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# **DILEMMAS OF REFORM**

## **Policing in Arab Transitions**

**Yezid Sayigh**

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## **Policing in Arab Transitions**

Yezid Sayigh

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## About the Author

**Yezid Sayigh** is a senior associate at the Carnegie Middle East Center in Beirut, where his work focuses on the Syrian crisis, the political role of Arab armies, security sector transformation in Arab transitions, the reinvention of authoritarianism, and the Israeli-Palestinian conflict and peace process.

Previously, Sayigh was professor of Middle East studies at King's College London. From 1994 to 2003, he served as assistant director of studies at the Center of International Studies, Cambridge. He is the author of numerous publications, including most recently *Crumbling States: Security Sector Reform in Libya and Yemen* (June 2015), *Missed Opportunity: The Politics of Police Reform in Egypt and Tunisia* (March 2015); "Militaries, Civilians and the Crisis of the Arab State" (December 2014); *The Syrian Opposition's Leadership Problem* (April 2013); *Above the State: The Officers' Republic in Egypt* (August 2012); "We Serve the People": *Hamas Policing in Gaza* (2011); and *Policing the People, Building the State: Authoritarian Transformation in the West Bank and Gaza* (2011).

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## Summary

Struggles over the security sector have been central to the politics of every Arab state that has undergone transition in the wake of armed conflict or political upheaval since the early 1990s. And wherever pre-transition elite coalitions have been neither forged anew nor replaced, security sectors no longer clearly serve a dominant political, social, and economic order. In these contexts, generic Western models of security sector reform cannot adequately resolve the dilemmas revealed by Arab states in transition and can do no more than alter these sectors superficially. Systemic change is needed, but the political and institutional brittleness of Arab states in transition presents a significant obstacle.

### Dilemmas of Policing in Arab States in Transition

- Constitutional frameworks in these states are degraded and politics are polarized, which prevents the effective governance of security sectors.
- State capacity is in decline, undermining the ability of policing to help uphold the social order and moral economy.
- These governments' renewed emphasis on counterterrorism has intensified long-standing patterns of violent behavior and impunity in the security sector, reinforcing the sector's resistance to reform while prompting the public to acquiesce to the restoration of authoritarian practices.
- Declining state resources, increasingly informal economies, and deepening illegality have raised the costs of reforming and professionalizing security sectors. These trends have also incentivized security sectors' implication in corruption and collusion with criminal networks and armed actors, stiffening the sectors' resistance to reform.
- Growing numbers of citizens have turned to alternative forms of community policing and mechanisms based on customary law, but these systems are eroding, often giving way to hybrid, militia-based structures.

### A Challenging Future

- Security sector reform cannot take place unless political elites and leading institutional actors see a shared interest in it. In the absence of this, security sectors have fractured along sectarian, ethnic, and partisan lines, or have asserted their complete autonomy in pursuit of their own agendas.



- Generic transparency rules and oversight frameworks recommended in conventional reform approaches cannot tackle corruption or illegal economic activity in the security sector. Arab states in transition are especially unwilling to undertake necessary but risky reforms or to impose accountability.
- The rehabilitation and reform of security sectors requires a nonpartisan approach and depends on reaching a reasonable consensus on the components of the social order and the principles of an acceptable moral economy. Without this, the technical assistance and training routinely offered in conventional reform programs will be of little value.

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## Policing Unfinished Transitions

The Arab Spring revealed most dramatically the extent of public anger with the police forces and internal security agencies that maintained authoritarian regimes and single-party or unrepresentative governments. Yet deep resentment of coercive state power also shaped earlier transitions as other Arab societies emerged from armed conflict or direct occupation.

Each case has followed a distinct path. But in none has transition led to a durable consensus among principal political actors or in society generally regarding the role and governance of the security sector—the various police and paramilitary forces, internal security and intelligence agencies, and customs and other departments that mostly report to the ministries of interior. This is evident in relation to policing in its broadest sense: the defense of a dominant political, social, and economic order; the suppression of dissent; and the enforcement of social norms, which is carried out by the whole of the security sector. Members of society may universally view the provision of clean drinking water, electricity, or municipal services as self-evident entitlements and unproblematic public goods, yet notions of what constitutes good policing diverge substantially.

These divergences are brought out especially forcefully in post-conflict or post-authoritarian settings where the state and social contract are broken or being renegotiated at every level, often amid varying degrees of intervention by regional and international powers. This is why transitions in Arab states have proven to be complex and protracted, if not impossible. The security sector is intimately implicated in wider struggles over constitutional frameworks, modes of political action, governing arrangements, and the social relations and norms they each should embody, complicating if not altogether blocking reform.

This stalemate poses a fundamental challenge to Western governments, international organizations, and local advocacy groups for whom it has become axiomatic since the late 1990s to view security sector reform as integral to post-conflict reconstruction, development, and democratic transition. Conventionally, reform focuses on institution building as the key to ensuring compliance by security sector personnel with the rule of law, effective

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\* This is the final installment in a series of papers on security sector reform in Arab states. “Missed Opportunity: The Politics of Police Reform in Egypt and Tunisia” and “Crumbling States: Security Sector Reform in Libya and Yemen” were published in March and June 2015, respectively.

governance, and accountability. As a consequence, it also centers on upgrading technical capabilities and introducing procedural safeguards for the efficient development and transparent management of human and material resources. While commendable in terms of its core values and desired outcomes, the experience of Arab states demonstrates that this approach fails to address, let alone resolve, the dilemmas thrown up by transition.

## Three Dilemmas

Security sector reform in Arab states has been complicated immeasurably by those states' legacies of autocratic or patronage-based rule, self-serving elites and privileged economic interest groups, and dysfunctional or declining public institutions. Authoritarian regimes evolved systems of governing in the decades preceding the Arab Spring that drew most political, social, and economic actors and networks into their orbit, prompting them to adapt and accommodate. In parallel, the growing numbers of inhabitants of low-income or peripheral areas who were marginalized by structural adjustment programs, crony neoliberal economics, and predatory privatization from the 1980s onward were met with routinized, low-level violence by security sectors and frequently penalized by criminal justice systems when they pushed back, prompting many to resort to informal modes of policing and adjudication. This was especially obvious in the Arab Spring countries where transition eventually took place—Egypt, Libya, Yemen, and, with some qualifications, Tunisia—or was attempted—Bahrain and Syria. But similar trends and dynamics also emerged to varying degrees in the post-conflict transitions of Algeria, Iraq, Lebanon, and the Palestinian Authority.

The extreme fluidity of post-uprising and post-conflict transitions makes the task of reforming the security sector exceptionally difficult: no matter which approach is taken to it, reform affects the interests of a diverse array of actors, often in contradictory ways. By the same token, security sector reform—indeed transformation—is integral to democratic transition, and must proceed in tandem with it. But three dilemmas stand in the way.

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**The extreme fluidity of post-uprising and post-conflict transitions makes the task of reforming the security sector exceptionally difficult.**

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The first dilemma relates to hyperpoliticization: the extent to which every possible aspect and manifestation of transition acquires political significance and becomes cause and object in a zero-sum contestation, paralyzing the state

if not undermining the very concept of it. Restoring, let alone reforming, a fully functioning security sector requires establishing a reasonable level of societal consensus on its nature and role (alongside the armed forces) as a principal coercive apparatus of the state. But this is exceptionally difficult in a context of “winner takes all, loser goes to jail” binary politics, and all the more so when the nature and role of the state itself are also in question.

The marked fluidity of post-conflict and democratic transitions over the past two decades and the powerful legacy of binary politics and exclusionary policies have politicized debates about the security sector to an extreme degree. As a result of this and of declining state capacity and widening social rifts, violence has become a currency, in a way, for political contestation among regional, sectarian, ethnic, or tribal actors.

In strong states, conversely, the political legitimacy of post-transitional governments is increasingly based on their promise to deliver stability to citizens who perceive rising crime rates, terrorism, and social disorder as more pressing concerns than the lack of democracy, rule of law, or human rights. Those citizens therefore acquiesce to the restoration of authoritarian practices.

