

POLICE FUNCTIONS IN PEACE OPERATIONS

**Report from a workshop organized by
the United States Institute of Peace**

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INSTITUTE OF PEACE



**PEACE
WORKERS**

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FOREWORD

Guaranteeing the safety of persons and property and restoring the public's trust in the maintenance of order and stability are the keys to any effort to reestablish a working society after violent conflict. When the United States and its allies invest billions of dollars in a peace operation to repair a war-torn country—which frequently is an essential part of any conflict-settlement process—the ultimate goal is to set the country on the path toward long-term stability. Physical security is a basic precondition for such stability, and security—while initially enforced by an international presence—ultimately must be maintained by the society's own police and legal system, not by outsiders. Thus, crucial tasks for the military detachments conducting peace operations are to assist in the revival of indigenous mechanisms of law and order and to provide appropriate means of support while the police forces and judicial apparatus of the operation's host country undergo the arduous process of reconstruction.

There is little disagreement over the assertion that the rule of law is crucial to the success of peace operations, and that international civilian police (CIVPOL) play an important role in these efforts. One indication of just how far we have come in accepting this international role is that the training of foreign police forces in these types of operations is no longer a contentious political issue. In fact, most nongovernmental and, specifically, humanitarian-relief organizations in the

United States and abroad now appreciate the crucial role of CIVPOL and military contingents in creating the secure environment necessary for the success of contemporary peace operations. Nevertheless, while there is almost universal agreement that peace operations require an international civilian and military presence in the effort to reconstitute a society that has been severely damaged by internal or regional conflict, the appropriate range of responsibilities to be assigned to CIVPOL and military forces remains the subject of intense debate. In cases where the country's system of law and order has completely disintegrated, should CIVPOL attempt to rebuild the country's legal system and directly take over police functions for the duration of the peace operation? Or should their role be limited to monitoring, training, and advising local law-enforcement personnel regardless of the conditions in the operation's host country?

Much of the current debate on police functions in peace operations is informed by a distinct set of strategic and policy concerns that have acquired special prominence in the 1990s, as these operations have grown increasingly complex because of their deployment in countries whose societies have completely collapsed. The debate took on an even greater urgency when the United Nations was perceived to have “failed” in its law-enforcement duties during the disorderly transfer of Sarajevo's Serb-controlled suburbs to the Bosnian federation government in March 1996. As a result, the role of the International Police Task Force (IPTF) in Bosnia came under close scrutiny, and the mandates of NATO's Implementation Force (IFOR) and the IPTF, along with their strategic linkage and operational coordination, also put a new spotlight on the role of international police functions in peace operations. Yet the need for international oversight of police constabularies in countries that are in the postconflict stage of reconstruction and reconciliation was underscored again in Bosnia in November 1996, when U.S. Army peacekeepers made surprise inspections of local police headquarters in an area under their control and discovered arms caches suited more for small armies than for police.

The United States Institute of Peace decided to address these issues in view of its ongoing work on the rule of law and other postconflict issues. To this end, the Institute convened a workshop for policymakers and practitioners on “Police Functions in Peace Operations” in Washington, D.C. on May 10, 1996. This was the first meeting of its kind to bring together an international group of policymakers, soldiers, and officials

with operational responsibility to discuss their operational experience with CIVPOL monitoring, training, and law enforcement during peace operations. While the Dayton Accords framed much of the discussion in the day-long workshop, several other case studies were discussed in some detail. This report suggests that the issues participants vigorously debated will certainly be a part of future peace operations.

This workshop emerged from the efforts of the Institute's Jennings Randolph Fellowship Program, directed by Joseph Klaitz, and two 1995–96 fellows, Erwin A. Schmidl of the Austrian Defense Ministry, and U.S. Army peace fellow Colonel J. Michael Hardesty. Schmidl and Hardesty took the lead in organizing this event as part of their research projects examining different aspects of the military's role in peacekeeping operations. Their projects also dovetailed with the Institute's efforts in support of post-conflict reconciliation in Bosnia, headed by executive

vice president Harriet Hentges. Peter Fitzgerald, IPTF commissioner in Bosnia, and Robert Oakley, former U.S. special envoy to Somalia, kindly consented to participate, thus providing both a comparative approach and a Bosnia focus for the workshop.

The enthusiastic response of participants to the workshop suggested that the issues it addressed should be shared with a wider audience in the policy and academic communities. This report is a summary of the workshop's presentations and discussions, with an emphasis on the underlying policy issues involved in peace operations' police functions as well as specific operational challenges as revealed in the report's case studies.

