



Geneva Centre for the Democratic Control of Armed
Forces (DCAF)

Policy Paper - №9

**IDENTIFYING LESSONS IN UNITED NATIONS
INTERNATIONAL POLICING MISSIONS**

Eirin Mobekk

Geneva, November 2005

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Abstract

This paper gives an introduction to international policing operations and its key issues. It discusses the crucial challenges that face all international civilian police missions in United Nations peace operations, as well as the lessons learned and identified in the past decades of international policing. The challenges examined in this paper include addressing the security gap, applying an integrated approach to police, penal and judicial reform, all while paying heed to local justice mechanisms.

The paper offers a review of the main issues most frequently experienced in international policing operations. There has been significant progress in some areas of international policing, which will be highlighted, whereas in other areas lessons that are repeatedly identified are not implemented by policymakers. Past and present thinking surrounding these issues and potential solutions are discussed. The paper considers the problems with international policing operations at its different levels – from predeployment issues such as mandate, planning, resources and donor coordination, to factors in the field including the quality and rotation of personnel, accountability, institutional memory, capacity-building, local ownership, and ‘hand-over’. The argument is made for the necessity of applying a holistic, integrated approach to policing operations by addressing all aspects of rule of law, including judicial and penal reform, from the outset in international policing missions so as to ensure heightened efficiency and success of such operations.

IDENTIFYING LESSONS IN UNITED NATIONS INTERNATIONAL POLICING MISSIONS

Eirin Mobekk

1. Introduction

In the last forty-five years the United Nations Civilian Police (UNPOL) has participated in numerous peacekeeping operations. The concept of UNPOL was first introduced in the United Nations operation in the Congo (ONUC) in 1960-1964. Civilian police have been a part of UN peace operations since that time, although their role has undergone substantial change. The number of civilian police officers participating in peace operations following the end of the Cold War has risen considerably. In 1994 the average number of civilian police officers deployed in peace operations per month was 1,677; by September 2005 this number had increased to 6,167.¹ It is not only the number of officers that have changed, but the mandates have also altered significantly. They now include monitoring, mentoring, assisting and training of local police forces, as well as direct law enforcement.

The earlier operations worked according to the SMART concept: Supporting human rights, Monitoring the performance of local forces, Advising local forces, Reporting of incidents, and Training local forces. This concept has evolved and the tasks and mandates of policing operations can now broadly be divided into five areas: monitoring and advising; training; local reform; building a new force; and executive policing. Often mandates contain several of these tasks. However, there have been more policing operations mandated to train, to monitor and to assist local reform than to conduct executive policing. In the majority of missions, civilian police do not have executive powers and are unarmed.

International policing is an essential part of post-conflict reconstruction and peacebuilding and plays a crucial role in establishing stability in post-conflict societies. Irrespective of the breadth of the mandate, a successful police operation is necessary to ensure long-term peace in the mission country since the policing forces oversee the development of the public security forces – which often determines whether there will be peace or the resumption of conflict. International policing has for a long time been undervalued and its role not sufficiently understood or investigated. This has changed considerably, but a number of challenges remain which must be overcome in order to have not only successful policing operations, but also successful peacebuilding.

In 1997, the important role played by international police officers was underlined by the President of the Security Council who stated that 'the civilian police perform

¹ *Monthly Military and Civilian Police Contributions to UN PKO*, UN Department of Peacekeeping Operations, available at www.un.org/dpko/dpko/contributors. Also see annex for an overview of monthly civilian police contributions to UN peace operations.

indispensable functions in monitoring and training national police forces and can play a major role, through assistance to local police forces, in restoring civil order, supporting the rule of law and fostering civil reconciliation,' and that the Security Council 'sees an increasingly important role for civilian police....'² The Brahimi report, which came out in 2000, reflected the increasing value of international civilian policing in peace operations and contained an analysis of the role of UNPOL and outlined recommendations for change.³ Importantly, it emphasised that 'the modern role of civilian police needs to be better understood and developed. ...[A] doctrinal shift is required in how the Organisation conceives of and utilises civilian police in peace operations....'⁴

The report argued for a holistic approach to policing peace operations in which international judicial experts, penal experts and human rights specialists, together with civilian police, must serve to strengthen the rule of law and its institutions in the mission country, and that the Security Council should authorise the deployment of such experts.⁵ Unfortunately, as discussed below, the Brahimi report's discussion regarding rule of law experts covering the whole range of reform has yet to be put into practice to any significant extent. However, in relation to policing aspects, some of the recommendations have been implemented. Although the Brahimi report laid a foundation for change of UNPOL participation in peace operations – and some of its recommendations have been implemented – many of its recommendations have been ignored. A number of the issues that were discussed in the report continue to be challenges and problems in current policing operations. However, much work has been conducted since then. International policing and rule of law in the last few years have gained much more attention from policymakers, non-governmental organisations, analysts and academics.⁶

UNPOL is currently an integral part of all peacebuilding operations, and although they have been part of these operations for decades and multiple lessons have been identified

² Statement by the President of the Security Council, *S/PRST/1997/38*, 14 July 1997.

³ General Assembly Security Council, *A/53/305-S/2000/809*, 21 August 2000.

⁴ *Ibid.*, para. 40, p. 7. Its recommendations include that member states should establish national pools of police officers, which would be ready for deployment, and that they would serve at least one year in the mission; *ibid.*, para. 122, pp. 20-21. The report also encourages member states to enter into regional training partnerships, and the establishment of an on-call list of 100 police experts to be created; *ibid.*, para. 126 (b, d), p. 21.

⁵ *Ibid.*, p. 7, para. 39.

⁶ See e.g. Tor Tanke Holm & Espen Barth Eide (eds.), *Peacebuilding and Police Reform* (London: Frank Cass, 2000). Robert Oakley, Michael Dziedzic & Eliot Goldberg (eds.), *Policing the New World Disorder: Peace operations and Public Security* (Washington: Institute for National Strategic Studies, 1998). John MacFarlane & William Maley, 'Civilian Police in United Nations Peace Operations. Some Lessons from Recent Australian Experience', Working Paper no. 64, (Canberra: Australian Defence Studies Centre, 2001). Annika Hansen, *From Congo to Kosovo: Civilian Police in Peace Operations* (London: IISS, Adelphi Paper 343, 2002), Renata Dwan (ed.) *Executive Policing: Enforcing the Law in Peace Operations*, SIPRI Research Report no. 16, Oxford University Press: Oxford 2002. *Justice and SSR, BCPR'S Programmatic Approach* (UNDP, 2002), Charles Call, *Challenges in Police Reform: Promoting Effectiveness and Accountability*, IPA Policy Report, 2003. *Peace Operations. A Case of Change. Sierra Leone, Kosovo, East Timor, Afghanistan*, (King's College, London, March 2003). Robert Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Post-Conflict Stability Force*, (Washington: USIP, 2004). Wilton Park Conference Proceedings, *'International Post-Conflict Policing Operations: Enhancing Co-Ordination and Effectiveness*, April 2004. Available online at www.wiltonpark.org.uk/documents/conferences/WPS04-3/pdfs/WPS04-3.pdf. Secretary General's Report, 'The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies', *S/2004/616*, 23 August 2004. Also see the Geneva Centre for the Democratic Control of Armed Forces' (DCAF) work on international policing and police reform, and SSR including Otwin Marenin, *Restoring Policing Systems in Conflict Torn Nations: Process, Problems, Prospects*, Occasional Paper No.7, Geneva, June 2005, Anja Ebenother & Philipp Fluri (eds.) *After Intervention: Public Security Management in Post-Conflict Societies - From Intervention to Sustainable Local Ownership*, AMD Vienna, DCAF Geneva, August 2005 and DCAF's Working Group on Democratic Control of Internal Security Structures led by Marina Caparini. Available at www.dcaf.ch

to increase the efficiency of the police force, only a few lessons have been learned and applied to other operations. Applying lessons learned in order to heighten efficiency is crucial to ensuring the successful outcome of policing peace operations. Success of an international policing operation, however, cannot only be defined in terms of reaching a predetermined set of mandated objectives, it must be viewed in terms of long-term stability and operability of the local public security forces.

Although the increasing value attached to international policing since the mid-1990s has been reflected by expanded mandates and growing numbers of deployed police officers, it has not led to sufficient resources, donor commitment or adequate understanding of what support is necessary for international police officers in the field. In last decade, international policing has undergone a process in which all actors are still debating fundamental issues and trying to find solutions to complex problems inherent to international policing. While crucial lessons have been learned, there is still significant progress to be made in ensuring high-quality efficient international policing and subsequently successful local police reform.

This background paper will discuss the key challenges that face international policing missions, and how these may be addressed. It describes lessons that have been identified, but not implemented, by the international community. It will also establish what lessons have been learned from previous missions and how these have improved subsequent missions or where action currently is being taken to address the problems. It will argue that a holistic approach to international policing and rule of law is essential for the successful outcome of any international policing operation. It also offers suggestions for improving the quality and efficiency of international policing operations.