Second is a political economy dilemma. Although law enforcement is usually regarded as an unambiguous and unmitigated public good, reality is more complex. On the one hand, this dilemma relates to the costs of modernization and professionalization of security sectors and the potential consequences that reform might have on job security and social welfare if it requires large-scale dismissals of personnel. On the other hand, more than two decades of distorted, crony economic liberalization and predatory privatization in numerous Arab states have incentivized extensive security sector involvement in corruption and criminal economic activities. Transition has reinforced these trends immensely, turning the police and other security personnel into so-called entrepreneurs of insecurity, not enforcing the law so much as negotiating it, often through corruption and the sale of protection.<sup>1</sup>

As a consequence of these dynamics, views and expectations regarding the primary purposes of policing diverge across society, leading to the third dilemma. Law enforcement is more than just crime fighting or maintaining the public peace; it is fundamental to maintaining the dominant social and economic order. This relates to the structures and values that guarantee the security of persons and property and the mechanisms for resolving disputes concerning them. It also encompasses notions of what constitutes a just moral economy—that is, what groups of citizens or local communities perceive as a fair balance between their rights and the obligations of the elites, state authorities, or market forces that shape their lives. Transition in Arab states has not only weakened formal mechanisms of policing and adjudication but also made it difficult to resume the compromises and trade-offs that previously allowed divergent notions of social order and moral economy to coexist within a single national space. Any attempt to rebuild or reform the security sector (and associated criminal justice system) is likely to entrench the divergent expectations of different social sectors as to what social values are to be enforced.

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## Hyperpoliticization and Its Discontents

The erosion or breakdown of political systems and constitutional order in a widening circle of Arab states is not leading to clear alternatives. This contrasts with earlier historic transitions during which the state changed hands and form but otherwise remained intact. Such shifts were evident from the colonial era to independence, and from the initial post-independence era to the long period of stable if largely authoritarian government after 1970. But now, constitutions are no longer recognized in any meaningful way as a binding framework or higher authority for the regulation and mitigation of political contestation.

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**In the absence of commonly accepted rules and arenas for the peaceful conduct of politics, political action has tended to take increasingly violent forms.**

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In the absence of commonly accepted rules and arenas for the peaceful conduct of politics, whether formal or informal, political action has tended to take increasingly violent forms instead, frequently along communal lines (whether sectarian, ethnic, tribal, or regional). The focus of domestic governments and their regional and international counterparts on counterterrorism to the exclusion of any serious security sector reform agenda has only reinforced the tendency to privilege the use of coercion in dealing with political or social dissent.

The consequence has been an acute polarization of any discussion relating to the security sector in Arab states, blocking even basic improvements, let alone far-reaching reforms.

### Entrenching Opposition to Reform

Fledgling democracies in Arab states have been a free-for-all, making replication of the binary politics of pre-transition eras virtually inevitable. Most political parties and leaders who came to power through the major transitions of the late twentieth and early twenty-first centuries were formed under authoritarian rule or in conflict systems, which heavily shaped their perceptions and modes of action. Once in government, they have tended almost universally to regard the security sector either as a potential foe to be appeased in order to ensure the survival of their nascent administrations or as an instrument to be taken over to weaken rivals and consolidate power. Even in cases where limited democratization has taken place, a narrow, winner-takes-all conception of democracy has reinforced the inclination of new governing parties or elites to appropriate, rather than replace, their predecessors' attitudes and approaches toward the security sector.

As a review of the faltering, halfhearted attempts at security sector reform in Egypt, Libya, Tunisia, and Yemen after 2011 shows, their interim governments neither leaned instinctively toward openness nor methodically pursued wide-ranging dialogue with the security sector, political partners and rivals, or civil society.<sup>2</sup>

The Egyptian Muslim Brotherhood and Tunisian Ennahdha, which were the largest parties in their countries' transitional governments and parliaments, anticipated moving from the political, administrative, and socioeconomic periphery to the center, and so they sought at most to neutralize their ministries of interior. Consequently, both countries avoided systemic breakdown, but only at the price of sullen resistance to any reform by their security sectors. That resistance was followed by regression into counterrevolution in Egypt and open rejection of government oversight in Tunisia.

The trajectory of reform or restructuring diverged significantly in Libya and Yemen, both of which experienced institutional breakdown in the wake of transition. Struggles for control of the security sector became central to national politics after 2011, undermining transitional processes and ultimately leading to civil war in 2014. In Libya, in the absence of established political understandings and institutional restraints, security sector reform was largely reduced to large-scale purges of former regime personnel backed by a lustration law that extended to the political and administrative domains as well. Similar dynamics in Yemen triggered a damaging countermobilization as rival elite factions strove to build power bases in the security sector—and outside it—in order to assert themselves in the new governing arrangements.

Security sectors in a number of Arab states have found it politically expedient to present their regressive responses to the challenges of reform as a defense of secularism against incipient Islamist authoritarianism, to appease or gain the support of select domestic audiences and Western governments. But in reality their responses reveal unwillingness to be overseen and controlled by any kind of democratically elected authorities.

This line of reasoning has clear historical precedents. In Algeria, the army and security agencies seized power in January 1992 following the victory of Islamist parties in the first round of parliamentary elections the preceding month. They did so to forestall the Islamists' expected victory in the second round, which would have led them to replace the long-standing government. Similarly, the Palestinian Authority Security Forces refused to obey the government formed by the Islamic Resistance Movement— Hamas—after it won the January 2006 general election, precipitating Hamas's violent takeover of Gaza a year later and a permanent split in the Palestinian Authority.<sup>3</sup>

The consequences of these polarizing trends have been the entrenchment of resistance to reform as the default position of the security sector in virtually every Arab state in transition and the instillation of distrust of security sector reform among political elites, social sectors, and economic actors, even when they stand to benefit from it.

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### Violence as Political Currency

Alongside these struggles in political systems, the erosion of basic security and of social contracts has prompted diverse communal actors—regional, sectarian, ethnic, or tribal—to countermobilize. Often, this has involved taking up arms and directly challenging state authority. At the same time, widening fissures in state institutions have made it easier to form parallel security structures and have magnified the potential for violence. The deeply embedded culture of impunity in official security agencies has easily extended to nonstate armed actors that existed prior to transitions or appeared in their wake, reproducing the resort to violence, coercion, and repression. Reversing these centrifugal dynamics has become one of the toughest challenges thrown up in the aftermath of the Arab Spring, as indeed in earlier post-conflict transitions in Algeria, Iraq, Lebanon, and the Palestinian Authority.

These trends have been very apparent in Libya, where political dynamics among the many post-uprising militias, rump and hybrid state forces, and municipal councils have been incredibly complex. This reflects both the highly localized social interests they represent and the low level of “state-ness” of official institutions and legal frameworks, which moreover vary markedly from region to region. Even after parliamentary elections in July 2012 successfully produced the General National Congress, this too was overshadowed by growing rivalry between Islamist and secular camps; serial assassinations of officers and officials from the era of Libyan leader Muammar Qaddafi; and mutual distrust and resentment between the remnants of the army and security sector on one side, and the revolutionary militias on the other.

The centrality of coercion as a factor shaping transitional politics was also evident in most of the other cases. In Yemen, the National Dialogue Conference was held between March 2013 and January 2014 in the looming shadow of a military regrouping by ousted president Ali Abdullah Saleh’s networks in the armed forces; the mobilization by Ansar Allah (the Zaidi rebel group commonly known as the Houthis, who have been fighting the central government since 2004); and a rising al-Qaeda in the Arabian Peninsula (AQAP) threat embodied in a long string of assassinations of security officials. And in Syria, where the state administration has been hollowed out extensively since the start of the 2011 crisis, the regime of President Bashar al-Assad has become as dependent on state-sponsored militias and proxy economic networks as the various opposition groups have.

Regional disparities have also influenced the emergence and resilience of nonstate armed actors, often coinciding with communal grievances and mobilization. This is certainly evident in Libya where the federalist movement supporting autonomy for Barqa (also known as Cyrenaica) is strong in the east; an

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Amazigh minority seeks greater autonomy in the far west; and diverse feuds pit Arab and non-Arab, tribal and nontribal, and Qaddafi-regime leftovers in the center and south against each other. It is true in Syria as well, where the civil war has delineated relatively distinct sectarian, ethnic, and clan zones—Alawi-dominated in the coastal region, Kurdish along the northern border with Turkey, clan-based in the northeast, Druze along the southern border with Jordan, and multiple, competing Sunni pockets scattered across the country.<sup>4</sup> And in Yemen, the Houthi movement, AQAP, supporters of President Abd Rabbu Mansour Hadi, and southern secessionists have forcibly carved out rival zones of control.

### Legitimacy and Counterterrorism

Public demand for security sector reform has regressed sharply in most Arab states in transition. This is counterintuitive, as the performance of their security sectors has not improved even marginally. But it is a natural response to growing threat perceptions among citizens faced with an apparent rise in crime rates (including violent crimes, for decades low in Arab countries in comparison to other regions of the world), a proliferation of armed groups and an increase in terrorism, and uncertainty over the political and economic future. These worrying trends make security sector reform a more urgent necessity than ever, but by the same token, they make it seem threatening and untimely to the general public.