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KEY POINTS

- The keys to any effort at reestablishing a working society after a destructive conflict are the guarantees of personal safety and the safety of property, and the restoration of the public's trust that order and stability will be maintained.
- Maintaining or reestablishing the rule of law is a crucial element in the success of peace operations, and international civilian police (CIVPOL) play an important role in any peace operation's effort to reestablish a working society. CIVPOL typically refers to personnel contributed by member states of the United Nations to monitor and train local police in the host countries of UN-endorsed peace operations.
- In the past, training foreign police forces was a contentious political issue; but in the United States, nongovernmental organizations (NGOs), particularly humanitarian-relief organizations, now appreciate the crucial role that police and the military play in establishing the security and order necessary for the success of peace operations.
- The mandates and missions of international civilian police and military forces need to be defined clearly to ensure the success of police functions in peace operations. However, addressing the gaps between the civilian and military mandates and missions is a political issue that national and international leaders must address.
- Coordination of peace operations' policing activities is essential to their success. Such coordination must involve CIVPOL contingents, the military, and the United Nations at the international level, and among these organizations and civil, judicial, and law-enforcement authorities in the peace operation's host country.
- Retraining the indigenous police force in the peace operation's host country is a high priority. Careful vetting of candidates and cooperation with community leaders are necessary if the local police are to become an effective force supporting the rule of law.
- Vocational training and alternative sources of work should be provided to members of local security and police forces upon their reorganization, demobilization, and disarmament, lest they be forced to resort to crime, thus undermining the climate of security the peace operation is working to foster.
- The United Nations should continue working to improve the selection and training process for international civilian police in order to reduce administrative costs to the United Nations and improve the quality of police monitors. Additional resources would be helpful, but creating a permanent UNCIVPOL force is financially and politically unfeasible.
- The United Nations should also continue its efforts to establish international standards for policing, but the application of these standards should be appropriate for the region and the country.
- The UN civilian police in Bosnia are restricted to monitoring, training, and advising local law-enforcement authorities. Expanding their mission would diminish their capacity to do the difficult work they have already been assigned to perform.
- Whether the international community has the political will and capability to rebuild entire criminal justice systems, not just police forces, over an extended period remains an open question. Reconstructing a country's criminal justice system

requires a serious and extensive commitment of personnel and resources. Political realities that focus attention on the “exit plan” make it difficult to design effective operations that are not temporary or short term.

- Policing brings into question the validity of the decision to participate at all in some peace operations. Given the inherent limitations of peace operations, expectations for what they can accomplish should be practical and not unrealistically high.
- One crucial issue that remains to be resolved is what the appropriate missions should be for the military and CIVPOL. Some U.S. military and political leaders are concerned that during a period of highly contested budgetary outlays, participation in peace operations will detract from the military’s war-fighting capabilities.
- When local authorities refuse to cooperate with international forces whose intervention seeks to

reestablish the rule of law, international forces need to evaluate what status and power these officials have, how much they hinder the success of the peace operation, and how the situation will be transformed if actions by participants in a peace operation are perceived as an external attack on an individual or movement rather than a necessary part of reestablishing stability and providing humanitarian relief.

- The trend toward the expansion of police functions in peace operations is likely to continue. The success of future missions will depend on the progress made in addressing some of the technical problems associated with CIVPOL monitors, as well as in resolving some of the larger strategic and political difficulties that stem from a lack of resources, unclear mandates and missions, and a lack of commitment to long-term efforts to rebuild the rule of law in countries whose problems have summoned an international response.

1

PEACE OPERATIONS IN HISTORICAL CONTEXT

Contemporary peace operations typically comprise two types of international police forces: military and civilian. Military police, whose usual task is to police the military forces involved in the operation, occasionally have been used in conjunction with, or to supplement, local law-enforcement personnel. For the most part, however, international civilian police (or “CIVPOL” in UN parlance) have played the major role in peace operations. In general, CIVPOL refers to personnel contributed by member states of the United Nations whose work in the host countries of UN-endorsed peace operations falls into three general categories:

- monitoring and supervising local law-enforcement organizations;
- training and providing assistance to local law-enforcement organizations; and, in some cases,
- directly exercising law-enforcement functions.

International police and peace operations, however, are not recent inventions of the international community and the United Nations. Nor did international policing begin with the first UN peacekeeping missions in the 1950s.

Rather, as noted by United States Institute of Peace senior fellow Erwin A. Schmidl, historian for the

Austrian Ministry of Defense, peace operations and the use of international police forces have a long history. What we now call peace operations evolved out of five types of military operations:

- colonial interventions and counterinsurgency operations, as in British Malaya in the 1940s and 1950s;
- the use of military forces in occupation duties, as in U.S.-occupied Japan and Germany after World War II;
- the use of military forces to assist civil authorities, as in disaster relief and riot control;
- frontier operations, as in the United States in the nineteenth century and in the Hapsburg Empire; and
- multinational military operations, as in the action against the Barbary pirates in the early 1800s.

Peace operations have often had a police component; in fact, such operations used to be known as “police actions” or “police operations,” in contrast to full-scale war, to emphasize the maintenance of law and order in the host country. International police forces were used, for example, in Crete in 1896–97 and the Saarland in 1935 and operated in Shanghai’s International Settlements during the interwar years.

The five types of military operations cited above, especially counterinsurgencies and occupations, often contained elements of civilian administration and policing. For example, the U.S. Marine Corps’ *Small Wars Manual* of 1940 contains chapters addressing “armed native organizations,” “formation of a constabulary,” “administration,” and “free and fair elections.” In an approach similar to that of the United Nations today, these chapters outline steps to reestablish order in unstable societies. In counterinsurgency operations, military units have undertaken policelike functions and have not been used exclusively as fighting forces. In past operations, military officers, in contrast to current concerns, have usually adjusted well to the required “constabulary ethic” of their missions. Indeed, Charles C. Moskos noted in his 1975 study of the UN peacekeeping mission in Cyprus that it would be erroneous to consider the requirements of peacekeeping to be incompatible with military professionalism. Conversely, while military forces in these

operations became more “police-oriented,” the regular police forces in countries conducting counterinsurgency operations tended to take on the characteristics of paramilitary organizations and had to redefine their missions to return to civil policing tasks once the emergency had ended. Examples of this include the cases of the South African Constabulary, established as an antiguerrilla force by the British during the Anglo-Boer War of 1899–1902; the American-organized Garde d’Haïti (1916–34); and the Rhodesian security forces in the “Bush War” of the 1970s.