2. Challenges in Policing Operations

There are several challenges facing policing operations in post-conflict environments. Five critical issues that must be addressed are: the handling of the security gap arising immediately after deployment, the actual training and reforming of local police forces, judicial reform, penal reform, and the issue of local justice mechanisms. There are numerous potential solutions to these challenges, some of which are discussed below.

2.1. The Security Gap

There is a general consensus that although early deployment of civilian police officers in peace operations is preferable, they should not be deployed in areas of extreme conflict and instability. A minimum level of stability and security should be established prior to the deployment of the civilian police. There is therefore a 'security gap', between military deployment and civilian police deployment in which some sort of policing is needed.

In this security gap the military are functioning as de facto police officers in that they may arrest, detain and in some instances train or assist local law enforcers, without the relevant experience in performing civilian police tasks. Nevertheless, a policy delineating what role military forces should play in UN policing operations, and what role paramilitaries and gendarmerie should play, has not been established.

In many peace operations the military are filling the role of police in this security gap, albeit often reluctantly,⁷ and their abilities to do so is questionable, since they have no civilian policing training. Moreover, troops on the ground often deny that they are in fact playing such a role. There is a tendency on the part of the military to emphasise that they seek only to establish stability.⁸ Law enforcement is a task that the military seem disinclined to pursue. Yet, by default, they are often called upon to do so. Since the military are not trained to conduct civilian law enforcement, particularly in a post-conflict society, they should not be called upon to fulfill such functions. However, that the military is largely unsuited and unwilling to conduct civilian policing does not change the fact that until deployment of civilian police officers there is a civilian law enforcement gap. Suggestions of how to fill this void have included the use of military police, paramilitaries and gendarmerie.

Military Police

Military police can potentially be used to reduce the law enforcement gap prior to deployment of civilian police forces. For example, military police can be deployed with a mandate specifically detailing certain civilian law enforcement duties. This would avoid two obstacles facing the military as law enforcers in an interim period. First, military police have law enforcement training, in addition to military training, which could enhance the quality of policing in this particular period. They would, nevertheless, require predeployment training specific to the mission context. Second, referring explicitly to military police and their civilian law enforcement duties in the mandate could ease some of the resentment engendered in the military when dealing with policing.

One obstacle to such a policy is the small number of military police officers in the participating military forces. There is a limited number of military police officers available, which would thereby limit the range of tasks that they would be able to perform. Solutions to this problem include rapid deployment of civilian police officers, on the assumption that they cooperate and coordinate their operations with the military in the interim period until civilian police can be fully deployed – however, improved strategies for cooperation and coordination would be necessary to achieve this.⁹ There have been calls for a rapid force capability, but until recently a policy of rapid deployment of civilian police officers did not exist. However, the UN Civilian Police division in New York has established a framework for rapid deployment of UN civilian police officers, although currently it is not an active capability.¹⁰

⁷ Interviews with military officers in Haiti, East Timor, UK, US, 1997 - 2003. (All interviews mentioned in this article were conducted by the author.)

⁸ Ibid.

⁹ The UK began in 2004 to work on military-police cooperation in post-conflict societies. This began with a workshop organised by the Royal College of Defence Studies and the Foreign and Commonwealth Office, June 2004.

¹⁰ Interview with a staff member of the Civilian Police Unit, New York, May 2005.

Paramilitaries and Gendarmerie

Paramilitaries or gendarmerie have also been suggested as a solution to the security gap. There have been several arguments both for and against the role of paramilitaries and gendarmerie in international policing operations.¹¹

The EU has recently established a European Gendarmerie Force to serve a police substitution mission – particularly in the security gap – in EU, UN, NATO, OSCE or ad hoc coalition missions. Arguments for paramilitary and gendarmerie participation in general include the fact that they can be rapidly deployed, they consist of national contingents, they are armed, and they have a clear command structure. Paramilitaries have been used in UN police operations as rapid reaction/riot forces dealing with situations that the civilian police have been unable to handle: for example, in East Timor there was a Portuguese force and a Jordanian force mandated to deal with riots. These forces can be effective in bridging the security gap.

However, the potentially negative consequences are that these forces may remind civil society in the mission country of their former often abusive and authoritarian security forces. These forces look and behave much like military forces, which in many post-conflict societies has a negative connotation. It is important that international paramilitaries do not antagonise the population, but rather foster trust in democratic policing.

Using Military in the Security Gap

The objective of civilian police in peace operations is ‘to emphasise the strict separation of military and paramilitary entities from civilian police in developing national law enforcement structures’.¹² By using the military and paramilitaries to conduct policing during and following the security gap, this separation can become blurred. Frequently, in societies needing police reform there has not been a separation of the military, paramilitaries and police, or this separation was not strict. Moreover, the security forces have tended to be corrupt, abusive, controlling of political life and not responsive to the public. In many post-conflict societies, military forces have an extremely negative image, hence the advantages of using them for civilian policing tasks can be limited.

This perception of security forces in the local population may also apply to close cooperation between the international police and the military. On one level there needs to be further cooperation, especially in relation to intelligence and information gathering. However, there should be limits to cooperation due to the fact that civilian police need to be seen as distinct from the military in order to foster public trust and a perception of civilian policing, yet there must also be ‘a strong functional balance’ between the two forces.¹³ New strategies must be found regarding the management of the ‘security gap’ and military-police cooperation and coordination. Presently, the use of military, paramilitaries and gendarmerie may run the risk of endangering the objectives of civilian policing. This must be taken into consideration when deploying such forces.

¹¹ See e.g. Alice Hills, ‘International Peace Support Operations and CIVPOL: Should there be a Permanent Global Gendarmerie?’, *International Peacekeeping*, vol. 5, no. 3, Autumn 1998.

¹² Handbook on UN Multidimensional Peacekeeping Operations, Best Practices Unit, November 2003, p. 88.

¹³ *Ibid.*, pp. 92-93.

Post-conflict societies commonly have a history of abusive security forces, in which mostly all law enforcement was performed by armed security forces, not by civilian police. The challenge is therefore to alter the perception of the local population towards public security forces. This goal might be jeopardised by deploying military security forces to conduct civilian policing duties.

2.2. Training and Reform of Local Forces

The training and reform of local forces are crucial parts of international civilian policing operations. Training can be defined as strengthening structures and practices already in place, reform as a systemic change of such structures.

International policing is ideally intended to lay the foundation for long-term sustainability of local police forces and continued stability in the mission country. However, the assistance, training and reform provided by international police missions have often not been tailored to the specific context or have been ad hoc, and more problematically there has been a tendency to focus much less on institutional development than on training and assisting police officers. This is unfortunate given that institution-building is imperative for the sustainability of the local force in the long-term. There must be a systematic focus on developing local police institutions and management structures, particularly accountability structures.¹⁴ There has been some attention paid to this in recent missions, particularly in the two executive missions to Kosovo and East Timor; however, in other missions it has been less of a priority. A systematic approach needs to be taken so that institution-building is automatically incorporated in policing operations, when the mandate is sufficiently broad. Recruiting and training local police officers will not suffice if, for example, management structures are lacking or there are no accountability structures to deal with violations by police officers. In the case of East Timor, because of the lack of accountability structures, misconduct by local police officers was dealt with by traditional justice mechanisms,¹⁵ which reduced the legitimacy of the force. Addressing institution-building within the framework of training and assistance is hence a challenge for international civilian police.

Community Policing

Community policing has become an increasingly popular concept in international policing circles. In its essence community policing proposes a partnership with civil society, where police and communities interact to address crime in local areas.¹⁶ It is positive on policy and theoretical levels that this has become a focus of international policing. Encouraging civilian, community policing that respects human rights is what international policing partly is about. However, a note of caution must be given. The concept of community policing is extremely vague and there is no agreed definition, not only in the international community, but also among domestic forces in any given

¹⁴ The Report of the Secretary General's High Level Panel on *Threats, Challenges and Change, A More Secure World: Our Shared Responsibility*, 2004, para. 223, p. 72, also emphasises the importance of building institutions in post-conflict societies.

¹⁵ Amnesty International, *East Timor Police*, 2003, p. 36.

¹⁶ R. Trojanowicz and B. Bucqueroux, *Community Policing: A Contemporary Perspective*, (Anderson Publishing: Cincinnati, Ohio, 1990) pp. 6-8.

country.¹⁷ There are many ways of understanding and interpreting what community policing is and how it should function in practice.