Increasingly, Arab citizens regard the political choice facing them as being between democracy and stability. For many, government legitimacy derives not from deepening democratization and ensuring that human rights and the rule of law are respected, but from demonstrating effectiveness in suppressing sources of perceived threat. As shown graphically in Egypt since the overthrow of the Muslim Brotherhood administration in July 2013, this may extend to demands for the exclusion, or at times even the elimination, of entire sociopolitical sectors seen as inherently inimical. A similarly polarizing dynamic has operated in Iraq, Lebanon, and Tunisia, although arguably far less in Algeria, where decisionmakers sought political inclusion of a substantial part of the Islamist spectrum as a means to ensure stability.

These trends, moreover, conflate easily with sectarian, tribal, ethnic, or regional divides that make it easier to construe others as representing collective threats. More significantly still, the trends coincide with class divisions in countries experiencing massive growth of the politically and economically marginalized underclass—the large numbers of people living at or below the poverty line, often in illegal or unregistered housing with limited or no public services and infrastructure, who make up the informal economy. This sector had already been targeted with repressive policing for decades in response to

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socioeconomic dissent, but in several Arab states in transition it is increasingly viewed as a supportive environment for Islamic radicalization.

The widening campaign against terrorism across the region has come to provide an overarching normative and policy framework. Governing elites now at the helm of their states use their formal positions to legitimize confrontational security policies and brutal crackdowns on opposition, as both the loose coalition that has governed Egypt under President Abdel Fattah el-Sisi since July 2013 and the Syrian regime of Bashar al-Assad have done.

Furthermore, in these as in most Arab states undergoing transition, powerful ancien régime elements and residual networks of political, business, and bureaucratic elites have latched on to the official law-and-order and counterterrorism discourses. This is true even in Tunisia, where the Nidaa Tounes party, which won the October 2014 general election and is headed by Beji Caïd Essebsi, a politician from the era of ousted president Zine el-Abidine Ben Ali, gave a nod to coalition-building by including the moderate Islamist Ennahdha in the new national unity government. The Tunisian security sector has none-

theless deployed a discourse of counterterrorism to justify its resistance not only to reform and restructuring but also to government oversight.

Unfortunately, a renewal of the impunity of unreformed and unreconstructed security sectors has so far meant a return to past bad practices, with even less political or judicial control than previously. In parallel, governments have

restored or introduced notably authoritarian and regressive laws affecting press freedom, social media, nongovernmental organizations, and the right to public protest. Even where they have not been intimidated or co-opted, overworked and underfunded justice sectors have been unable to counterbalance or mitigate this trend, and remain in bad need of rehabilitation.

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## The Political Economy of Policing

Conventional approaches to security sector reform routinely underestimate or ignore its full financial implications and socioeconomic effects. These include the significant investment needed to professionalize the security sector; the social and economic consequences of reducing inflated security sector payrolls; and the deeply entrenched security sector networks' resistance to the loss of opportunities for illicit gain through corruption and to the cessation of lucrative but illegal economic activities. Conventional responses emphasize technical and management training and the introduction of transparency and oversight rules. But they overlook the fact that autocratic rulers and authoritarian regimes deliberately used overemployment and tolerated corruption in the security sector as means of co-opting it and of compensating for the lack of political and financial investment in professionalizing and upgrading it.

## The Costs of Professionalization

Professionalization and modernization of the security sector requires developing greater specialization and competence as well as upgrading criteria for recruitment, training, work places, and equipment. It also requires improving salaries, in-service benefits, and pensions, and enhancing management of human and material resources. All this represents a significant investment for Arab states in transition that are already financially strapped, making it difficult for these reforms to gain traction.

The burden is so heavy in large part because security sectors underwent significant expansion in many Arab states in the past four decades, outstripping the pace of growth of any other state sector. Several factors drove the trend. Massive urbanization—along with the associated rapid population growth and mobility, and migrant and refugee flows—transformed the spatial and social environment in which the security sector operated and posed more complex law-and-order challenges. The consolidation of authoritarian control from the early 1970s onward generated increased monitoring by internal security agencies, whose number and strength grew continuously, while uniformed paramilitary forces provided a public display of regime power. Combating terrorism accelerated the expansion of security sector personnel and budgets as jihadi Islamist violence grew in the 1990s, and again following the September 11, 2001, terrorist attacks and the uprisings of 2011. Meanwhile, the proliferation of cross-border networks and regional black markets active in illegal immigration, human trafficking, and the illicit arms trade necessitated new capabilities and agencies to meet the additional challenges.

In Egypt, the result was the emergence of a mammoth security sector that numbered at least 1 million people on the eve of the 2011 revolt, and possibly stood at 1.5–1.7 million, accounting for around one-fifth of state employment (excluding the armed forces).<sup>5</sup> At the opposite end of the scale, the Tunisian security sector numbered a mere 49,000 in 2010, but by 2015 the state budget showed total strength (including civilian and local government personnel) to be 97,797, or 12 percent of all state employees.<sup>6</sup> In Yemen, the security sector and armed forces together had about 500,000 registered personnel; of these, over 100,000 were estimated to be on the Interior Ministry payroll, while the Political Security Organization alone, which reports directly to the president of the republic, had 120,000–150,000 members according to some accounts.<sup>7</sup>

Post-conflict transitions have also seen massive security sector growth. The Algerian security sector, for example, is proportionally nearly as large as that of Egypt, with 590,000 personnel for a population of some 40 million at the end of 2014. This represents 29 percent of total state employment (including those on fixed contracts) or 37 percent of permanent public sector employees.<sup>8</sup> Similarly, the Palestinian Authority's security sector reached nearly 90,000 at

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its peak in 2007, while Iraq's grew to some 450,000 by 2015, and Libya had approximately 200,000 on the payroll of its formal and hybrid security structures by 2013.

In theory, the investment required to professionalize these forces could be partly offset by retrenchment—the reduction of badly inflated payrolls through early retirement or dismissal. And downsizing bloated security sectors is necessary, both to achieve financial savings and to facilitate professionalization and better management and oversight. But its social and political ramifications are highly problematic.

The ability to downsize in this way is constrained by the high immediate costs of end-of-service compensation or job rehabilitation and a short-to-medium-term spike in pensions. Governments faced with shrinking public revenues and competing demands for greater investment in healthcare, education, and basic infrastructure may not feel they can afford real security sector reform.

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Retrenchment moreover means exacerbating unemployment in societies already under severe economic strain, since employment in the security sector—and in the armed forces—is often little more than a job-generation scheme. In Arab states that have undergone transitions, household

income depends to varying degrees on security and military employment for between 10 and 20 percent of the population—assuming five family members per household. So adding large numbers of poorly trained and poorly paid personnel to the ranks of the jobless in economies suffering slow or negative growth invites unrest.

The dilemma confronts many Arab states, but it is especially acute for those in transition. During Egypt's all-too-brief democratic transition, for example, an influential member of the ruling military council responded to calls for the dismissal of large numbers of police officers implicated in violations of the law or citizens' rights by warning that dismissing those personnel without “the funding to reintegrate them or give them alternative civilian jobs or proper pensions . . . would be creating disasters.”<sup>9</sup> His argument was self-serving, since the military council preferred to gain the Interior Ministry as a strategic ally, but the risk of aggravating socioeconomic conditions and triggering open opposition or rebellion among security sector rank and file is real. It would be magnified immeasurably if large-scale retrenchment were to affect the security sector as a whole, and not just involve the dismissal of police and security personnel guilty of human rights abuses or corruption.