The role of international police in international peace operations has evolved much as the nature of such operations has also evolved. The first UN peacekeeping missions did not go much beyond the traditional use of military power to assist the host country’s civil authorities in maintaining law and order during periods of unrest. In the first UN peacekeeping operation, the Emergency Force between Egypt and Israel (UNEF I, 1956–67), the UN force handled nearly 75 percent of the civil functions during the transfer of Port Said and Port Fuad from the British and French expeditionary forces in December 1956. Three months later, in March 1957, UN units guarded UN installations and dispersed crowds of demonstrators during the Israeli withdrawal from the Gaza Strip. However, the Emergency Force’s mandate related to armed conflict between states, and any administrative or security functions it undertook were entirely temporary. Ghanaian and Nigerian police contingents were dispatched to help maintain order in the Congo (now Zaire) during the UN Operation in the Congo (ONUC) from 1960 to 1965. During the 1962–63 administration of West New Guinea by the UN Temporary Executive Authority (UNTEA), police from the Philippines were recruited to assist local officers in maintaining the functioning of the police force.

The UN Peacekeeping Force in Cyprus (UNFICYP) marked the beginning of the next stage in the evolution of international policing. The UN mandate specifically called for a CIVPOL component (called UNCIVPOL) to monitor and supervise the local Cypriot police. This operation, which began in 1964, initially posted small detachments of about thirty police officers in each district of the island.

UNCIVPOL’s duties included serving as liaison to Greek and Turkish Cypriot police, accompanying and controlling local police patrols and checkpoints, investigating cases of missing persons, and helping with refugee relief work. These duties changed after the Turkish invasion in 1974. Today, only twenty Australian and fifteen Irish police officers continue to serve in Cyprus.

The United Nations continued to take on new police operations until the beginning of the post-Cold War period, which also heralded a new era of UN operations in general and international police missions in particular. The first of these new operations occurred in 1989 in Namibia. The demise of the Soviet Union and the withdrawal of its proxies from southern Africa made it possible for the former German colony of South-West Africa, originally administered by South Africa under a mandate dating back to the League of Nations, to declare its independence. To supervise this process, a UN Transition Assistance Group (UNTAG) was established in 1989, comprising fifteen hundred police monitors, forty-five hundred troops (three battalions and three hundred military observers), and two thousand

civilians. UNTAG’s civilian police were commanded by a police commissioner from Ireland, Steven Fanning, who also acted as police adviser to Martti Ahtisaari, the special representative of the UN secretary general. The country was divided into six (later seven) UNTAG police districts, with a total of forty-nine police stations. Twenty-five countries provided police personnel, but the operation was plagued by widely different training standards and a lack of foreign-language and competent driving skills in the ranks of the police-force contributions; these deficiencies weighed heavily in the operation’s significant logistical problems.

The UN police monitors cooperated closely with the South-West African Police, although contacts were tense in the beginning. Especially in the north, UNTAG police at first had to borrow mine-resistant Casspir vehicles (which were painted white and quickly dubbed “friendly ghosts” by the local population) from their South-West African and South African colleagues. The UN police monitored local police

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forces' conduct of investigations and their presence at political rallies. While the United Nations had no powers of arrest and only an indirect influence on the host country's policing standards, its international police force gradually began conducting its own patrols and investigating complaints about the local police. Most police officers stayed in Namibia through the elections until the country's formal independence (on March 21, 1990), but they were quickly withdrawn afterwards.

The United Nations' interim administration of Western Sahara—the UN Mission for the Referendum in Western Sahara (MINURSO)—was established in 1991 to prepare for a referendum on the future of the former Spanish colony, whose administration by Morocco has been challenged for years by a “liberation movement.” The Western Sahara operation includes police officers not only to monitor the Moroccan police, but also to assist in the voter registration and election processes; yet it has still not progressed beyond the first stages of voter registration.

All examples so far have addressed situations where well-trained police forces already existed in the peace operations' host countries and where the international activities were limited to monitoring local police and assuring the population that law enforcement would be carried out in an unbiased manner. However, the United Nations soon became involved in operations where supervision alone was not enough, and where international police officers became involved in training police forces. Examples of these types of operations were the various international observer missions sent to South Africa during 1992–95, the UN Assistance Mission to Rwanda (UNAMIR) in 1994, the UN Operation in Mozambique (ONUMOZ) during 1992–95, and the UN Transitional Authority in Cambodia (UNTAC) during 1992–93.

UNTAC included a strong civilian police component under the command of Police Commissioner Klaas Roos. With thirty-six hundred police officers from thirty-two countries, there was one police

monitor for every fifteen local police officers, or one for every three thousand Cambodians. While their mandate included—as in Namibia—monitoring the local police and assisting in the resettlement of refugees, they were also involved in training to help the local police overcome the legacy of poor training, low pay, and corruption. Training activities helped to establish better relations between UN personnel and Cambodian police officers. In the final phase of the 1993 elections, police observers also were involved in guarding polling stations across the country.

The UN police, however, suffered from language problems: many police officers, especially from developing countries, understood neither English nor French. Michael Doyle has noted in a recent paper on UNTAC that, compared with the military, police in peace operations are particularly disadvantaged.* The keys to effective policing in such operations are trust, knowledge of local conditions, and small-unit cohesion; but Doyle notes that foreign police were dropped into a remote Cambodian town with no knowledge of Khmer, no common standards, and no experience working together. As a result, the international police units faced formidable hurdles. In addition, CIVPOL was plagued from the beginning with internal problems, such as the incompetence and inappropriate behavior of individual officers and contingents, which badly tarnished UNTAC's image with the local population.

