interdependence, and which mostly but not always intersect ties of kinship. In such communities a dispute between individuals is a conflict that belongs to the whole community, where one person's fight becomes the whole neighborhood fight, a very common understanding in Egyptian neighborhoods especially the ones associated with low and middle classes residents.

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While some of the popular committees were disbanded after the fall of Mubarak and the return of formal state police, many popular committees in areas like Shubra, Ramsis and Bab El-luk remain independent and active and have maintained their protectionist and security role until this very moment. Surprisingly, the role played by

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such committees was not only welcomed by society but was also praised, in many cases, by state policing authorities

(Saleh, 2013, p.7). However, to some degree, this perception has changed after the 30th of June 2013 revolution. By declaring once more the State of Emergency post to the 30th of June revolution, popular committees re-formed, nonetheless, with less efficiency and more political and even violent tendencies this time. Indeed, they started in some cases firing guns, robbing people, and seizing their opponents -- whom they have suspected to be members of the Moslem brotherhoods-- and turned them in to the army or formal police (Abdelmaksood, 2013). All this gives rise to the question of whether popular committees should be fully disbanded as the state police are returned to streets and the purpose

of their very existence is diminishing or should there be a role for those popular committees?

IV. A Way Out?

In general and in an attempt to determine what kind of relationship should be maintained between the state and informal or non-state policing structures and whether or not the existence of one negates or contradicts with the other, a very important concept should be denoted, which is legal pluralism. Debates have shown that it is possible and even more accurate to think of the relationship between state and non-state policing as a sliding scale – and this is particularly true in fragile environments. While pointing out the relationship between the state and the informal or non-state policing structures, much of the research suggests partnerships between the state police and the informal or non-state policing structures to improve security and safety in the society. In the analysis of the Overseas Development Institute (ODI) to the various approaches of donors in reforming security and police sectors, findings showed that despite the prevalence of non-state security and justice, the majority of donor programs focus on reforming state security and justice systems. The estimates of the United Nations Development Program (UNDP) show that 80% of donor justice allocations target mainly state systems through aiming at reforming state institutions, like military, police, intelligence services or judiciary (Denny, 2012).

ODI concluded that the efforts to improve the provision of state security and justice are vital for state-building but they need to be complimented with support to non-state or informal providers. As a result, they recommended a networking strategy that would open up channels of communication between the formal police and informal

structures so as to maximize the strengths of informal groups such as proximity to the end users and also to build community confidence in them as providers of security and safety in the neighborhoods.

‘Non-state’ or ‘informal’ remain analytically useful concepts because they denote the broad set of arrangements that, in some way, operate beyond the state’s accountability net. Nonetheless, they do not necessarily mean that the existence of one form means the total disappearance of the others. Reality shows that many scenarios can be adopted and adapted according to the situation in each country. In Egypt, Mansour Elesawy during his appointment as Minister of Interior in May 2011, was inspired to establish a civil society outreach department inside the Ministry of Interior in addition to a committee inside police stations for community participation with police so as to interlink the police officers with the residents of the neighborhoods through some of their representatives inside the committees (El-Badry, 2011). If implemented, this might seem as a viable scenario that would guarantee a sustained and a more formal or legally bounded relationship between the non-state and state authorities. At least, if the popular committees are once more needed in the streets or some neighborhoods, it will be this time coordinated with formal state police to guarantee they do not catch people for political reasons or act violently as occurred post to the 30th of June revolution.

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