And many Arab states in transition have more to lose now than they did before conflict. In Iraq, the search for jobs drove tens of thousands to brave insurgency attacks and volunteer for the army and the police force in the decade after 2003. Coupled with the unprecedented proliferation of political and personal patronage networks in the state bureaucracy, this spike in job seekers increased the number of personnel under the Interior Ministry to 531,000 in

early 2013. Similar incentives fueled the growth of the Palestinian Authority Security Forces to a peak of 87,800 by early 2008, while the rival administration run by Hamas in Gaza had an additional 17,000–20,000 recruits and officials in its own security sector and possibly as many again in its armed wing.<sup>10</sup> The trend was also evident in Libya, where some 200,000 revolutionaries who claimed to have fought against the Qaddafi regime—although only 30,000 are believed to have actually done so—signed up for the new security and defense structures established by the interim government after 2011.<sup>11</sup>

### **Policing Criminality, Criminalizing Policing**

Many citizens and residents of Arab states, especially but not exclusively those in transition, see brutality, impunity, and corruption as inherent to their national police forces. The forms and extent of corruption vary from one case to another, but they broadly include the extraction of bribes for administrative services, petty extortion and shakedowns of businesses, falsification of personnel records and payrolls, maintenance of secret funds for the benefit of ranking officers, and commission-buying—the sale of promotions and appointments to secure higher salaries or lucrative opportunities to use public office for private income generation. What Sarah Chayes, author of *Thieves of State*, called the “vertical integration of kleptocratic networks” from the bottom to the top of the security sector hierarchy reveals a criminalization of policing that in most cases predated these transitions in Arab states, but intensified afterward.<sup>12</sup> This entrenches security sector resistance to reform, at a time when the weakening of state institutions in transition undermines the already modest ability of internal audit sections in ministries of interior, government watchdog agencies, and the judiciary to monitor practices and curtail abuses.

Surveys of citizens and businesses reveal the extent to which corruption is perceived as pervasive among the police. According to the Business Anti-Corruption Portal, in 2013 a majority of Egyptian citizens viewed their police as corrupt, as did one-third of Iraqis. More than two-thirds of Tunisians ranked their police as the most corrupt state institution in the same year, with 10 percent of those surveyed saying they had bribed a police officer.<sup>13</sup> The Yemen Polling Center similarly reported that fully 75 percent of its survey respondents in 2014 lacked confidence in the security sector due to its “blatant corruption and favoritism,” while a separate survey showed that an overwhelming majority of citizens in eighteen of the country’s 21 governorates did not resort to the police, public prosecutors, or courts to avoid financial extortion.<sup>14</sup>

A primary cause of corruption among most noncommissioned ranks is low pay. In Egypt, for instance, the lowest-ranking police officers received monthly salaries of approximately 800 Egyptian pounds in 2014 (\$115 at the time), prompting many to compensate by demanding free services and goods

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**Many citizens of Arab states see brutality, impunity, and corruption as inherent to their national police forces.**

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from the public, especially in lower-income areas, or to extract petty bribes by threatening people with arrest.<sup>15</sup> Practices such as the “open drawer,” in which Interior Ministry clerical staff extract bribes for processing identity cards, driver’s licenses, and other necessary paperwork for citizens, were prevalent.<sup>16</sup> These fringe benefits, so to speak, disappeared as the security sector went into full retreat in the wake of the 2011 uprising and lost its ability to intimidate citizens. The loss undermined the sector’s cohesion, but because the opening for sweeping reform was not seized, the lower ranks eventually soured on the transition.<sup>17</sup> The Egyptian police went on strike repeatedly over the next two years, but the Ministry of Interior maintained its ban on the formation of police unions and so the force’s efforts remained highly localized and did not spread across the entire country.

Egypt is not alone in its experiences. In Tunisia, although police unions were quickly legalized and almost immediately pushed for higher pay and improved service conditions, petty corruption and shakedowns have become endemic. Meanwhile, police in Yemen compensated for poor pay by moonlighting, in some cases registering for a second job in the poorly regulated state bureaucracy. Thousands of militiamen-turned-policemen in Libya did the same, but they only showed up to their workplaces to collect their salaries.<sup>18</sup> In Iraq, lower-ranking police officers who were reportedly obliged to hand over part of their salaries to their supervisors—a burden their Egyptian counterparts also suffered—sought to recoup their losses by extorting money from detainees in their care.<sup>19</sup> And in Algeria, the police are alleged to routinely accept bribes to falsify documents, such as accident reports, and to mediate off-the-books settlements in cases that would normally come under the jurisdiction of criminal courts, while the Department of Intelligence and Security (renamed the Security Services Directorate in January 2016) generated income out of facilitating access to medical and administrative services to citizens and influencing judges.

Corruption in the higher ranks, whether of the police or of other security sector branches and the administrative apparatus of ministries of interior, is by comparison more institutionalized. Its scope and scale are far more extensive, therefore, and its consequences much more serious. As the case of Iraq shows, especially from 2011 onward, commanders are in a position to skim off supplies such as food, uniforms, equipment, and even arms to resell in local black markets, taking the petty pilfering of the lower ranks to an industrial scale. Their counterparts in Yemen, meanwhile, sold services to local communities and protection to businesses. For example, Yemeni commanders hired out the Interior Ministry’s small coast guard unit to foreign companies operating in the natural gas export sector, a practice that had started at least a decade prior to the 2011 uprising.

This upper-level corruption takes various forms in different contexts. In Egypt, with its generally higher levels of bureaucratization in the state sector,

secret funds and black boxes—some of which in fact appear in the general budget—are used to provide ranking officers with benefits. According to some estimates, the Interior Ministry has 174 off-budget funds that were believed to hold 15 billion Egyptian pounds in 2015 (\$2 billion at the time); in the words of a whistle-blowing senior police officer, Abdul-Hadi Badawi, the misuse of funds has amounted to a “plague.”<sup>20</sup> The potential scale was highlighted by the trial, ongoing as of March 2016, of former president Hosni Mubarak’s interior minister Habib el-Adly and over 100 other officials who were collectively charged with embezzling nearly 2.4 billion Egyptian pounds (\$306 million at current rates) in ministry funds.<sup>21</sup> In the view of Egyptian human rights activist Karim Ennarah, the police had never been a professional law enforcement agency, instead “acting like an armed gang or a militia with their own interests that they’re trying to protect.”<sup>22</sup>

Separately, the Egyptian Ministry of Interior has its own commercial and investment arm, with companies such as al-Mostakbal that undertake profit-making ventures using the charitable and welfare funds of the various security sector branches for capital.<sup>23</sup> Although the commercial and investment arm is officially labeled the ministry’s “formal economic entity,” the lack of transparency means that secret as well as formally registered funds may be invested. This is more clearly the case with the General Intelligence Directorate, which has for decades invested in front companies that vie for commercial contracts, with the proceeds held by the directorate.<sup>24</sup> It also imposes what are known as delegated members on private sector companies in certain domains of interest, such as high-tech, communications, and external trade.<sup>25</sup>

Informal hiring is an additional, significant source of illicit income. The Military and Security Working Group of Yemen’s National Dialogue Conference concluded in late 2013 that only 100,000 of 500,000 registered military and security personnel were reporting for duty.<sup>26</sup> Of those not appearing, up to 100,000 were so-called ghost soldiers and policemen, who had left service or did not exist at all but for whom commanders still drew pay. Some units were dissolved during the initial phases of military restructuring in 2012–2013, including a number of tribal levies that had been put on the public payroll to protect their sheikhs, who were still receiving the same budgets when the transition broke down in 2014.<sup>27</sup> Not surprisingly, when the U.S. and other Western governments proposed developing a new national identification system and biometric database for state sector employees, the security sector resisted, arguing that this would violate the confidentiality of its personnel.<sup>28</sup>

Paradoxically in a state still in the making, the Palestinian Authority Security Forces revealed comparable patterns, albeit on a smaller scale. In the decade before the security sector was split in 2007 between the rival administrations of the Palestinian Authority in the West Bank and of Hamas in Gaza, commanders of the dozen or more police forces and security agencies were encouraged to supplement their budgets with informal revenue streams. This led to the equivalent of secret funds, benefits for cronies, and salaries claimed

for personnel who did not show up for duty. Some senior officers were implicated in the plunder of sand from Gaza's beaches, which was sold to construction sites. A few top-ranking security commanders went further, levying fees on imports openly to boost their agencies' budgets, while privately building personal fortunes by coercing private investors and contractors into partnering with representatives fronting for them.<sup>29</sup>

A consequence of these trends is that it has become common in several Arab states for officers to buy promotions or appointments to ranks and posts that offer the most lucrative income streams. In Tunisia, for example, security sector officers paid to be appointed to border areas where they could receive fees from the thriving contraband trade.<sup>30</sup> A similar pattern applied in Iraq, where numerous sources confirmed that officers have bought their commissions by bribing politicians, while others pay their commanding officers a monthly fee to secure what in effect are commercial franchises.<sup>31</sup> This included appointments that allowed the hiring of ghost personnel; in December 2014, the government estimated there were at least 50,000 in the armed forces alone. The phenomenon also affected the security sector, although comparable figures are not available.<sup>32</sup>

While these forms of corruption mostly benefit senior ranks of officers and interior ministry officials, junior and middle ranks are also implicated. In several Arab states, certain administrative services assigned to the police offer opportunities to demand substantial bribes. In Lebanon, for example, the responsibility for issuing building permits and enforcing zoning laws to prevent illegal structures or improper uses was transferred to the police in order to curb bribe-taking by municipal authorities, which had previously performed these tasks. But this change simply shifted the same corrupt practices to the police.<sup>33</sup> Much the same is true of Tunisia, where the police exploit their control of licensing to blackmail small business owners, threatening those who refuse to pay bribes with closure.