The most prominent UN peacekeeping missions in recent years—the two UN Operations in Somalia (UNOSOM I and II), the UN Mission in Haiti (UNMIH), and the UN International Police Task Force (IPTF) in Bosnia—all involved training, reorganizing, and monitoring local police forces. Various aspects of these missions will be detailed in the case studies that follow.

* Michael Doyle, *UN Peacekeeping in Cambodia: UNTAC's Civil Mandate*. International Peace Academy Occasional Paper (Boulder, Colo.: Lynne Rienner, 1995).

2 STRATEGIC ISSUES

Foremost among the broader issues of police functions in peace operations is the question of the proper definition of mandates and missions for CIVPOL and the military. With greater frequency, contemporary peace operations are deployed in countries where conflict has destroyed the rule of law. When a partial or complete breakdown of the criminal justice system has occurred, reestablishing the rule of law is the key to stabilizing society and reconstituting civilian authority. Both the military and CIVPOL have roles to play in this aspect of a peace-keeping mission, but assigning the appropriate missions to both forces at the appropriate times requires decisions by political authorities at the national and international levels.

Different diplomatic and domestic political needs affect how the international community defines mandates, how the United Nations and contributing countries interpret those missions, and whether gaps exist between missions and mandates. Politically imposed limitations on such missions and mandates are a result of compromises to garner the widest possible international support for this component of the operation, but these limitations also effectively restrict the scope, duration, financing, and quality of peace operations as a whole. Even if the international community undertakes technical reforms to improve UNCIVPOL's selection, training, deployment, and in-theater operations, these political limitations on the

use of CIVPOL and military forces will likely remain and affect the quality of operations. However, popular expectations of what peace operations can accomplish, usually driven by media reports, often exceed the political realities of limited resources and political support.

The U.S. government, for example, has limited resources to devote to police functions. The U.S. Army has been the military's instrument for peace operations and has had to assume some limited policing responsibilities in Panama, Somalia, and Haiti. Senior policymakers in the U.S. Department of Defense are well aware of the public security issues at stake, but limited domestic political support, more pressing priorities, and scarce resources have made military leaders oppose taking on the responsibility for public security functions, particularly those other than monitoring. The military eschews involvement in situations like Bosnia, where the local police have to be retrained and reorganized. At the same time, domestic legislation has restricted U.S. government law-enforcement training abroad to combating terrorism, drug trafficking, and insurgencies. The U.S. Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP), created in 1986, has been the prime vehicle for this type of assistance, working with the Defense Department in Panama, Somalia, and Haiti. Nevertheless, ICITAP has a limited mission and lacks the funds and the organizational structure to conduct other than long-term training. As a result, there is no U.S. agency able or willing to perform short-term law-enforcement functions in peace operations where local law-enforcement authorities must be reorganized and retrained over the long term. Nor does the United Nations possess the political will or ability to perform both functions simultaneously.

One suggestion for improving police functions in peace operations is for the United Nations to establish its own international police force or police reserve as an alternative to the current system in which member states contribute contingents of officers. Presently, the UN Department of Peacekeeping has a staff of five devoted to CIVPOL and would like to increase the number of supervisory officers from four to eight or nine, but budgetary restrictions prevent such an increase. Workshop participants agreed that creating a permanent UNCIVPOL force is unrealistic, given the United Nations' financial crisis and the political unwillingness of member nations to fund this type of force. Instead, many believe the United Nations' ability to draw upon the past experience of police officers in the

international community will provide the basis for improving policing in future peace operations. What is important for UN policing efforts is that officers possess the requisite experience; that they come from diverse backgrounds in terms of nationality, religion, and culture; that they have community policing experience; and that they be responsive to the people they are policing. Others note that as missions get more complex, as in the case of Cambodia, the international community will need to recruit lawyers, criminologists, judges, and others to assist in rebuilding criminal justice systems.

Some workshop participants questioned whether UNCIVPOL realistically could be expected to assume executive authority and responsibility for entire criminal justice systems in countries where conflict or humanitarian crises have destroyed civilian authority. Past UN missions in Cambodia and Haiti encountered civilian authority systems so dysfunctional that UNCIVPOL had to assume responsibility for prisons, among other things, once it acquired executive authority, straining the personnel and financial resources of the missions. Some argued that it is therefore not practical for UNCIVPOL to rebuild criminal justice systems.

First, not only are UN financial resources limited, but member states are taxed in terms of seconding civilian police for UN missions. Austria, for example, has a limit of fifty, and Australia has a limit of twenty. In addition, nonpolice personnel—prosecutors, lawyers, judges, criminologists, and others—would have to be recruited. Thus resource limitations would make it difficult to deploy sufficient numbers of CIVPOL personnel to handle expanded police functions.

Second, law-enforcement duties in some situations might require that CIVPOL be armed. Some member states would likely perceive such a requirement as posing a security risk to their detachments and thus would be reluctant to dispatch contingents on such missions. This safety issue would likely weaken political support for peace operations from member states.

Third, there is the larger issue of standards and values in reestablishing the rule of law. In reconstructing a criminal justice system, just what are internationally recognized standards for policing, human rights, and

the rule of law? Should international standards in these cases draw on Western principles or those of the country or region? The United Nations is currently developing general standards for policing that take into account human rights standards and will be used in future UNCIVPOL operations. Should the host country's criminal justice system be simply revived, partially altered, or created anew? Participants felt that whether and how to change the criminal justice system depend on the country, the mandate, and the specific mission of the peace operation. Key elements affecting such changes are the status and functioning of the criminal justice system prior to the onset of crisis, the degree of consensus in the host country on the need for change, and the extent of cooperation between local authorities and representatives of the international community.