Since community policing has been increasingly promoted in peace operations without having an agreed upon definition, a variety of approaches have been endorsed in the field. This lack of coherence has been exacerbated by the diverse understandings of the term held by the many nations participating in UNPOL. When asked, international police officers have responded that they understand community policing to be anything from getting closer to the community to letting the community police themselves with limited involvement by the police force.¹⁸

Community policing in its many forms is a positive way of policing local communities, however, for an international police force to effectively promote it, there must be an agreed upon definition and understanding of what it is among international police officers and, more importantly, the type of community policing implemented must be decided by the local communities. Community policing should not be promoted by international police forces simply because of its popularity in international policing circles. It must have substantial local ownership and there must be a defined international understanding of the concept. If not, then UNPOL officers will continue promote their own disparate understandings of the term, which inevitably will lead to mixed results and thereby reduce the chances of successful implementation.

2.3. Judicial Reform

Judicial reform is essential for the long-term success of any international police operation. Judicial reform refers to establishing, changing, assisting or strengthening a judicial system in the mission country.

Judicial reform is an imperative component of post-conflict reconstruction processes, without which international policing operations and local police forces will eventually fail. International and local policing cannot be sustained without a functioning judicial system. A functioning judicial system is needed whether the mandate for the international policing mission is executive or simply training and monitoring. In executive policing, the task becomes impossible if there are no independent judges, the accused cannot be provided with lawyers, the prosecution is nonexistent, or local laws do not accord with international human rights standards. When training a local force if there is no support from the judicial system chances of a return to vigilantism, by civil society and local police officers, is heightened. For example, in both Haiti and El Salvador police took part in vigilantism, because the perpetrators were let back onto the streets every time they were arrested due to non-functioning judicial systems.

The linkage between international policing, local police reform and judicial reform was ignored for too long, because judicial reform was often seen as nation-building, whereas

¹⁷ For discussions on the many meanings of community policing see e.g. D. Bayley, 'International Differences in Community Policing' in D. Rosenbaum (ed.) *The Challenge of Community Policing: A Contemporary Perspective* (Sage: London, 1994), p. 278., R. Friedmann, *Community Policing: Comparative Perspectives and Prospects* (Harvester/Wheatsheaf: London, 1992), p. 2., 'The Benefits of Community Policing: Evidence and Conjecture', in S. Mastrofski & J. Geene (eds.) *Community Policing: Rhetoric or Reality* (Praeger: New York, 1988), pp. 103-110.

¹⁸ Interviews with UNPOL officers in East Timor 2001.

international policing operations were not. There was limited cooperation and a lack of coherent strategies to deal with the problems that international police officers faced due to inoperative or malfunctioning judicial systems.

However, this has changed. The importance of judicial reform is no longer ignored: quite to the contrary, it is regularly highlighted by policymakers. Judicial reform, as part of international policing operations, has garnered prominence in the rule of law and policing discourse.¹⁹ This is reflected in the Judicial Officer post of the UN Civilian Police division, the existence of which emphasises the recognition of the interconnectedness of these issues and the attention that judicial reform is receiving at the policymaking level.

Hurdles Facing Judicial Reform

The challenges to judicial reform in international policing operations are several. First, judicial reform takes much longer than police reform and, therefore, in any post-conflict society there will be a judicial vacuum until reform has taken hold. There have been many suggestions for how to address this, including drafting preestablished standards for judicial reform. In addition, training a pool of international lawyers and judges available to fill this vacuum in any given situation is another potential solution.²⁰ They could apply international human rights law, in addition to creating a basic general criminal and penal code, based on the principles of international law, which could be applied to reduce the judicial gap.²¹ Moreover, it is essential that the international community allocate adequate time for a functioning judicial system to be established. This would require substantial donor support and that international personnel concerned remain for a longer term than the policing operation.

Second, establishing a functioning judicial system requires more resources than a policing operation. Therefore, there must be willingness among the donors to contribute adequately to judicial reform. An issue compounding this problem is that judicial reform is viewed as a development issue and not necessarily as a security issue, consequently it is often deferred and, hence, is frequently turned over to agencies such as the UN Development Programme (UNDP). However, it must be addressed from the outset of the operation and must be recognised as a security issue.

2.4. Penal Reform

Penal reform is also central to international policing missions; but penal reform, or corrections, has long been ignored in such operations. However, training, monitoring, assisting, and advising local police forces becomes an incredibly difficult task if corrections is not addressed from the outset. A non-functioning penal system can lead to vigilantism on the part of both the local police and the local population, which can lead to further destabilisation and insecurity. A police force, whether international or local, cannot operate effectively without a functioning penal system.

¹⁹ The importance of this connection was also highlighted at the Wilton Park Conference. See footnote six.

²⁰ This was already suggested by the Brahimi report, para. 126 (e), p. 21, but has not yet been acted upon.

²¹ See transitional codes below.

Incremental Changes

Policy regarding penal reform has slowly begun to change. In Cambodia, Haiti, Bosnia and Rwanda, the training of corrections officers was part of the missions. In Kosovo and East Timor, the mandates included the establishment of correctional systems. Nevertheless, the awareness of the desperate need for penal reform in the context of international policing operations is still limited.²² It is an issue that has tended to be sidelined. The UN Civilian Police division has, however, appointed a Correctional Officer at its headquarters in New York and, although it would be advantageous to have more than one such position, it underlines the increasing importance of penal reform in the policy environment. Yet, it seems that judicial reform is more firmly on the agenda than penal reform. In addition, the funds available for penal and judicial reform are not comparable to that of police operations. There is progress, but it is slow.²³

Although there have been incremental changes in the right direction in the policy arena, there has yet to be any real change in practice. Penal reform has tended to be overlooked or ad hoc procedures have been applied. This has complicated international policing operations in the field and has limited their potential for success. Training and reforming local police is fruitless unless there is a penal system in place to support such a reformed force. The objective of international civilian police is to ensure that local forces comply with international human rights standards, thereby heightening the local society's trust in public security forces. However, in prisons in post-conflict societies, people often starve; the cells are over-crowded; and women, men and children are imprisoned together with abuse such as rape and violence being rife.²⁴ The state of prisons reflects upon the police force. Establishing a democratic, civilian police force respecting human rights – yet ignoring abuses in the prison system – may lead to decreasing legitimacy of the force, a lack of trust by the population and increasing instability because perpetrators are treated unjustly by both the judicial and penal systems. Unfortunately this is an issue that has been avoided for too long. This is a challenge that must be met to ensure the long-term success of policing operations.

Hurdles Facing Penal Reform

The main problem with penal reform is twofold. First, it is expensive both in the short-term and in the long-term, and this expense cannot be avoided. Thus, there is a need to raise awareness within the donor community that such reform is vitally linked to the success of police reform, and hence essential to long-term peace and stability. Overlooking the centrality of penal reform may potentially have dire consequences in the long run. Haiti is an example of a situation in which penal and judicial reform did not take place. This contributed to the unravelling of the Haitian police force, which has become increasingly abusive, corrupt and politicised, and both the penal and judicial systems have remained largely as they were prior to international intervention.

Second, penal reform is a very slow process and unless it is followed to completion there is no purpose in starting the process.²⁵ The penal reform process will ultimately take

²² Confidential interview with UN officials New York, November 2003 and in DRC June 2005.

²³ Interviews with UN staff in New York and MONUC, May and June 2005.

²⁴ In the Democratic Republic of Congo, for example, this is endemic in the prisons. Interview with UN staff member, June 2005.

²⁵ Interview with UN official, New York, November 2003.

longer than the peace operation proper. It is, therefore, important to involve other actors at an early stage – including development actors, such as the UNDP. The process must not end simply because the peace operation itself ends. Although development actors should be involved, penal reform should not be treated as a development issue separate from security. As with judicial reform, penal reform is regularly treated as a development issue. However, it is a security issue and therefore must be addressed as such early in an operation – the failure to do so can destabilise a fragile transitional society.²⁶ Development agencies must be involved in the process and take over responsibility when the peace operation ends, allowing for penal reform to proceed to completion, thus avoiding the negative effects of ending the reform process prematurely.

2.5. Traditional Justice Mechanisms

The challenges faced by international police forces in terms of penal, judicial, local police reform and the role of the military are more recognised than the challenges posed by traditional justice mechanisms. Traditional justice mechanisms are here defined as mechanisms for solving disputes, conflicts and crime at community level in which a village or tribal council, community meeting or council of elders deals with crimes committed against the community or individuals, or focuses on resolving conflicts such as marital disputes; such mechanisms can be restorative as well as retributive. It is a form of justice that seeks to redress crime or injustice committed within the community with established traditions and customs – thus distinguishing it from vigilantism. Such mechanisms commonly coexist with judicial systems based on common, civil or religious law.

International civilian police face traditional justice mechanisms in most peace operations to varying degrees depending upon the mandate. In an executive mission, international police will encounter traditional justice mechanisms on a regular basis. If there are no coherent policies for engaging with these mechanisms, the police force will not be able to deal with them in a meaningful way and, consequently, could create problems for both the international police and the local population. The police risk offending the population by intervening; however, if they do not do so, they might tacitly be supporting a system of justice that may contravene international human rights standards.