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### **The Shadow Economy: Competition and Collusion**

Corruption is usually most visible in the police, with which the public most commonly interacts, but it extends to other branches and security agencies, often generating even larger opportunities for illegal income. One of the most significant consequences of transition in Arab states, and in many respects the most pernicious, has been the expansion of the black economy and the associated intensifying of both competition and collusion between state agencies on the one side and criminal groups or armed groups and militias on the other. Whether brought about forcibly as in Iraq or relatively peacefully as in Tunisia, transition has generated considerable fluidity in national economies and social relations, blurring the boundaries between formal and informal economic,

administrative, and security actors. The result has been an intensified “horizontal integration of kleptocratic networks,” as Chayes phrased it, across the public and private sectors and with criminal and militia actors, implicitly legalizing criminality.<sup>34</sup> And because security sector collusion in the gray economy broadens the range of beneficiaries and enmeshes their interests, it adds yet another obstacle to reform.

Initially in several cases, transition generated a security vacuum that organized criminal groups exploited to expand their activities. In Egypt, for example, criminal gangs engaged in racketeering, trafficking, and prostitution with impunity.<sup>35</sup> Indeed, during the long period in which the resentful police implemented a de facto slowdown in performing their work, citizens seeking protection from attacks on their persons or property were advised instead either to hire Egypt’s notorious *baltagiya* (thugs) to reclaim their rights by force or to pay off their attackers and thieves. In Yemen, some of the self-styled popular committees that offered basic security in the south of the country after 2011 changed loyalty from al-Qaeda in the Arabian Peninsula to the government in 2012 after disagreeing with AQAP over their share of fees extracted from local trade and citizens or of other war spoils. However, opposition to the brutality of AQAP affiliate Ansar al-Sharia was the principal factor for most committee members.<sup>36</sup>

Black economies also became regional as criminal and armed groups extended their networks and operations across national borders. Libya became particularly notorious after 2011 as a major source of illicit arms flows and a transit route for migration and human trafficking, repeatedly triggering clashes between tribal and ethnic groups for control over border crossings, in the south especially. The security sector in neighboring Tunisia had already acquired an “economic function” under Ben Ali in the 1990s, as Tunisian researcher Olfa Lamloum has shown, implicating it in “regulating extralegal activities and other forms of siphoning off and racketeering.”<sup>37</sup> After 2011, the sector was drawn in further as the rapid burgeoning of the informal border economy and the collapse of monitoring by government agencies offered greatly expanded opportunities for illicit income generation and encouraged the emergence of a large number of competing factions and interest groups in the Ministry of Interior.<sup>38</sup>

The rapid growth of cross-border economies has in turn affected local communities, disconnecting them from the formal economy and administrative centers in national capitals and reorienting them toward external markets and other political actors. The shared border zone between Iraq and Syria demonstrates this most graphically: from 1990 to 2003, when international sanctions were imposed on Iraq, smuggling became an economic mainstay of provinces such as Anbar, fusing clans on both sides of the Syrian border and ultimately providing the safe haven in which the Islamic State of Iraq and the Levant (which declared itself simply the Islamic State in 2014) rebuilt in 2008–2013.

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The example of Iraq reveals the role actively played by state agencies in the emergence and subsequent evolution of black economies. The regime of then president Saddam Hussein encouraged the large-scale involvement of Iraqi clans in smuggling as part of its sanctions-busting strategy. Following his removal in 2003, the same clans took up arms in places like Fallujah when the occupying U.S. forces sought to seal off the borders to prevent the flow of insurgents and arms.

The Syrian example shows that the symbiosis between state agencies and militias may change from a pragmatic but relatively limited or temporary convergence of interests to one that is more systematic and sustained.

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**Black economies also became regional as criminal and armed groups extended their networks and operations across national borders.**

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Syria demonstrated a path dependency similar to that of Iraq as the war economy that emerged after 2011 built directly on pre-crisis patterns. During the previous decade or more, Syrian security agencies gave de facto franchises to favored smuggling rings while also muscling in on legitimate businesses that offered quick profit or high turnover, such as mobile phones. Many of the networks involved subsequently developed into armed militias on both sides, while turning into key drivers of the war economy alongside the security agencies.

Similarly, when the Libyan transitional government found itself unable to provide the Petroleum Facilities Guard with enough men and equipment to protect the country's oil fields and facilities in 2013, it instead contracted with local militias to undertake the task. A protection market developed in parallel as local businesses or civil agencies paid off militias, many of which were on the state payroll.

In Iraq, the Popular Mobilization Forces militia, which appeared in 2014 and subsequently received state funding, demanded to control its own budget and disburse salaries to its fighters as it saw fit.<sup>39</sup> More recently, in early 2016, armed, uniformed men in Baghdad and other cities started collecting unauthorized donations on behalf of the Popular Mobilization Forces.<sup>40</sup>

And as the Algerian experience of the 1990s shows, state-sponsored militias formed in order to wage internal wars or counterinsurgency acquire economic interests that then become entrenched. This then incentivizes beneficiaries in the security sector and local communities that are mobilized in counterinsurgency campaigns to resist change at any cost.

## **Policing Social Order and the Moral Economy**

Too often, both Western governments and local advocates of security sector reform have focused on rebuilding structures, upgrading training and equipment, and introducing modern management systems and skills in security sectors that are guilty of past abuses or that have collapsed as a result of armed conflict or contested transitions. But this misses a crucial point: it is policing

as a concept that has been fundamentally compromised in Arab states undergoing (or resisting) transition, not just individual police forces and internal security agencies. The focus on developing operational capability and devising technical fixes reveals a normative misconception that policing is primarily about fighting crime and overt threats to public law and order. Rather, the police play what penal reform expert Anita Dockley has called a “more fundamental peacekeeping role” in society, helping to generate and maintain the dominant social order and extend the state’s reach.<sup>41</sup>

Consequently, when state power and social order are challenged or break down, the formal and informal arrangements through which policing previously underpinned the uneasy coexistence between divergent notions of social order and moral economy—in both competition and cooperation with various social actors—are disrupted. In such a context, contestation over the nature and purpose of policing is inevitable.<sup>42</sup>

But power and order are unlikely to be replaced in an unproblematic or automatic manner by liberal notions of individual rights and the common good. Rather, as Arab states that are not in transition, such as Saudi Arabia, also demonstrate, security sectors deploying modern, Western training and equipment and displaying commendable levels of professionalism in a narrow technical or procedural sense may in fact be designed to maintain socially exclusive and politically authoritarian modes of order.<sup>43</sup>

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### **Islamic and Community Policing**

The participation of Islamist parties in government and the appeal of Salafi movements to certain electorates and social constituencies, especially since the Arab Spring but also in some of the post-conflict transitions, have opened up potential new approaches to policing. This has not prevented security sector reform as such—quite the contrary, as Islamists have on occasion been readier than their predecessors to adopt generic aspects of the conventional approach. But it has highlighted the potential to fuse the security sector with alternative modes of policing and customary forms of adjudication, and ultimately to shift the social order those forces help construct and maintain.

In several Arab states undergoing transition, varied Islamist actors took advantage of the transfer or disruption of state power and the disarray or collapse of official security sectors to build autonomous security bodies or position themselves in ministries of interior and select security agencies. Furthermore, their efforts to acquire effective control and to promote an alternative social order based on Islamist values necessarily implicated the justice system, legal framework, and informal or community-based modes of policing and arbitration rooted in customary law.

Few of these states had ready or coherent blueprints for what a specifically Islamic mode of policing might look like or what building one would entail. Competing Islamist movements, moreover, tended to adopt divergent approaches, while class and urban-rural divides led to distinct patterns. Salafists mostly promoted autonomous, grassroots policing based on sharia law in lower-income and semi-urban areas. Conversely, the Muslim Brotherhood and similar self-styled centrist Islamist parties preferred to work with existing security sectors and to combine civil and sharia legal and justice systems, appealing primarily to urban, middle-class constituencies. Reliance on customary law and arbitration—including variants such as tribal and sharia—had long been the norm in rural and some semi-urban areas, and became even more marked as local communities resorted to alternative security and justice providers to fill the vacuum left by state agencies in the wake of the Arab transitions.