The issues of whether CIVPOL should be armed and what the rules of engagement should be were the subject of considerable debate. Some workshop participants contended that international civilian police should not carry weapons for a number of reasons. First, bearing arms increases the likelihood of human rights violations. Second, if police have weapons and executive powers, they are likely to be drawn into situations where they will be compelled to use them. Third, one

of the important roles of CIVPOL is to create and restore confidence in the criminal justice system, an effort that requires the powers of decorum, respect, negotiation, and diplomacy; carrying weapons would militate against this role. Fourth, in places like Bosnia and Somalia, side arms are no match for the weapons that local forces possess, and CIVPOL members' bearing arms will make no difference in police effectiveness—and may even be counterproductive; in such situations, police are better off without weapons.

Nevertheless, other participants maintained that whether CIVPOL should be armed depends on the mission. In some countries, like Iraq, carrying weapons is prevalent among the general population. The UN Guards Contingent in Iraq (UNGCI) carried weapons for self-protection, since there were situations where UN guards were ambushed and killed.

Workshop participants agreed that rules of engagement also should be mission-specific. In Haiti, for

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example, UNMIH's mandate specified that both the Multinational Force's military police and CIVPOL were to be used as police forces. Both forces were armed, and the rules of engagement permitted the use of deadly force to prevent Haitian-on-Haitian violence. Military police and CIVPOL, stationed in urban and rural police stations, accompanied the interim Haitian police on patrols. The presence of armed backup was essential in establishing the effectiveness of the interim police, which was marginal at best. Sometimes the rules of engagement need to be adjusted during the course of the mission. In Haiti, the rules of engagement were changed to permit the use of deadly force to prevent Haitian-on-Haitian violence.

Participants also agreed that the problems of disarming, demobilizing, and downsizing local security forces should be handled sensitively on a mission-by-mission basis. Disarming security forces is very labor intensive and dangerous, and many missions lack the resources or force levels for effective implementation.

In some missions where complete disarmament was not feasible, voluntary disarmament (Somalia and Mozambique), garrisoning heavy weapons (Somalia), and isolating the most dangerous armed groups (the Khmer Rouge in Cambodia) did reduce the level of violence. However, partial disarmament poses distinct dangers, particularly if some forces continue to possess arms while others do not. In Somalia, garrisoning heavy weapons in cities was effective, but those without arms became easy targets for bandits and militias outside urban areas. Weapons also confer power, status, and income on their owners, who are understandably reluctant to give them up. Disarmament must be overseen by functioning police forces, and alternative livelihoods or vocational training must be provided. Otherwise, crime and unemployment will rise, undermining the security climate and requiring further stabilization. Such developments obviously complicate police functions in peace operations.

3

CURRENT TECHNICAL ISSUES AND REFORMS

Michael Emery of the UN Department of Peacekeeping Operations emphasized the increasing complexity of UNCIVPOL missions in the 1990s: The mandates and missions of international police have become more challenging, because the peacekeeping operations they are part of take place in countries where civil authority and the criminal justice system have partially or completely collapsed. The necessity of deploying large numbers of monitors in increasingly complex peacekeeping operations poses technical challenges to maintaining and improving the quality of CIVPOL.

First, there is the speed of deployment. Once the United Nations makes the decision to deploy police monitors, requests for CIVPOL go through UN missions to the member countries' governments. Contingents then undergo in-country predeployment training and testing, including language and driving examinations. As a result, some contingents of police monitors in IPTF, for example, do not arrive in the mission area until well after the mission has begun. Second, two types of language difficulties pose problems. Each mission has an official language—usually English—in which CIVPOL members must be proficient, but English is often a second language for many monitors. In addition, the national language of the mission's host country is typically a second language for many CIVPOL members; this posed particular difficulties for UNTAC

because there are so few speakers of Khmer outside of Cambodia. Third, many monitors lack the ability to drive standard four-by-four vehicles, despite having ostensibly valid licenses, or are unaccustomed to driving in extreme weather conditions.

In addition, constraints that hamper operational capabilities are often logistic. The United Nations' funding crisis has made it more difficult to secure adequate vehicle fleets, communications equipment, housing and operations facilities, and other vital supplies. Some monitors also lack the years of police experience required for such missions (eight years are required for the IPTF). Some monitors find it difficult to adjust to either the multicultural environment or the conflict situations of peacekeeping operations and thus suffer from "deployment shock" when they begin working under highly unfamiliar and austere conditions.

Finally, there are problems with the impartiality and basic integrity of monitors. Some CIVPOL members, simply because of their nationality, may be perceived as partial to a particular side in a peacekeeping operation and thus encounter problems in building trust with the local law-enforcement authorities and the population at large. In addition, while some difficulties arise when monitors come from countries with different standards for public integrity, there are also problems resulting from corruption among individuals within contingents.

Emery emphasized the necessity of the international community's working together to address some of the technical problems encountered in deploying CIVPOL in peacekeeping operations. The United Nations and its individual member states, along with such organizations as the United States Institute of Peace, the U.S. Army Peacekeeping Institute, and the Lester B. Pearson Canadian International Peacekeeping Training Centre, should collaborate to help the United Nations establish standards for selection and deployment, as well as in-theater training guidelines. As a short-term solution, the United Nations has created selection assistance teams (SATs), which are sent to countries contributing large CIVPOL contingents. The SATs work with the training departments of member countries to improve predeployment training and to conduct English-language and driving tests hitherto carried out only in the theater. The in-country testing saves the United Nations money, since the cost of repatriating failed test-takers runs into the hundreds of thousands of dollars. Regarding selection guidelines, the April 1996 conference at the Pearson Centre

proposed that to meet minimum standards, CIVPOL members must

- have five to eight years of active policing experience;
- be sworn officers in their own countries;
- be able to meet UN health requirements;
- be capable of written and oral communication in the official language of the peacekeeping mission; and
- possess a driver's license and be able to operate a four-by-four vehicle as established by mission requirements.