When a policing mission's mandate is to train and monitor the local police force, the issue of traditional mechanisms and how they affect local law enforcement must still be considered. It should be established locally how these mechanisms should be treated by the reformed local police force. The training of the local force must then reflect the reality that they will face when conducting civilian democratic policing – in most cases this reality will include dealing with traditional justice mechanisms. If the international police monitor the local force without awareness of traditional ways, the subsequent misunderstandings could potentially limit the legitimacy and effectiveness of the international force.

²⁶ Interview UN staff MONUC, June 2005.

Traditional justice mechanisms, and their relevance to international policing, have been ignored in policy circles. The exception is in the context of transitional justice, where the use of these mechanisms has become widely discussed.²⁷ However, there is a recently expressed desire to better understand these mechanisms in relation to international policing operations.²⁸

Although there has been a small increase in awareness at the policy level, this has not yet been reflected in the field. International police officers encounter these mechanisms daily, but the lack of experience in dealing with them combined with an absence of appropriate guidelines for addressing these mechanisms, greatly complicates policing tasks; the result is ad hoc procedures or the absence of action. This is especially troubling since many traditional punishments contravene international human rights standards and norms, and the punishments are delivered by the victim, the victim's family or by the elders of the village. For civilian police officers who are teaching local officers to respect human rights, it becomes a difficult issue to handle. Furthermore, the role of the police may be undermined when, for example, the victim's family arrests the alleged perpetrators, and brings them to be sentenced by the village council.

Traditional methods should be supported, but not in all forms. They should not be supported by international policing operations when traditional mechanisms contravene international human rights standards. However, the focus needs to be on what can be done to enhance policing operations, local forces *and* traditional methods. A greater understanding of the challenges posed by local forms of justice for international police forces is therefore essential.

3. Lessons Identified and Learned

Numerous lessons have been identified in the last decades of international policing, and some have been implemented into subsequent peace operations. However, there is still a vast number of lessons that need to be addressed and changes that need to be applied in order to increase the chances of long-term success of international policing operations.

The following reflects lessons at different policy levels, and for the range of mission stages – from predeployment to withdrawal. However, it does not offer a sequential ordering of tasks, as the tasks involved must necessarily overlap. This section identifies the core problems, overlapping and interacting with the challenges set out above, that have been encountered in many policing operations.

3.1. Mandate

The effectiveness of an international policing mission is dependent upon its mandate. It is crucial that the mandate is clear; policing operations are severely complicated by vague mandates, which can lead to mission creep or to incoherent approaches being taken to

²⁷ See e.g., Secretary General's Report, 'Rule of Law', para. 7, p. 4.

²⁸ Interviews with UN staff, New York, May 2005.

policing, monitoring and training in different parts of the mission country. Moreover, the mandates must be comprehensive and realistic as to the challenges that will face the mission. It will heighten efficiency if the mandate is as specific as possible, particularly in relation to coordination and command structure.

Although a mandate should be clear, this should not overly restrict flexibility. A flexible mandate allows policing operations to adapt to the rapidly changing environment of post-conflict, transitional societies. Furthermore, having a flexible mandate allows for increased transnational and organisational cooperation. In the past, flexibility has emerged from the vagueness of the mandate; however, what is needed are unambiguous mandates allowing for adaptation, growth and change.

Flexibility or Vagueness

Most missions have experienced a change in mandate during an operation. In some cases this has been due to vagueness in the mandate, while in others this has been due to the changing mission environment. In El Salvador, the mandate for UN civilian police in the 'Mision de Observadores de las Naciones Unidas en El Salvador' (ONUSAL) was vague and this led to mission creep. It stated that 'the tasks of those specialists shall include, in addition to cooperating in ensuring a *smooth transition* and assisting police authorities, that of *accompanying officers* and members of the National Police (PN) in the performance of their duties'.²⁹ Ensuring a smooth transition and accompanying the El Salvadorian police officers was not defined. An explosive rise in ordinary, as well as organised, crime occurred, which meant that the international police officers became more involved in active policing. Although the international police officers began to engage more directly in police work, they did not have powers of arrest. Yet, in parts of the country, they effectively functioned as law enforcers rather than as observers of the local police. There was no coherence or direction as to how they should deal with the different situations, which was a direct result of the vagueness of the mandate.

In Cambodia, (United Nations Transitional Authority in Cambodia UNTAC), the mandate also evolved over time. The mission began as an unarmed monitoring mission. But, as the mission progressed, the tasks that the police officers had to undertake became more challenging, including the escort and arrest of alleged criminals. Ten months after the mission began, the international police were granted powers of arrest and detention and were also authorised to carry weapons on duty. This was due the rapidly deteriorating security situation in the country.³⁰ The changing mandate reflected flexibility and adaptation to the changing mission environment.

3.2. Planning

Substantial planning is critical to the success of a policing operation – planning while conducting the mandate of the mission has often proved ineffective. For example, there

²⁹ Author's italics.

³⁰ For more on Cambodia see Jarat Chopra, *UN Authority in Cambodia*, Thomas J. Watson Jr Institute for International Studies, Occasional Paper, no. 15, 1994.

was little advance preparation for the police component of UNTAC.³¹ As a result, planning and execution of the policing component of the mission proceeded simultaneously, which hampered the force's effectiveness.

However, planning of policing operations has improved significantly since the operations of the early 1990s. Yet, because such operations take place in an environment where rapid deployment is crucial, there may be limited planning at certain levels. Moreover, there needs to be a balance struck between advance preparation and flexibility to adapt to realities in the field, as even the best predeployment plans cannot predict changes in the mission context. Predeployment planning allows the international police to begin functioning efficiently from the day of deployment; however, such planning must not preclude flexibility. Operational planning, guidelines and objectives must be established prior to deployment. There is an on-going consensus on the importance of this factor and work is continuously being undertaken at the UN Civilian Police division to improve this.³²

Transitional Codes

One suggestion for increasing the efficiency of international policing at the predeployment stage is to establish transitional codes for use by international public security forces and local forces in post-conflict societies until more permanent laws and codes are established. A number of such codes are currently being created.³³ How and whether these codes should be applied should be decided during the predeployment phase of the operation. Having such codes preestablished means that planning can become more elaborate for each operation. These transitional codes will provide a legal tool kit for use during international policing operations, and therefore will focus on criminal law and law enforcement, including criminal and penal codes. If adopted, the transitional codes being developed would probably not be applied in full, it is expected that certain parts of the codes would be used according to the different needs of the missions.³⁴

Having transitional codes that can be used from the beginning of a mission will help tackle the challenges that all international policing missions face, including operating in an environment where local laws are unknown, where the contributing police officers all come from different law systems, and where crime, frequently rising, must be addressed by local forces (with the assistance of the international police force) or by the international force directly. The creation of these codes is one step towards creating better planned missions reflecting the mission context. These codes may help to achieve uniformity in the application of law throughout the mission territory. However, if these codes are to be applied, how long they will be used must be decided during the planning stage. Furthermore, their use must not appear as an attempt to influence the type of law system to be established subsequently. Transitional codes are a short-term solution to a pressing problem; long-term solutions must be locally owned.

³¹ J. Schear & K. Farris, 'Policing Cambodia: The Public Security Dimensions of UN Peace Operations' in *Policing the New World Disorder: Peace Operations and Public Security* (Washington: Institute for National Strategic Studies, 1998) p. 8.

³² Interviews UN staff, New York, 2003 and 2005. See also Wilton Park Conference, footnote six.

³³ US Institute of Peace is supposed to finish these specific codes at the end of the year. For more information see www.usip.org

³⁴ Interview with UN staff member, DPKO, May 2005.

3.3. Needs Assessments

When a crisis erupts and police forces are dispatched to a mission country, often an adequate assessment of the needs of the society in question has not been conducted. Deployment usually takes priority. However, for international policing missions it is crucial that such needs assessments are made prior to deployment.³⁵ Therefore, standard procedures and guidelines for conducting such assessments must be established. These assessments should not only include what is needed from UNPOL, but should also include a background analysis of the conflict itself, the potential for reoccurring conflict, and what factors may influence an international policing mission. Fact finding missions are frequently dispatched by both the EU and the UN, and policing needs assessment missions could be patterned on this approach. Such assessments could be greatly improved if they were conducted by teams having a broad range of expertise – and not only in policing or security – particularly incorporating the expertise of regional organisations and NGOs.

Needs assessments are often performed by various actors, including international and regional non-governmental organisations, prior to or just after deployment in post-conflict societies. It would be a great advantage if these assessments could be coordinated, so that international policing operations could take more advantage of them.

3.4. Resources

The lack of sufficient resources has been an issue in most UN policing operations. One exception was Mozambique, but that was more by coincidence than by design. The mission was able to support an expansion of the police component due to the lesser than anticipated cost of the cease fire observer mission.³⁶ More resources must be allocated to international policing missions, so that officers are not hampered in executing the mandate once in the field. Resource allocation for policing operations needs to be addressed at an early stage, and should focus on all aspects of the policing mission required to fulfil the mandate.