The impressive gains made by the Muslim Brotherhood and the Nour Party Salafi coalition in Egypt's parliamentary elections of late 2011 and early 2012 encouraged them to institutionalize the popular committees that had provided basic security and prevented looting and criminal violence in some neighborhoods in the immediate aftermath of the uprising. In March 2013, the parliamentary wing of the Salafi al-Jamaa al-Islamiya in Egypt, the Building and Development Party, proposed draft legislation that would bring "community police groups" under the Ministry of Interior and grant them the judicial power of arrest.<sup>44</sup> The Muslim Brotherhood's parliamentary Freedom and Justice Party similarly proposed formalizing the legal status of the popular committees as an ancillary police apparatus, albeit attached to the presidency.<sup>45</sup>

The dissolution of the parliament by Egypt's supreme court ended this chapter. But the so-called secular political camp continued to accuse the administration of the Muslim Brotherhood's Mohamed Morsi, who was elected to the presidency in June 2012, of seeking to Islamize the security sector. Similar charges were made when the Brotherhood's Tunisian counterpart, Ennahdha, secured the appointment of leading member Ali Larayedh as minister of interior in December 2011. Ennahdha and Tunisia's Salafists were accused by their secular opponents of seeking to turn the popular committees—loosely labeled revolutionary leagues—into what their critics deemed an illegitimate, parallel security sector. Ennahdha's subsequent attempt to appoint its followers to key positions in the security sector and local government structure in the provinces, in response to the refusal of Interior Ministry staff and key commanders in the capital to accept Larayedh's authority, only deepened the secular camp's suspicions.

Islamist parties were pursuing unambiguously political agendas, and they seized the opportunity to enter the state apparatus to do so. After the U.S. Coalition Provisional Authority handed over power to Iraq's first acting

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government in 2004, followed by its first elected government in 2005, for example, powerful Shia organizations such as the Dawa Party, the Supreme Council for Islamic Revolution in Iraq, and the Sadrist movement took over the Interior Ministry and divided up control of various security sector branches. Following Libya's transition in 2011, the Muslim Brotherhood gained footholds in the Interior Ministry, the Supreme Security Committee, and the Warriors Affairs Commission. The Salafi Libyan Islamic Fighting Group similarly occupied senior posts in the ministry, as well as that of deputy minister of defense. Salafi commanders in the Supreme Security Committee, a state-sponsored hybrid security sector comprising revolutionary and Islamist militias, moreover used their positions to identify and imprison Qaddafi-era security officials.<sup>46</sup> And in Yemen after 2011, the Islah Party, an affiliate of the Muslim Brotherhood, extended the foothold it had already acquired since the mid-1990s in the Political Security Organization.

But promoting an Islamic social order was an important objective as well. Salafi militias in Libya policed areas they controlled according to their interpretation of Islamic morality, while in Tunisia some incoming municipal authorities sought to impose alcohol bans and close restaurants and bars during the fasting month of Ramadan.<sup>47</sup> In Egypt, a self-styled Committee for the Promotion of Virtue and the Prevention of Vice vowed in February 2013 to promote Islamic morality, while a similar group in northern Sinai threatened harsh punishments for drug use and smoking.<sup>48</sup> These and other incidents prompted considerable alarmism about the emergence of Saudi-style morality police. But in reality, movements such as Ennahdha were less concerned with imposing Islamic mores at this stage than with avoiding direct confrontation with national security sectors.

The most developed example of using policing to build an Islamic social order, however, emerged not after 2011 but in Gaza following the forcible takeover by Hamas in June 2007. The Hamas-led government's reconstruction of the security sector could have come straight out of Western textbooks in terms of developing technical skills and management systems or of providing online services and activity reports to the public. But it was fused with an Islamist proselytizing mission, embodied in intensive ideological training of security sector personnel, direct engagement with religious authorities and academic bodies, and faith-based outreach activities to the public.

Hamas also sought complementarity between the police and Islamic and customary justice mechanisms: The sharia courts that normally handled personal status issues were brought into the formal civil justice system, while the informal community reconciliation committees that provided mediation and arbitration at the neighborhood level were standardized, codified, and brought under a committee of Islamic scholars. Those committees' rulings were registered with the police. An attempt was also made to bring tribal justice, a notably distinct form of customary law, into alignment with the other forms,

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although this was unsuccessful, ultimately prompting the Hamas government to insert itself as an active participant in tribal mediations.<sup>49</sup>

A broadly similar approach has been implemented in Arab states that have not undergone transition. The Jordanian model of community policing, for example, involves joint resolution of disputes—including traffic accidents

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resulting in injury or death and other noncriminal acts—between the police, neighborhood mosques, clan or extended family associations, and other actors, such as school authorities.<sup>50</sup> As in the case of the Hamas police in Gaza, resolution may involve penalties dictated by customary or tribal law, such as payment of blood money or banishment, but the process spares culprits having criminal records. Similarly, in Syria—which is in the throes of a violent transition—villages that had rarely seen the official

police or resorted to urban-based, state-run courts prior to 2011 almost universally formed sharia courts headed by local mosque imams or other clergy when they came under opposition control after the uprising.

In contrast to the more highly institutionalized, top-down adoption of customary or Islamic forms of policing and adjudication, often translated as community policing, the long-standing weakness of the state in Yemen and absence of the official police in much of the territory drove local communities to resort to informal structures long before the 2011 uprising. According to Yemeni researchers Nadwa al-Dawsari and Adel al-Sharjabi, 80 percent of Yemenis still resolve disputes “including murder, crime, blood feuds and conflict over land and resources outside the formal justice system by using traditional arbitration and mediation,” while former minister of justice Mohamed al-Mikhlafi added that local tribal leaders and imams run their own prisons in some areas.<sup>51</sup>

Despite their significant variations, the preceding cases reveal that the post-transition emergence of purportedly Islamic and informal alternatives merely extended preexisting forms of community-based policing and customary justice in contexts of state breakdown, political polarization, and the collapse of social contracts. They show, moreover, that the adaptation of customary legal principles to regulate individual and collective behavior tends to be seen as more legitimate at the community level.<sup>52</sup> As local communities often mediate social contracts between the state and citizens, any effort to reform the official security sector and associated criminal justice system must accommodate these alternative forms and modes of policing and adjudication.

### **Militia-ization**

More worrying, however, is the degeneration of community policing into paramilitary forms as organized political actors instrumentalize it to serve their ideological agendas and assert social control. The risk is greatest where

decades of state oppression and marginalization or protracted armed conflict have severely weakened grassroots movements and other local authorities or sharpened societal polarization, in the process eroding informal or customary modes of policing and adjudication. In such cases, local communities have been unable to resist militarization or the imposition of the competing authority of nonstate armed groups or state-sponsored militias, which often undertake basic law enforcement and crude arbitration functions. The militarization, or militia-ization, of these functions deepens the breakdown of both the official security sector and community-based mechanisms, adding to the obstacles and costs of any future reform attempt.

The trend has been reinforced by the extensive disruption and realignment of social structures often seen as authentic, traditional, and immutable—such as clans and tribes—whether due to economic migration or forced displacement. One result has been fragmentation of the field of alternative security and justice provision, as rival armed groups have sought to impose their own structures on communities whose ability to resist has been weakened. In opposition-held areas of Syria since 2012, for example, rebel groups formed their own sharia authorities and judicial enforcement bodies as a means of consolidating their social control. This led to direct rivalry: several rebel groups, including al-Qaeda affiliate the Nusra Front, vied repeatedly to assert the preeminence of their judicial bodies in the northern city of Aleppo, while the dominant Army of Islam group in the besieged Eastern Ghouta region of Damascus strove continuously to compel all of its competitors to recognize the authority of its Unified Justice body and made several attempts to eliminate rival sharia courts by force.

Another consequence of the erosion of previously held customary or Islamic norms and the weakening of the structures interpreting and implementing them has been the rise of harsher and more violent modes of policing claiming the same normative framework and ideological starting point. The fusion of naked coercion with the imposition of a particular vision of social order by the Islamic State is an extreme case, but nonetheless indicative of the wider trend. Well before the Islamic State wrested control of the Libyan cities of Derna and Sirte in 2015, for example, the country was already a patchwork of impromptu policing and adjudication structures run by different revolutionary and Islamist militias. Indeed, the demoralization of the official police and marginalization of the civil justice system meant that even the government relied on ad hoc arrangements with these structures.