Other suggestions included psychological testing of monitors and experience with foot patrols, community policing, and domestic intervention.

The United Nations also is developing training guidelines for peacekeeping operations in general and for specific missions. The general training

curriculum will include human rights training, the history of peacekeeping, the role of CIVPOL, the role of peacekeeping operations, the privileges and duties of CIVPOL in peacekeeping operations, first aid, stress management, and police monitor duties. For example, mission-specific guidelines for IPTF include the history of the conflict; the history and cultural, religious, and social traditions of the peoples of the former Yugoslavia; a survey of significant cultural monuments; and radio communications. In-theater training and orientation cover the standard operating procedures of the mission, a current update of the security situation and threat assessment, mine awareness, radio communications, what to do if detained or held hostage, and a review of the mission command structure. The United Nations also is developing recommendations for debriefing monitors when they return. Upon the publication of these materials, the United Nations plans to hold a series of regional workshops on these issues. However, the quality of CIVPOL will not improve unless the new selection and training guidelines and materials are applied in practice.

4

CASE STUDIES

BOSNIA: Mission Gap and IPTF

The different mandates of IFOR and IPTF, particularly during the transfer of Sarajevo's Serb-controlled suburbs to Bosnian control, serve as a prime example of the gap between mandates and short- and long-term law-enforcement needs and functions. IFOR's mandate includes no responsibility for policing duties, although IFOR had agreed to back up IPTF personnel in dangerous and difficult situations as needed. IPTF was created under Annex 11 of the Dayton Accords and has an authorized strength of 1,721 monitors; as of May 1996, its strength was 1,311. IPTF commissioner Peter Fitzgerald reports to the Office of the High Representative and the UN secretary general. IPTF's mandate is to

- monitor, observe, and inspect law-enforcement activities and facilities;
- advise law-enforcement personnel;
- train law-enforcement personnel;
- assess threats to public order and advise accordingly;
- advise on law-enforcement restructuring;
- facilitate assistance to law enforcement; and

- assist by accompanying law-enforcement personnel as they carry out their duties.

IPTF's objective is to attempt to ensure that civilian law-enforcement agencies operate in accordance with internationally recognized standards, including those for human rights and fundamental freedoms.

The major tasks for IPTF during the transition of the Sarajevo suburbs were maintaining public safety services before and after the transition; establishing a sense of community confidence to minimize the exodus of Bosnian Serbs from the suburbs; maximizing the use of IPTF monitors during the transition; controlling the numbers, ethnic balance, and activities of Bosnian Muslim-Croatian federation police in transition areas; controlling the influx of refugees into transition areas; and coordinating activities among local officials, IPTF, IFOR, the Office of the UN High Commissioner for Refugees (UNHCR), and other organizations involved in the peacekeeping operation. IPTF had neither responsibility for actual law-enforcement duties nor sufficient numbers to deploy for performing such functions. Thus when things went awry during the transfer of the suburbs, the United Nations was perceived to have failed in its responsibilities, even though IPTF lacked the capabilities, communications equipment, and mandate to maintain law and order. Similarly, IPTF's limited mandate makes it difficult to ensure freedom of movement throughout the ethnically divided country, which is one of the preconditions for free elections. The responsibility for maintaining law and order rests with the local police. Additional duties would hinder IPTF efforts to restructure and retrain the federation police force. The restructuring effort has focused on reducing the numbers of police by 50 to 60 percent to meet a western European standard of one police officer for every 350 persons. Retraining has involved the development of internationally accepted standards of policing in a democratic state, the training of senior- and mid-level police supervisors, and the provision of expert law-enforcement management advice.

HAITI: Close Coordination Between Military and Civilians in Monitoring and Training

U.S. Army Lt. Col. Robert Caslen Jr. attributed the success of the Multinational Forces (MNF) and the UN missions in Haiti to advance preparations, a clear and well-designed mandate, and close coordination

among U.S. and UN military and civilian elements. UN Security Council Resolution 940 (passed on July 31, 1994) authorized the operations of both the U.S.-led MNF from July 31, 1994 to March 31, 1995 and, thereafter, UNMIH. The MNF had both military and police monitors, whose mission was to establish a stable and secure environment, assist in the restoration of democracy in Haiti, support the training of the interim Haitian police force, and monitor police activities to ensure compliance with international human rights standards and Haitian law.

Military police and international police monitors (IPMs) were used to fill the security vacuum created by the dissolution of the Forces Armées d'Haïti (FAd'H), the country's old military and police force, until a new force was established. Since the government faced no organized armed threat, the duties of the MNF and UNMIH mainly consisted of crime suppression and protection of relief supplies. Joint patrols (160 per day) of the interim police, U.S. military police, and IPMs provided for the stabilization and effectiveness of the interim police. The interim police, numbering three thousand, were vetted and received six days of training; many had little equipment and had to wear the old FAd'H uniform.