When there is a significant lack of resources, the already difficult role of the international police force is further complicated. One of the reasons for the limited resources in policing operations has been that policing has not been a priority in peace operations. The bulk of resources has been given to other segments of the operations, particularly the military. These still receive a much larger budget than police forces. However, due to the increased significance being attributed to civilian policing, more resources have been forthcoming. Nevertheless it is often insufficient. For example, in the continuing operation in the Democratic Republic of Congo (DRC), which has a rule of law mandate, there were only 163 police officers, which was reduced to 149 at the end of June 2005.³⁷

³⁵ *Threats, Challenges and Change*, para. 223, p. 70, also underlines needs assessments.

³⁶ J. Woods, *Mozambique: The CIVPOL Operation* in Robert Oakley, Michael Dziedzic & Eliot Goldberg (eds.), *Policing the New World Disorder: Peace Operations and Public Security*. Washington: Institute for National Strategic Studies, 1998, p. 9

³⁷ As of June 2005, the Rule of Law Unit had only 7 personnel including administrative staff. The mandate includes 'to provide assistance during the transition period for the reform of the security forces, the reestablishment of a state based on the rule of law and the preparation and holding of elections', S/RES/1493(2003), 28 July 2003.

UN Civilian police officers are not present in all provinces simply because there is not enough manpower.³⁸ Hence, although there is a mandate which could significantly contribute to shaping the rule of law in the DRC, the lack of resources currently prevents this.

Available resources are often determined by donor interest. Although international policing in general has received more funding and attention in the last few years, it is still dependent on whether or not the donors have an interest in devoting resources to a given mission country.

3.5. Donor Coordination

Donor coordination is critically important to police assistance, monitoring, mentoring and training missions in a post-conflict context. There is a consensus that donor coordination in the areas of police, security sector reform and rule of law must be achieved; however, it has been difficult to do in practice. There is much to be gained in terms of increased coordination if specific mechanisms and guidelines are developed; therefore this should be a priority.

There have been several approaches developed, such as ‘steering group’, ‘lead nation’ or ‘friends of the process’ mechanisms. Until now, these approaches have been insufficiently used; although in Afghanistan, for example, the lead nation approach was employed. In the Afghan context, this means that different countries are responsible for different tasks. Five lead donor-nations have primary responsibility for five pillars – Demobilisation, Disarmament and Reintegration (DDR) (Japan), police (Germany), military (US), counternarcotics (UK), judicial reform (Italy). In Afghanistan, this approach has had mixed results. It has been positive when donors have primarily given funding while letting Afghans implement the processes in question, for example DDR, but more problematic when it has meant only one type of influence on, for example, the military.³⁹ These approaches need further elaboration, so that they can be fully exploited.

The problem of coordination is especially difficult because there are several donors involved in international policing and rule of law programmes. These are not only international organisations such as the UN, the EU, UNDP; but also unilateral donors that, moreover, occasionally support local or international NGOs to participate in rule of law programmes and police reform. A coordinated approach is crucial so that different programmes do not address the same areas while others remain ignored.

3.6. Coordination, Cooperation and Communication (Internal, External, Local)

Coordination and cooperation within the police component in the mission area, between the policing mission and headquarters, and among the police component and other

³⁸ Interview with UN staff member Kinshasa, DRC, June 2005.

³⁹ For more on this approach in Afghanistan see: Richard Ponzio, ‘Public Security Management in Post-Conflict Afghanistan: Challenges to Building Local Ownership’, in Anja Ebenother & Philipp Fluri (eds.) *After Intervention: Public Security Management in Post-Conflict Societies - From Intervention to Sustainable Local Ownership*, AMD Vienna, DCAF Geneva, August 2005.

agencies and the local population has proven problematic in international policing missions. The quality of cooperation has tended to depend on the individuals involved rather than on existing structures for coordination, cooperation and communication. It is an issue that requires particular attention. The weakness of the 'three Cs' is exacerbated by the variety of actors involved in international policing. A central challenge is to establish liaison mechanisms which function effectively in the field.

Enhancing cooperation and communication *within* the international police component in missions has frequently met with problems. It has been a reoccurring issue from the early 1990s until today. Internal cooperation and communication has been and is complicated by differing national policing styles, differing policing standards, insufficient knowledge of mission languages, and cultural factors. However, it should be acknowledged that the lack of the three Cs *internally*, is less of a problem than the lack *externally* or *locally*.

The lack of cooperation and communication with other external UN units and agencies is a more profound problem. In El Salvador, a major flaw in that operation was the lack of cooperation and coordination between the police division and the human rights division. This has been a reoccurring phenomenon in several operations. By some observers this is seen as inevitable and some argue that there is little to be done to rectify the situation.⁴⁰ Many see police and human rights workers as being in contention, because public security forces in many countries are the main perpetrators of human rights violations. In El Salvador, the effect was that these two divisions avoided cooperation and frequently worked at cross-purposes.⁴¹ Similar problems have been experienced in subsequent missions, it was for example the case in East Timor.⁴² In the DRC, however, a liaison officer has been posted to the human rights unit to aid communication between the two units.⁴³ This is undoubtedly a step in the right direction of solving the cooperation and coordination problem.

Other factors also complicate cooperation and coordination among other units and agencies, for example differing organisational structures, resource competition, and organisational 'turf-protection'. Many units have overlapping interests and objectives and thus, rather than cooperating to obtain them, they focus on their unit and its performance.⁴⁴ To overcome this problem, mechanisms for interunit and interagency cooperation and coordination should be established.

There is also a recurrent lack of communication and cooperation among international police forces and the local police and local population. In Mozambique, this was observed between the local police force and the international force, which was partly due to the complex relationship between the two forces and the many different issues that the mandate addressed.⁴⁵ In Haiti, there was no cooperation or communication with local NGOs or the population generally, and cooperation with the Haitian government could have been improved. All of these factors served to inhibit the implementation of the mandate. This was also the case in Kosovo, Bosnia, and East Timor. There has been an

⁴⁰ Interview with UN official, November 2003.

⁴¹ William Stanley & Robert Loosle, 'El Salvador The Civilian Police Component of Peace Operations' in Oakley, Dziedzic & Goldberg (eds.), *Policing*, p. 6.

⁴² Interviews with UN civilian police and human rights staff, East Timor 2001.

⁴³ Interview with UN staff, Kinshasa, DRC, June 2005.

⁴⁴ Interviews with UN staff in New York and from different missions, 1997-2005.

⁴⁵ Woods, p. 11.

unwillingness to communicate and cooperate with the local population; where cooperation is seen it is due to individual officers rather than to an overall strategy of communicating and coordinating with local society. There needs to be considerable improvement regarding communication, coordination and cooperation on all levels. Currently the efficiency of international policing operations is considerably hampered by the lack thereof.

3.7. Predeployment Training

There has been too little emphasis placed on *unified* predeployment training for international police officers – predeployment training has been in the remit of the contributing nations. The result is that variations in police training, capacity and capabilities can sometimes be vast. There is a reliance on the contributing nations to provide officers that meet a certain standard, although this standard has repeatedly not been met. Once in the mission country the UN provides a one-week-long course. However, the course tends to focus too much on the history of the UN and human rights. What has largely been omitted is in-depth predeployment training in the history, culture and conflict of the mission country.

From the first mission after the Cold War to present day missions, there has been little predeployment training to provide police officers with a working knowledge of the local history, the conflict, and local culture and traditions. This has reduced the forces' effectiveness since there is limited understanding of the community and country in which it functions. A deeper understanding of the culture and conflict is essential in order for police officers to fulfill their duties effectively. More importantly, this understanding helps to build trust on the part of the local population – a trust which, after years of conflict, often does not extend to security forces. Knowledge of the society they are working in is crucial irrespective of the extent of the mandate.

In addition, there needs to be training in the laws of the country. This is vital if the mandate includes law enforcement, but as discussed there is often mission creep and law enforcement can be conducted even without being stipulated in the mandate. However, this is also important if the force is there to train or to mentor. The UN police force must have some knowledge of the current laws applied in the mission country, otherwise they cannot effectively monitor compliance with those laws.

These are all issues that can be addressed in predeployment training. Some countries' police contingents are exceptionally prepared and have even taken courses in the local languages. A number of countries, such as Australia, Canada and Norway, give their own officers specific predeployment training courses, some lasting up to two weeks. In addition, several organisations offer courses to police officers and there are unilateral efforts being made.⁴⁶ However, such training is not available to all contributing officers; what is needed is unified predeployment training for all officers. To increase efficiency and effectiveness of international police contingents, a predeployment curriculum should be created in which the only changeable module should be that relating to the mission country, its history, culture and laws. Courses using such a curriculum could be provided prior to deployment by the contributors to the UN police force or by UN personnel

⁴⁶ Including the Pearson Peacekeeping Center in Canada.