Local communities have not just accepted militia-ized policing and adjudication under duress—quite the opposite. In the southern Yemeni region of Hadramawt, for instance, many local inhabitants have reportedly opted since 2011 to participate in AQAP's justice system, which provides services without taking fees and enforces rulings rather than resorting to clan sheikhs, who are

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regarded as aligned with the state and who demand fees or a cut of any financial interest or settlement in which they are involved.<sup>53</sup> Sheikhs in other regions do not take fees, but the weakening of the tribal system and intensification of armed conflicts generally has made competing adjudicators such as AQAP more effective.

Local communities may also respond to nonstate armed actors' redefinition of what is seen as legal and legitimate when this serves their interests or is preferable to available alternatives. In the immediate aftermath of the U.S. invasion of Iraq in 2003, for example, Shia leader Muqtada al-Sadr issued a fatwa permitting his militia followers to engage in plunder and racketeering as long as they paid the *khums* (one-fifth) Islamic tithe to their local imam.<sup>54</sup> The Syrian uprising witnessed a similar phenomenon, as Islamist rebel groups constructed an entire discourse and set of codes and rules around the notion of *ghanimah* (spoils of war), imbuing it with religious legitimacy and elevating it to the level of legal principle.<sup>55</sup>

In contexts of armed conflict that involve severe political and social or communal polarization, moreover, heightened threat perceptions shape communal attitudes toward normal policing, relegating it to a lower priority. Lebanon is a notable example, in which members and supporters of powerful political parties, especially those with a legacy of militarization, were less concerned than other citizens and residents about low-politics issues of service delivery and infrastructure because their partisan affiliation ensured access and benefits.<sup>56</sup> The result, as political scientist Souhaïl Belhadj and his colleagues argued, has effectively been “a coercive and territorialized materialization of political and sectarian divides” as multiple state and nonstate actors claim the legitimate right to use force.<sup>57</sup> In parts of the country, consequently, the police

and municipal authorities routinely defer on all policing and justice issues to so-called security committees formed by militias and semi-militarized political parties that are locally dominant.<sup>58</sup>

In some cases, militia-ization has built on pre-transition modes of policing in which paramilitary forces (gendarmeries) were extensively used alongside civilian police agencies, as with Libya's notorious security battalions or

Egypt's Central Security Forces. This legacy is reflected in the trend of several Arab states in transition subcontracting and hybridizing their security functions. Prominent examples include the Shia Popular Mobilization Forces (also known as the Hashd al-Shaabi) formed in Iraq in 2014 and the Sunni “tribal Hashd” formed a year later; the regime-sponsored National Defense Forces in Syria since 2012; Libya's post-Qaddafi Supreme Security Committee militias; and the Popular Resistance Force that has appeared in several guises on rival sides of Yemen's conflicts since 2011.

Hybrid security structures have weakened or supplanted the official agencies normally tasked with providing law enforcement and carrying out judicial

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**Heightened threat perceptions shape communal attitudes toward normal policing, relegating it to a lower priority.**

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functions, but without replacing, let alone improving on, them. Yet despite its evident dysfunctional aspects and negative consequences, militia-ization is likely to endure, since it is part and parcel of the parallel processes of breakdown and renegotiation of the state.

### **Class Dynamics**

Evolving dynamics of class and communal differentiation have additionally shaped social norms and expectations of policing. Crony forms of neoliberal economics, predatory privatization, and the corresponding decline of state services and welfare have driven this evolution across much of the region. But it has been intensified in Arab states affected by contested political transition and the effects of armed conflict, including the marked expansion of criminal and war economies. The experience of transition in countries like Egypt and Tunisia, moreover, shows that class advantages and biases remain powerful in shaping practices and relationships in the security sector and with the social interests it serves. Transitional contexts make it all the more necessary for those advocating security sector reform to address the questions posed by security researchers Robin Luckham and Tom Kirk: “Exactly whose security, from whom or what, and through what means?”<sup>59</sup>

For social sectors that are politically marginalized and disadvantaged in terms of economic access and opportunity, security sector reform may not be universally welcome. This may be counterintuitive, as these sectors suffer disproportionately from the petty exactions of corrupt police officers and their easy resort to violence, forced entry into homes, or destruction of illegal housing and means of livelihood. But they may also benefit from the readiness of local police to tolerate the informal and even illegal activities that contribute to their economic survival. So ingrained have these patterns become that a significant majority—among middle classes as much as low-income groups—view petty corruption as normal behavior in dealings with the state.<sup>60</sup>

As importantly, transitions have weakened or ended what regulatory role the police played, whether by further eroding already limited internal monitoring and judicial safeguards or by expanding their opportunities for illicit gain. This has enabled a massive surge in illegally constructed housing, widespread violations of zoning regulations and encroachment on public land, the proliferation of unlicensed street stalls and small businesses, and the revival of land claims or reversal of previous court settlements of disputes over access to water.<sup>61</sup>

Restoring effective policing potentially threatens these *faits accomplis* and *de facto* practices, but as public surveys in Yemen and Lebanon have shown, majorities in these states in theory want an effective police presence.<sup>62</sup> This seeming paradox partly reflects differing levels of access to and perceptions

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**Class advantages and biases remain powerful in shaping practices and relationships in the security sector and with the social interests it serves.**

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of vulnerability of state and nonstate providers of security. In Lebanon, for example, trust in the Interior Security Forces (the police) varied widely by region among Christian and Shia Muslim co-religionists in a 2014 survey, but Sunni Muslims felt targeted regardless of their geographic location, suggesting a politically driven distrust of the central state and its agencies.<sup>63</sup> However, the same survey showed low trust in alternative security providers, such as political parties and militias. A similar pattern was apparent in opposition-held areas of neighboring Syria, where impromptu sharia bodies were seen as legitimate but often also as inadequate and inconsistent. They adhered to differing schools of Islamic jurisprudence, lacked training in Islamic (or civil) law, and proved even less effective than the former state-run judicial system in deterring major violations and preserving basic security.<sup>64</sup>

Clearly, the purpose and nature of policing look different from the perspective of the low-income groups and rural or marginalized semiurban communities that together account for a majority of the population in most Arab states in transition. The rehabilitation of official security sectors does not assure a restoration of effective policing to these social sectors. Quite the reverse, as the concentration of security sector management in national capitals and marked urban and class bias of policing generally, coupled with the long-standing incorporation of the security sector into previous authoritarian systems, may enable powerful institutional and dominant economic actors to retain their networks and influence and reassert their dominance in the social order.

An important enabling factor in this trend is the evolution of perceptions and expectations among middle-class sectors in Arab states. Initially they regarded their political transitions favorably, but they subsequently felt threatened as contests over access to social welfare and economic opportunity, as well as direct challenges by newly empowered social sectors in their countries, generated political instability, violence, and rising crime. The same social sectors were likely to be disproportionately affected by political exclusion arising from transitional measures such as de-Baathification in Iraq and the various post-2011 lustration laws passed or proposed in Libya, Tunisia, and Yemen. As a result, middle-class sentiment has largely swung away from prioritizing liberal notions of the rule of law, democratic governance, and security sector

reform toward demanding the elimination of crime and dissent, even while remaining skeptical and distrustful of the police and internal security agencies.

The precise sociopolitical alignments and trajectories naturally vary considerably from one Arab state in transition to another, but in all cases a deciding factor in outcomes is the degree of renewed convergence between security sectors on the one side and influential state institutions such as the

armed forces and judiciary, former regime networks, business interests, and new middle classes on the other. This is evident in contrary ways in Egypt, where the ruling military council in 2011–2013 deliberately opted not to restructure or

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**Middle-class sentiment has largely swung away from prioritizing the rule of law and security sector reform toward demanding the elimination of crime and dissent.**

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reform the Ministry of Interior and the sprawling security sector it controlled, and in Tunisia, where the army counterbalanced a recalcitrant Interior Ministry and ensured that civilians governed the transition. Justice systems across the region, and not only in states in transition, also played a significant role in upholding the social status quo. They remained “highly dysfunctional,” as a review by Middle East correspondent Borzou Daragahi noted, and they were “more instruments for whoever happens to be in power than forums for mediating personal and commercial disputes and meting out justice.”<sup>65</sup>

In the absence of significant political change or challenges to the system, efforts to reform or restructure the security sector look set to fail in Arab states in transition. Indeed, they are likely to reproduce trends in class formation and business interests that have been under way over the past two decades or more, restoring some variant of the pre-transition social order. Nowhere is the relationship between the security sector and social profile more evident than in Egypt. There, the police academy has alternately been a “club”—as Egyptian historian Tewfik Aclimandos labeled it—of sons of wealthy or new middle-class families and rural notables or has sought recruits from lower-income sectors to offset the migration of middle-class officers to the business sector or prosecution service, as political scientist Dina Rashed has found.<sup>66</sup> As retired police general Badawi revealed, admission was governed by systematic cronyism and institutional nepotism in the state, and the president, minister of interior, parliamentarians, and the ruling National Democratic Party each had a quota of unconditional admissions for their clients or their clients’ sons. Applicants from peripheral areas of the country were finally accepted for the first time in late 2011, but the main pattern has not changed.