On March 31, 1995, operations were transferred to UNMIH, whose mission was to assist the democratic government of Haiti in sustaining a secure and stable environment that was conducive to the conduct of free and fair elections, protecting international personnel and key installations, and creating a Haitian police force. The U.S. Department of Justice's ICITAP program assisted in establishing the Haitian National Police (HNP) by providing training in a police academy that has graduated fifty-five hundred recruits for the new police force. UNCIVPOL played a key role in UNMIH's mission, conducting field training and mentoring, accompanying the interim police and the newly created HNP on patrol, assisting in investigations, and, when necessary, guarding prisons and distributing food to prisoners. Good coordination permitted the military elements of UNMIH and UNCIVPOL to complement each other's work and allowed the military police and UNCIVPOL to withdraw from policing duties once the HNP was able to assume a full complement of police functions.

Caslen detailed the lessons of the Haitian mission, whose largely successful strategic focus was to build an internal security force to replace the military element temporarily providing security, to break the cycle of violence in order to give reestablished civilian

institutions a chance to succeed, and to integrate demobilized FAd'H members into society by providing them with twelve weeks of vocational training and job counseling. Key elements in constructing the new security apparatus proved to be affordability, leadership, training, equipment, and building respect. The new force had to be paid enough to prevent corruption, yet had to be affordable for the government. New police leadership was essential, with a training focus on senior- and mid-level management. At the same time, training for beat cops had to be expanded to include other areas of policing, such as investigation and judicial security. Lack of equipment—cars, radios, and a standard uniform—hampered police effectiveness. Establishing popular respect for the police was necessary for their effectiveness in policing a democratic society. Finally, the U.S. Department of Defense's role in coordinating and supporting other U.S. government agencies and the United Nations, and ICITAP's support of UNCIVPOL, were necessary elements for mission success.

SOMALIA: Reestablishing the Police

U.S. Army Lt. Col. Steve Spataro described how an indigenous police force was reconstituted to reestablish the rule of law in Somalia. Under the guidance of Ambassador Robert Oakley, a political committee composed of members of the more powerful Somali clans met in Mogadishu to discuss basic municipal functions. In these discussions, clan leaders decided that a security force was needed to resettle refugees but that militias were not acceptable for such a task. The political committee established a police committee, which included former members of the National Police. The police committee identified key personnel and where they were located, necessary training standards and equipment, and procedures for assessing the qualifications and backgrounds of candidates. In addition, the police committee specified that the court and corrections systems also needed to be reestablished. The process hit a temporary snag when political leaders insisted on creating a national police force, which the United Task Force (UNITAF) did not favor; local police forces were created after religious and community leaders interceded with the political leaders.

Although the Somali National Police Force had not functioned since January 1991, its members were competent, well equipped, honest, respected, and largely free from the taint of former leader Siad Barre's rule. Many former members of the National Police

were willing to put clan differences aside and serve their country and fellow citizens. The vetting process was arduous and time consuming, but UNITAF undertook efforts to reestablish the police in all areas under its control. Clan elders and religious leaders participated in discussions of the appropriate legal regime; Somali law predating Siad Barre's rule was reestablished throughout most of the country and was enforced by the police and the courts.

Initial police functions were simple, including traffic and crowd control, neighborhood patrols, security of food distribution sites, and security of such critical areas as the port and airport. Police were not used for demobilizing the military or militias since they lacked the requisite training and equipment. Though scarce, funding and equipment for the police were provided by the United Nations, UNITAF forces, and various warlords who cooperated in the effort to reestablish local police forces. The reconstituted police forces were most effective in areas where UNITAF provided coordination, oversight, and support; however, one factor that promoted their acceptance was their willingness to let members of the local community believe that they controlled the police.

Spataro concluded that the Somali police were initially successful for four reasons. First, the police were average men and women who believed that they had a responsibility to their fellow citizens and were willing to come forward, accept, and fulfill their roles. Second, clan leaders and the Somali populace realized that reestablishing the police was in the best interests of all parties and eagerly supported that effort. Third, military leaders on the ground realized that providing support for the community to police itself was the quickest way to establish a secure environment. Finally, UNITAF never attempted to use the police for functions they were not equipped or able to handle and therefore did not set them up to fail.

SOUTH AFRICA: International Police Advisers as a Catalyst for Change

Peter Gastrow, special adviser to South Africa's Ministry for Safety and Security, examined how international observers sent to South Africa acted as a catalyst for change with regard to policing issues. In 1992, UN Resolution 772 authorized the deployment of UN observers in South Africa to monitor the country's political violence and to work with and strengthen the National Peace Accord structures. The resolution further called on international organizations such as the

Organization of African Unity (OAU), the Commonwealth, and the European Union to consider deploying their own observers in South Africa in conjunction with the United Nations and local monitors attached to the National Peace Accord structures. In 1993, there were sixty-one observers from the UN Observer Mission in South Africa (UNOMSA), twelve from the Commonwealth, fifteen from the European Union, and thirteen from the OAU. These observer missions worked with local peace committees established under the National Peace Accord; the peace committees, which were supported by all of South Africa's major political actors, monitored political rallies, funerals, and protest marches to ensure that violence would not break out. The very presence of international observers worked to restrain some political leaders from rallying their supporters to violence.

However, the Commonwealth and European Union observers assumed a more interventionist role. Rather than involve themselves in more operational police matters, they brought their influence to bear on transforming fundamental police functions and related policy issues, with the idea that reforming the South African Police was essential to facilitate the transition from apartheid to democracy. The Commonwealth Observer Mission to South Africa (COMSA) was a particularly effective catalyst in this regard. Staffed by five police officers, a criminologist, and several lawyers with extensive policing experience, COMSA attempted to maximize its influence on the South African Police leadership through lectures, participation in meetings, and the provision of technical assistance and advice. COMSA police experts adopted a nonthreatening, low-key approach that garnered trust among members of the South African Police.