(which would increase the cost, but help to ensure a cohesive and unified course) immediately upon arrival in-country. Such training would improve the quality of international policing considerably. There has been heightened focus on the training and performance of police officers in the last years. While there have been significant advances, there is nonetheless room for improvement.

3.8. Deployment

The deployment of international police officers often takes much longer than desired. This results from the difficulty in finding a sufficient number of officers and from having national police officers quickly relieved from their home duties. Having more officers ready to deploy at short notice is therefore needed.⁴⁷ Rapid deployment of small teams in the immediate aftermath of conflict is crucial in this context. Much work has been put into this and the UN has currently a list of police officers that can be deployed at short notice. Yet this capability is not fully operational at present. However, it is an issue that is constantly being worked on and improved upon.

In addition, frequently when the mandate establishes a specific complement of officers this number will not be reached because there are not sufficient officers available. The difficulty is that few countries have many police officers to spare for international tasks. There have been some suggestions regarding how to address this problem. One proposition is to employ retired officers. The United States uses retired officers in its contribution to international police missions. There are benefits in employing retired officers – the main benefit being that these are experienced officers who can provide a valuable contribution to training and assisting other officers. However, there have also been severe criticisms of using retired officers. Police officers of other contingents in the field have voiced concern over the attitude and behaviour of the retirees, including lack of understanding of the context they are operating in and a tendency of responding with force, and also their age and physical abilities.⁴⁸ There seems to be a difference in opinion between policymakers, who tend to promote this as a solution, and police in the field, who exhibit reservations.

The need for a larger and more rapidly deployable force was also emphasised in the recent UN World Summit Outcome Document, which endorsed an ‘initial operating capability for a standing police capacity’.⁴⁹

3.9. National Doctrine - A Common Standard

One problem facing UN policing operations is that they consist of many police contingents from a wide variety of policing backgrounds, each with different policing methods, standards and doctrines. Unless there is a common standard applied in mission country friction can emerge among the various national contingents, each thinking their policing standard and methods are superior to the others, moreover, it can lead to

⁴⁷ See section ‘Military Police’ above.

⁴⁸ Interviews with police officers from different countries, 2001-2004.

⁴⁹ World Summit Outcome, General Assembly, A/60/L.1, 15 September 2005, para. 92, p. 24.

different methods being taught to the local police forces. This has occurred in several missions and is a common complaint from international civilian police.

However, the problems that can potentially emerge from the divergent backgrounds of policing contingents can be lessened by establishing a common standard for international policing. There has been some work conducted in this area by the European Union,⁵⁰ however there has not yet been a common standard established for UN police activities in post-conflict societies. This could substantially increase their effectiveness and chances of successfully executing their mandate. A common standard taught to all international civilian police officers, and implemented in all policing missions, would lessen friction among the national contingents and also provide the local police forces with coherent training, mentoring, monitoring throughout the mission area.

Another solution to the problem of multiple policing standards and doctrines was attempted in East Timor. A system of one national police contingent policing one place, replicating the peacekeeping forces, and avoiding mixed contingents was put into operation in two towns. There was a consensus that in the case of East Timor the policy was misplaced and fraught with problems.⁵¹ This included an unwillingness to act because the potential failure would be reflected upon the nation-state rather than upon the UN civilian police.⁵² It is not the multiplicity of nationalities in itself that is the problem, but rather the absence of a common standard for international policing.

Currently the only common standard that exists in UN operations is the adherence to international human rights principles and standards. However, for optimum international policing, a standard that addresses all aspects of policing should be established.

3.10. Quality of Personnel and Skills

The quality and skills – including basic policing skills, language and driving abilities – of the participating policing officers in international missions has been much discussed and elaborated upon.⁵³ Unfortunately, the skill levels of officers have been frighteningly low. The minimum requirements for participation in a mission have tended to be knowledge of the mission language, having a driving licence, and a minimum number of years policing experience (usually eight years or more). In many operations, however, only the last requirement has been met routinely. The limited skills of many police officers have been a problem in most missions, in which officers have often arrived extremely unqualified.⁵⁴ This has been a persistent problem with UNPOL and recognised by the Department of Peacekeeping Operations (DPKO).⁵⁵ Language problems are encountered

⁵⁰ Work on an EU policing doctrine has been on-going, however, is as yet kept confidential.

⁵¹ Interviews with UNPOL officers in Dili and the districts, East Timor, 2001.

⁵² Ibid.

⁵³ See footnote three.

⁵⁴ See Broer & Emery, 'Civilian', in Oakley, Dziedzic & Goldberg, *Policing*. Tor Tanke Holm, 'CIVPOL Operations in Eastern Slavonia', *International Peacekeeping*, vol. 6, no. 4, 1999, p. 140. Alex Morrison, 'Methodology, Contents and Structure of UN Civilian Police Training Programmes', in Nassrine Azimi (ed.), *The Role and Functions of Civilian Police in United Nations Peacekeeping Operations: Debriefing and Lessons* (London: Kluwer Law International, 1996), p. 145, Chuck Call & Michael Barnett, 'Looking for a Few Good Cops: Peacekeeping, Peacebuilding and CIVPOL', *International Peacekeeping*, vol. 6, no. 4, 1999, p. 51.

⁵⁵ Halvor Hartz, 'CIVPOL: The UN Instrument for Police Reform', *International Peacekeeping*, vol. 6, no. 4, 1999, p. 38.

in most operations, and it is particularly difficult to staff missions requiring knowledge of French, such as the Democratic Republic of Congo and Haiti.

Because UN police operations depend on the contributing governments' selection of officers, their preparedness and capabilities vary extensively. Many national governments have their own selection criteria, such as Canada and Australia.⁵⁶ However, many nations do not have separate selection criteria. Consequently, typists, drivers and personal assistants have been deployed to train and mentor local police forces, because in their home countries they are considered part of the police force despite their lack of basic policing skills. There has also been improper assignment of officers according to skill. So, for example, computer fraud experts have been placed in rural areas trying to teach recruits how to use a baton, when their particular expertise could have been put to better use elsewhere.

There has been significant progress in the selection and assignment of UNPOL officers.⁵⁷ In the last two years more stringent selection tests have been put in place. An interview process has been established, teams of police officers who have previously participated in missions assess predeployment contingents, and language tests are given.⁵⁸ This will undeniably improve the overall quality of the police contingents in the field. The issue of quality versus quantity of officers will always be a difficult one. But quality must not be sacrificed for quantity, and it is in this respect that predeployment courses, as discussed above, are crucial.

3.11. Rotation

The rotation of contingents and of officers within the mission country decreases efficiency of a given operation. Particularly, the rotation of commanders negatively affects the quality of missions. There is no common policy for how long UNPOL officers should stay on post in the mission country. The length of deployment of international police officers in UN missions is the decision of the contributing nation, and it can be anything from three months to over one year. Most officers can apply for an extension after they have served their first rotation. It would be a considerable advantage if civilian police officers from the different national contingents were deployed the same length of time. The Brahimi report suggested a one-year minimum to provide a level of continuity.⁵⁹

⁵⁶ For East Timor the Australian selection criteria included: 'demonstrated capability to perform the duties, knowledge of UN's role in East Timor, demonstrated ability to exercise self-discipline, willingness to accept a military-style working and living environment, knowledge of ethnic culture relevant to East Timor and a sound knowledge of the history surrounding UN commitment, demonstrated ability to be culturally aware and tolerant and sensitive in dealing with difference, be aware of the requirement to adhere to and implement UNTAET directives, orders and procedures etc.' see MacFarlane & Maley, 'Civilian', p. 10. Canadian selection criteria for missions generally include having a good record, self-reliance, demonstrated ability to work in a multi-cultural environment, preferably speaking more than one language, people who are flexible, etc. For more see Duncan Chappell & John Evans, *The Role, Preparation and Performance of Civilian Police in United Nations Peacekeeping Operations* (1997) pp. 103-104.

⁵⁷ Interviews with UNPOL staff, DPKO, May 2005.

⁵⁸ Interviews with DPKO staff, May 2005, and police officers in Sri Lanka to be deployed having undergone such selection, April 2005.

⁵⁹ UN General Assembly, Security Council, *A/55/305 - S/2000/809*, 21 August 2000, para. 122.

Two factors must be considered in relation to rotation. First, what is best for the local population and the local police force. Second, UNPOL officers' perception of appropriate length of deployment – if they feel that they are serving for too long they will not be content and hence inefficient. There seems to be a consensus among officers who have formerly served in policing missions, concurring with the Brahimi report, that one year in country is appropriate.⁶⁰ Yet some officers have expressed that one year in the field is too long.⁶¹ Local police forces and civil society often state that there is a need for greater continuity coming from longer rotations and reduced turnover, if the international police force already has a positive image and is seen as legitimate.