The symbiotic relationship between the police and class actors in Egypt went considerably further. The police relied on powerful local families to help control restless rural areas such as Upper Egypt, for example, and spearheaded the expropriation of farming land on behalf of real estate developers (or the armed forces on occasion) both during the era of Hosni Mubarak and after.<sup>67</sup> The frequent hiring in these and other instances of *baltagiya* (thugs) by the police, former ruling party members, and their local social allies underlined the ambiguity of the rule of law, while reflecting the realities of the social order it supposedly served. Dysfunctional policing went hand in hand with the growth of private security companies, a neoliberal trend that continued after 2011 as the Muslim Brotherhood administration under then president Mohamed Morsi introduced draft legislation to expand the sector.<sup>68</sup>

Symbiosis between security sectors and dominant parties was broadly typical of the other Arab states in transition as well. It was hardly new, as the intertwining of security agencies, the ruling Baath Party, and the crony networks of the Assad regime in Syria long before 2011 demonstrated. But transition intensified the pattern, most visibly in Iraq—where powerful militias such as

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**In the absence of significant political change, efforts to reform the security sector look set to fail in Arab states in transition.**

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the Badr Corps or the Mahdi Army effectively took over the Interior Ministry's commando police unit and Facilities Protection Service, respectively—and in the Palestinian Authority, where the nationalist movement Fatah and its Islamist rival Hamas fused with the rival security sectors in the West Bank and Gaza.

The breakdown of the symbiosis in Tunisia only confirms its importance. Under Ben Ali, the 7,500 local branches of the ruling Constitutional Democratic Rally with their “huge propaganda functions as well as ancillary police duties involving surveillance and information gathering” had acted more like a “security apparatus than a party,” as historian Roger Owen observed. But the party's dissolution after the 2011 uprising and the relative success of the democratic transition has left the security sector belligerent but beleaguered, unable to form dependable new social or political alliances.<sup>69</sup>

The symbiosis has taken a different form in Lebanon, where power has always been diffused among elite groups. Their ability to replicate sectarian representation downward through the rank and file of the security sector has enabled them to continue to use it to dispense patronage and maintain their social constituencies, while blocking the sector's genuine rehabilitation and reform.<sup>70</sup>

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**Symbiosis between security sectors and dominant parties was broadly typical of Egypt and the other Arab states in transition.**

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## Challenges of Reform in Brittle States

The dilemmas confronting security sector reform and governance in the Arab states in transition are neither new nor unique when compared to historical experiences worldwide. But these states' marked political and institutional brittleness has nonetheless transformed the landscape, presenting them with significant systemic challenges.

First and foremost, the dominant social and institutional alliances that underpinned former authoritarian regimes have not been rebuilt, nor have they been replaced with stable new coalitions. This is true even in Egypt, where the post-Morsi governing order consists of a coalition of state institutions that are individually powerful but lack a clear class basis; so although the new order is more openly repressive than the Mubarak regime, it is also more brittle, rendering it hostage to each of its principal institutional constituents. Similarly, Algeria has come closest to reproducing the dominant power structure that was already in place prior to its 1990s civil war, but the social contract has not been rebuilt, institutional alliances are eroding, and structural changes needed to resolve the country's deep socioeconomic crisis are held in abeyance.

In the absence of stable, new governing alliances, security sectors in Arab states in transition have fractured or broken down completely along sectarian, ethnic, or partisan lines—in Iraq, Lebanon, Libya, the Palestinian Authority,

and Yemen. Or they have acquired a reactionary, even rogue autonomy, serving themselves rather than a single, autocratic president or ruling coalition as they did in the past—in Algeria, Egypt, and Tunisia.

In theory, a genuinely nonpartisan approach could make real headway, if led by fully authorized government ministers enjoying consistent backing from their cabinets and cross-party unity in national legislatures. Such an approach would also have to be accompanied by direct engagement with the security sector and civil society, empowerment of local authorities, and establishment of national commissions and production of white papers or similar consultative processes. But this requires reaching a reasonable consensus on the social order and moral economy that policing and adjudication are to uphold. Without it, the technical assistance and training routinely offered under conventional security sector reform programs will not be of value.

Further complicating reform efforts are the highly damaging patterns in security sector behavior that have become so visible in the Arab states in transition but were already apparent long before the uprisings. Partisanship, routinized violence and suppression of criticism and dissent, corruption and illicit economic activity, and rejection of external oversight or audit were part of the operational repertoire of autocrats and authoritarian regimes for suppressing social dissent and compensating poorly paid security sectors.

With the disruption or breakdown of previous ruling arrangements, however, the engagement of security sectors in the same patterns of behavior no longer serves as clear a purpose in keeping dissent at bay or taming restive social groups. Instead, new patterns are emerging as security sector personnel alternate between embedding in economic networks involving one degree or another of illegality—alongside informal actors and marginalized communities they had previously repressed—and joining partisan struggles against those viewed as competing communities or dissenting civil society activists.

As importantly, what appear as highly dysfunctional patterns of security sector behavior are also a means of survival and of maintaining a minimum level of functioning amid increasingly challenging environments. Most Arab states in transition face severe financial crises and are unable or unwilling to pursue sweeping economic, administrative, and judicial reforms; negotiate inclusive new social contracts; dismantle the worst aspects of crony neoliberalism and predatory accumulation; or terminate patronage-based rentier systems altogether. Under these conditions, corruption in the security sector—and throughout the state apparatus and society—is a kind of tax or transfer cost that arises because governments can no longer provide essential services and basic entitlements.

Once again, this kind of problem cannot be cured by any conceivable amalgam of the transparency and oversight rules recommended in conventional security sector reform frameworks.<sup>71</sup> These are important and necessary, but they

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**Security sectors in Arab states in transition have fractured or broken down completely along sectarian, ethnic, or partisan lines.**

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can be effective only if political elites and influential institutional actors see an interest in enabling them, which indeed is the key to security sector reform in general. Their resistance to meaningful reform threatens Arab states in transition with systemic breakdown and the rise of more radical political challengers, as Iraq, Libya, Syria, and Yemen have demonstrated especially vividly.

Under these conditions, finally, reconstructing effective Arab states and equitable social contracts poses an extraordinarily difficult challenge. Indeed, it has proved impossible to rebuild robust, repressive power structures or cohesive alliances of neoliberal or other elites even where authoritarian systems have been restored. But this state-building process is a prerequisite for the rehabili-

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**Corruption in the security sector is a kind of tax that arises because governments can no longer provide essential services and basic entitlements.**

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tation of security sectors and for bringing them under any form of meaningful government control, let alone democratic governance.

Yet, at the same time, the behavior of security sectors shapes the terms of debates and struggles through which state building or reconstruction occurs. No less important is the need to accommodate the alternative security and justice providers that have filled much of the void left by

the state. This could entail the decentralization of aspects of security and justice provision. It could also involve the management or the codification and integration of customary and community-level modes of policing and adjudication into national frameworks.

The Arab states in transition will arrive at diverse political and institutional outcomes in relation to their security sectors. But all are headed toward novel, hybrid forms that combine formal and informal policing and adjudication; familiar patronage-based recruitment and promotion along with increasingly pervasive monetized opportunities in the gray economy; and a mix of centralized and decentralized modes of control over the means and uses of coercion.<sup>72</sup> Many of the problems that have led to this outlook are effectively insoluble, such as the inadequacy of resources. But in all cases, the magnitude of the challenge threatens the Arab states in protracted transition with repeated lapses into repression, kleptocracy, and civil strife.

The Arab states in transition are confronted with a seemingly intractable task: rebuilding state institutions and social contracts in an era of global change. Conventional approaches to security sector reform that fail to grasp the dilemmas and challenges complicating this effort, or that reduce it to a simplistic relationship between reform and democratization, are certain to fail.





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