It is not only external (out-of-country) rotation that diminishes continuity. Police officers are also moved internally (in-country) among different provinces and districts, which hinders the development of stable working relationships with the local police force and disrupts the building of trust with the local population. Achieving effective policing is significantly more difficult when officers are rotated from district to district within the deployment period. In-country rotation should therefore be discouraged.

Another complicating factor is the deployment and withdrawal of multiple contingents at the same time. This means that when there are twelve- or six-month rotations then there is a drain of experienced officers when they are withdrawn – they are then replaced by new officers who lack knowledge of the specific area and its challenges and who need time to adjust and learn. A possible solution is to use staggered withdrawals of each contingent's police officers. In doing so, not all of the knowledge and experience of a particular contingent of officers would be lost at the same time. However, if the UN were to adopt such a policy it would not be able to enforce it. It would cost more to stagger the deployment and withdrawal of officers and it is easier logistically to deploy and withdraw entire contingents at the same time. Nevertheless, such an approach could potentially greatly benefit international policing.

3.12. Accountability

Accountability is crucial for fulfilling any part of a UN mandate, particularly in relation to policing. The UN civilian police are trying to instil in local police forces a sense of democratic civilian policing which respects human rights, while emphasising the importance of civilian oversight and control mechanisms. At the same time, the UN lacks adequate accountability structures for its own staff. Hence the UN is trying to impose a set of standards that it is often lacking itself. This can send the wrong signal to local society and local police forces, consequently weakening the effect of teaching democratic policing.

The UN has a set of accountability structures to deal with violations of UN and local law by its representatives in a mission country. Disciplinary codes are in place for civilian police officers. The officers also have to comply with rules outlined in the *Civilian Police Handbook, Notes for the Guidance of UNCIVPOL on Assignment, Rules of Engagement for the*

⁶⁰ Interviews with UNPOL officers 1997-2005.

⁶¹ This was particularly the case in East Timor. Interviews, 2001.

Police Component, Standard Operating Procedures, and any other rules and regulations authorised by the Commissioner.⁶²

However, there are several problems with this accountability structure. First, the apparent immunity of international civilian police officers can lead to a loss of credibility and legitimacy. There have been numerous examples of misconduct by police officers on missions. Second, for grave breaches such as assault, rape, trafficking in women and murder – all being crimes that have been committed by international staff in peace operations; for example, in Bosnia there were incidents of trafficking in women and rape, in Cambodia officers habitually frequented brothels, in East Timor there were incidents of rape⁶³ – the accused is repatriated to be dealt with by their own government. This may not result in prosecution. In such cases, the local community is kept isolated from the process.

There is a need to establish an efficient internal control organ to deal with UN police officers who violate of UN rules and regulations. More effective deterrents to crimes committed by peace operation personnel should be established. The absence of such a control organ lessens effectiveness considerably. Utilising an existing UN Office could perhaps be a solution to this problem, although such an office should consist of officers who have had specific training in internal oversight of police forces.

There is also a need to establish an external civilian oversight mechanism for UN police operations. Establishing such a mechanism would enhance legitimacy and creditability of the international forces, reinforce democratic policing, and enhance their position as role models for local forces.

For the UN police to have sustained legitimacy then accountability mechanisms must be visible. International civilian police must not be perceived as being above the law, particularly since they are there to promote compliance with international standards of human rights and humanitarian law, and moreover enable the transition to democratic policing. Needless to say, national governments will not allow their nationals to be tried under local laws regardless of the crime committed. However, there must be established an international accountability structure, incorporating a feedback mechanism into the local community, gives victims an opportunity to be heard and to see that these perpetrators are held accountable for their crimes. This will help to provide legitimacy to the UN and thus to the reforms it promotes.

3.13. Institutional Memory (in Field and Headquarters)

There is an absence of institutional memory in UN international policing operations. This absence is felt both in the field and at UN headquarters in New York. There are several reasons for this. There are no policies for transferring responsibility from one contingent to the next, so that frequently contingents will withdraw without leaving anything to the replacement contingent regarding their experience, achievements, and difficulties – thus leading in the field to a loss of institutional memory. Policies enabling a

⁶² See e.g. *UNCIVPOL - UNTAET Administration and Operations Manual, Disciplinary Code and Procedure*, section 1, no. 1.2, 1.3, para. 23.

⁶³ Although there have been severe breaches by international police officers, there hve been more in number and gravity conducted by military peacekeepers.

smooth transfer of responsibility from one contingent to the next need to be established to help ensure that the knowledge accumulated during the mission is not lost and so that the following contingent needs not repeat the same work, but rather can build on what has already been achieved.⁶⁴

Institutional memory is also lacking because of the absence of an organised debriefing with all civilian police officers in a contingent after they have finished their deployment. Such a debriefing should take place during the last week of the officers' deployment, or during the first week after their withdrawal, when all experiences are still fresh in their memory. These debriefings should be confidential and preferably should be conducted by a third party (non-member of the policing mission). They should be systematised and go into a database, which can be accessed by UN policy makers so that lessons can be learned for future operations and planning can be based on these experiences. Moreover, international police officers and contributing nations should be able to access this database for information regarding what can be expected of officers, and also what needs to be changed in future operations.

3.14. Capacity-building (Regional and International)

There is a real need to build capacity in international policing; as mentioned, there is a persistent shortage of police officers available for deployment in international policing missions. In particular, Western countries have problems with providing adequate numbers of police officers. Because of this problem, and the local preference in some mission contexts to be policed by culturally similar contingents, attention is now being paid to regional capacity-building. There is currently a focus on training African police forces to increase availability for deployment to policing operations in Africa generally.⁶⁵ This would enlarge the number of officers available for international duty, as well as potentially diminish the problems related to cultural factors. However, unless more donor support is secured and a larger number of police officers are sufficiently trained, this will not build regional capacity. The focus has also been on Africa; however, more attention should be paid to Asia and Latin America. Asia in particular already contributes significantly to international policing operations, and building greater capacity in Asia would provide a larger pool of officers appropriately trained for international policing missions.

Regional capacity-building is a step forward in improving international policing in peace operations. However, there is a danger of focusing too strongly on regional policing. First, internal conflict often involves one or more neighbouring countries, and having regional police officers, although they might know the region or country, may not have an immediate positive impact. Such officers may be perceived as not sufficiently neutral. Second, the assumption that building regional capacity and promoting regional policing will automatically lessen the cultural differences experienced in international policing may not in all cases hold true. There are vast differences within regions both in method of policing and cultural background, so that this gap will not automatically be bridged by

⁶⁴ Practitioners at the Wilton Park conference in January 2004 also strongly emphasised the need for ensuring institutional memory.

⁶⁵ For example, the Pearson Peacekeeping Centre has a project entitled 'The Peacekeeping and Capacity-Building Project', which focuses on capacity-building in Francophone Africa, this includes police capacity-building.

regional policing. However, strengthening regional capacity is important in providing greater capacity for *international* policing operations, as long as there is awareness of the potential problems and they are considered in relation to deployment.

Overall international capacity for policing operations also needs to be strengthened. In certain quarters there has been an assumption that, because Western police forces are well-equipped and relatively well-trained, that they are able to conduct international operations. However, conducting policing within domestic territories is very different from doing so internationally. Hence more predeployment training, as discussed above, must be conducted.

To build capacity it would be advantageous to establish a curriculum of international policing, which could be introduced as a module in police academies so that there will always be a pool of officers with some background knowledge of international policing. However, this should not serve to minimise predeployment training, but rather to lay the foundation for such training. The cost of this would not necessarily be very high, but there would have to be substantial political willingness by national governments to set such a scheme into motion. More importantly, and potentially with more difficulty, would be to ensure that serving in an international policing operation will be viewed as a positive contribution to the home police force and that it would positively affect the police officers' careers. A much-voiced complaint among serving police officers is that they feel upon return that their new skills and knowledge are not appreciated by their management⁶⁶ and that, rather than forwarding their careers, their participation in international policing operations harms them. It is not so in all countries that contribute to international missions, but more effort should be put forth at the national level to help international policing to be viewed more positively. Currently there is minimal attention paid in the media to international policing unless violations by police officers are suspected. If more international attention is paid to policing operations then this could influence the way in which contributing nations view and treat the officers who have participated in these operations. This could only be positive for international policing operations as a whole, since more highly qualified police officers will then seek to serve with UNPOL as part of their career path.

3.15. Local Ownership

Local ownership of the entire process of training and reforming local forces is essential. Reform must reflect the realities and needs of the mission country and it must take into consideration local socioeconomic factors. Long-term sustainability is essential; for example, the international force should not introduce technology which cannot be maintained once they have left. The local police forces and civil society must be consulted and must feel that they own these processes that are so crucial for the long-term stability of their country. The international civilian police must cooperate with local police officers, politicians and civil society and there must be a clear understanding of what are the desired goals. If there is to be long-term success in any police reform process it is vital that the local population is consulted. If they are not there is heightened risk that upon international withdrawal the local police will not have legitimacy, because

⁶⁶ Interviews with police officers having returned from different mission, 2001-2005.

they will not reflect local needs or desires of how policing should be conducted. The most negative outcome could be a return to previous styles of policing.

Currently, local ownership is at the top of the agenda for policymakers involved with international policing. It is emphasised as crucial and an objective that must be reached. Nevertheless, it has yet to be effectively translated into practice in international policing missions. In the field, there is limited consultation and communication with civil society. In fact, international police forces have been notoriously poor at consulting civil society on any issue. Too much is still dependent upon individuals and their capabilities and willingness to bolster local ownership and hence this varies from mission to mission and from commander to commander. In addition, economic and political pressure may be applied so that local police reform reflects the international policing operation's view of police reform rather than the local perception. However, it has been pointed out that what must not be forgotten is that the intervention came about as a result of local conflict and, at the time of intervention, the inability to self-reform,⁶⁷ hence a fine balance must be struck between local ownership and the role played by international police.

Nevertheless, first, a standard procedure for consulting and involving civil society in policing operations should be established. This procedure should be flexible so that it can adapt to changing circumstances in the field, however, it should ensure local ownership. Second, criteria to help identify local partners should be established, as partnerships with illegitimate actors will not enhance local ownership. Selecting partners based on poor criteria— such as the ability to communicate with them, accessibility, and that they are seemingly influential – will not lead to a locally owned processes and would limit legitimacy.

Transition / Hand-over

The hand-over from international operations to the local communities is a crucial test of the success of the mission as a whole. International policing missions' success can only be determined in terms of their long-term impact on local police enforcement and stability. Until now, transition and hand-over has in most cases been characterised by a lack of strategic planning. To ensure successful transition, hand-over strategies and plans for implementation must be developed at the very early stages of a mission.⁶⁸

Different approaches have been tried in various missions. For example, in East Timor a staggered approach was applied, in which the local counterparts worked together with UN officers, but with the UN officers in charge. Later these roles were reversed and the East Timorese were in charge with assistance from UN staff. However, the UN had an executive mandate and transitional authority in East Timor – which is the exception, not the rule. Therefore, this approach is not applicable to many other contexts.

The type of approach will vary according to mandate. However, what must be kept in mind is that it should not be determined by a withdrawal date predetermined by the

⁶⁷ Eric Scheye and Gordon Peake, 'Unknotting Local Ownership', in Anja Ebenother & Philipp Fluri (eds.) *After Intervention: Public Security Management in Post-Conflict Societies - From Intervention to Sustainable Local Ownership*, AMD Vienna, DCAF Geneva, August 2005.

⁶⁸ For hand-over in the cases of Kosovo and East Timor see *A Review of Peace Operations: A Case for Change* (King's College London, March 2003), p. 175 and pp. 282-286 respectively.

international community. This means that the transition should not occur until there is sufficient local capacity to meet the demands, provide the services, and fulfil the roles of a civilian public security force. Timing is crucial and should not be driven by externally derived agendas. Moreover, the process of transition will be much easier if there has been sufficient local ownership throughout. If this has been lacking then it will be much more difficult for the local force not only to meet public demands and expectations, but also a willingness to do so may be absent.

Since supporting local police forces is a long-term process, one potential way in which to deal with the transition is to involve regional actors to provide more limited but continued assistance after international withdrawal. This could ease transition, however, this is entirely context dependent, since where regional instability reigns or neighbouring countries have been involved in the conflict this would not be an option. After an international mission withdraws there should still be options available for the mission country to receive police assistance on a smaller scale. Staggered and flexible transition and hand-over strategies for all levels of policing operations, including training and assistance to executive missions, should therefore be established.

4. Conclusions and Recommendations

There are numerous reoccurring problems in international policing missions and although several issues have been addressed, significant progress has been made and lessons have been learned, the above review has established that to improve the effectiveness of international policing operations and to encourage long-term success there are several challenges that need to be met and problems that must be resolved. Crucially, policing operations must be linked to the overall post-conflict reconstruction efforts in the mission country, and an integrated approach must be taken towards policing, and while changes have come about particularly on a policy level this must be consistently implemented in practice.

Issues that remain to be addressed further include identifying the roles that can be played by the military, paramilitaries and gendarmerie – both during the security gap and after full deployment of the civilian police force – and also military-police cooperation which will not negatively impact the objectives of civilian policing. All aspects of policing operations require much more attention to planning and resource allocation. If both sufficient planning and resources are in place from the beginning of the mission this will reduce many of the problems outlined above. This includes establishing clear mandates with the flexibility to adapt to changing environments in the field.

Continuing to develop the quality of personnel, and encouraging contributing nations to heighten their criteria for civilian police personnel for missions, is vital. Too many missions have faced problems in this regard and although good progress has been made, further efforts are needed to improve the quality of international policing. There is a definite need to have a more standardised training for officers to be deployed. This could be encouraged by having a standard curriculum for international police training either at national academies or during predeployment training in-country. Predeployment training should also address more in-depth knowledge of the conflict, the culture and the history of the country, local laws, and community policing. Creating a common standard for international policing would also heighten quality and efficacy of international policing.

Currently, without such standards, diverse policing styles and doctrines are applied in operations, thereby limiting successful outcomes.

Success is also limited by limited coordination, cooperation and communication, which is frequently experienced at different levels of an international policing mission. More effort must be focused on encouraging cooperation among the police and internal and external agencies. Having liaison officers in the various internal units is one step towards enhancing communication. However, so many external agencies are presently involved with international policing that it is imperative that the activities of these actors are coordinated.

The accountability structures for international policing operations are currently too limited and thus can undermine the legitimacy of such operations. There is a pressing need to establish both internal and external accountability structures for international policing operations. The UN internal accountability mechanism for police officers needs to be strengthened so as to serve as an effective deterrent against crime. An external civilian oversight mechanism of UN policing operations should also be established to enhance credibility and legitimacy of these operations.

Institutional memory and capacity could be improved by establishing systematic, organised debriefings of all police contingents at the end of their rotations. Presently no such systematic debriefings exist, and none of these essential lessons are fed back into the UN system. Debriefing should take place either in-country or immediately upon withdrawal, and the information gathered should then be relayed back to the UN Civilian Police division. Such a process of debriefing could be extremely valuable for policymakers and future operations.

International policing operations have shown that they require a simultaneous focus on judicial and penal reform if they are to be successful and sustainable long-term. This has been acknowledged by policymakers; however, this has not yet been done in all operations, particularly in regards to penal reform. The view of judicial and penal reform needs to be shifted from that of a development issue to a security issue. Both need a long-term focus but their impact on security, both short-term and long-term, must be further acknowledged. The interrelation of security, judicial, penal and police reform and the issue of justice must be further elaborated and solutions sought.

In addition, local ownership of the processes of police reform and police training must be emphasised throughout international policing operations in order to enhance long-term sustainability. Local ownership is high on the international agenda, but this has not always been reflected in the field. To encourage local ownership, a standard procedure of consulting and involving the local population should be created and implemented in all policing operations. More attention should be paid to developing strategies for transition to local authorities, this being highly dependent on local ownership. Focusing on developing these strategies will allow for sustainable local police forces in the long-term.

Effective international policing operations are crucial for encouraging long-term stability and peace in post-conflict societies. This has been acknowledged by the international community, and vast changes and improvements have been made since the first operations after the Cold War; however, multiple problems keep reappearing – only some lessons have been learned and implemented, others merely identified or ignored. These issues must be addressed in a coherent manner, strategies must be created and put

into operation. A holistic and integrated approach must be taken in international policing operations in which justice, penal and judicial reform are equally addressed so that international policing operations yield sustainable results.

Annex - Civilian Police Contributions to UN Peace Operations

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
January	1169	1139	2751	3034	2539	4613	7957	7554	5332	4686
February	1326	1337	2641	3013	2512	5245	7834	7700	5226	4655
March	1917	2009	2637	2910	2400	5712	7530	7530	5251	4656
April	1977	2265	2778	2880	2207	6015	7724	7519	5162	4764
May	1889	2518	2775	2921	2297	6609	7696	7253	4854	4817
June	1809	2624	2921	2984	2222	6952	7697	7153	4703	5251
July	1734	2693	2947	3019	2411	7032	7605	6949	4671	5516
August	1619	2742	3031	2940	3273	7194	7628	6754	4435	5516
Sept.	1702	2697	2971	2906	3923	7527	7588	6776	4435	5969
October	1635	2748	3007	2760	4238	7521	7667	6181	4473	6486
Nov.	1267	2766	3027	2718	4360	7800	7657	6181	4368	6766
December	1088	2739	3132	n/a	4435	7725	7642	5333	4635	6765

Source: UN Department of Peacekeeping Operations



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