COMSA and other international observers identified the hostile relationship between South Africa's black communities and the country's white police force, which was characterized by its militarized and reactive law-enforcement approach, as an obstacle to peace. COMSA understood that the status quo could be changed only if the police were clearly willing to undergo a fundamental transformation toward an approach of community-oriented, consensual policing. COMSA police observers and reform-minded senior South African Police officers worked together to ensure that improved community-police relations became a subject of ongoing and close cooperation through lectures and discussions.

COMSA also brought its influence to bear by making suggestions for improving crowd-control

measures that were adopted by political parties and the South African Police as the April 1994 election approached. In addition, COMSA and European Union police observers continually engaged the South African Police in discussions on a range of matters that required fundamental change, including training, demilitarizing the police, conflict management, investigation techniques, the structures of the South African Police, and the need to introduce an organizational culture that promotes the observance of human rights.

Without having been specifically mandated to do so, the police officers in the international observer missions were able to act as a catalyst for change with regard to policing issues. Their task was made easier by the national consensus on the need for international observers. In addition, by working in conjunction with the local organizations of the National Peace Accord, they could operate from a neutral base as part of an indigenous police operation. As such, the police observers were widely viewed as representatives of international agencies who were assisting in the effort to make local peace initiatives work, not as foreigners intent on imposing preconceived solutions. The National Peace Accord, which addressed the need for police reforms at great length, gave the police components of international observer missions the necessary opportunities to engage the South African Police on issues relating to transformation and change. The ensuing discussions not only bolstered the pragmatic self-interest of reformist elements in the police, but also gave reluctant reformers the hope that fundamental change would best serve their own future careers under a new government.

Under the circumstances, the overall nature of the United Nations mandate can be considered appropriate. Any specific provisions relating to police functions in the mandate most likely would have resulted in the government's direct opposition or passive obstruction, seriously undermining the task of international police personnel and preventing them from improving police policies. However, UNOMSA's passive approach toward police issues, while in line with a restrictive interpretation of the UN resolution, did not fully meet the challenge of transforming policing for the better.

The creative approach adopted by COMSA and the European Union police observers provided a positive stimulus to the tentative reform measures that the South African Police already had initiated. Under the peculiar conditions prevailing in South Africa, police

reform probably contributed more to achieving the short- and long-term objectives of the international peace operation than would have been the case had international police personnel been given the mandate to conduct operational tasks exclusively. While it is impossible to measure the impact, one indicator of success is that after the April 1994 election, the newly elected government requested that police experts from the Commonwealth and the European Union remain involved with transformation issues. Most of these experts, including some of the police who were members of the international observer missions prior to the April 1994 election, are still in the country.

IRAQ AND MOSTAR: Unclear Mandates and Local Intransigence

Capt. Andreas Pichler of the Austrian Gendarmerie presented two cases of policing missions whose success was undermined by unclear mandates and local intransigence. UNGCI was deployed in 1991 to protect relief convoys dispatched by UNHCR to northern and southeastern Iraq after Saddam Hussein refused to permit allied forces to support humanitarian-relief efforts in these areas. Although the hope was to provide some sense of security to the local population, the operation lacked a clear mandate and was overseen by the UN Secretariat rather than the Security Council. The mission suffered from poor logistical support; lack of equipment, weapons for self-protection, communications, and medical facilities; and the poor training level of UN guards from some nations that sent contingents.

The Hussein regime hampered the operation's effectiveness by blocking shipments of needed equipment and organizing opposition against the UNGCI. In addition, many Kurds in these areas became increasingly hostile to the UN guards, since they expected the mission to provide some protection and a measure of stability, which the guards were not trained, equipped, or mandated to do.

Despite these obstacles, the mission was successful. The Hussein regime refrained from launching military attacks against the Kurds in the presence of the UNGCI, and the humanitarian-relief program was carried out with no major setbacks.

In Mostar, the Western European Union (WEU) established a Unified Police Force in 1994 to assist and train the local police in the city, which is divided between Croat and Bosnian Muslim control. The mission was well equipped, and the quality and work of

the personnel were, by all accounts, quite good. All monitors except the British were armed. However, the mandate did not grant executive powers, which limited mission effectiveness, particularly since the Croat-dominated local police refused to cooperate

with the WEU police and their Bosnian Muslim counterparts. In fact, some local civilian authorities and the police were jointly involved in criminal activities. As a result, the goal of a Unified Police Force combining Croats and Bosnian Muslims proved unattainable.

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CONCLUSION

Workshop participants concurred with United States Institute of Peace president Richard Solomon when he stated that the keys to any effort at reestablishing a working society are the guarantees of personal safety and the safety of property, and the restoration of the public's trust that order and stability will be maintained. Solomon stressed that when the United States invests billions of dollars in a peacemaking operation—an essential part of any conflict-settlement process—it must create a secure environment so that its investment leads to long-term stability. There is little argument regarding the observations that maintaining or reestablishing the rule of law is a crucial element in the success of peace operations and that CIVPOL plays an important role in any effort to reestablish a working society. In the past, training foreign police forces was a contentious political issue; but in the United States, NGOs, particularly humanitarian-relief organizations, now appreciate the crucial role that police and the military play in establishing the security and order necessary for the success of peace operations. As a result, it is generally recognized that more attention and resources must be devoted to peacekeeping missions in order to ensure the functioning of the police components of such missions.

Other highlights and areas of consensus among workshop participants are as follows:

- Police functions in contemporary peace operations can be broadly defined, ranging from crowd control, as in Gaza in 1956–57, to establishing and maintaining a new judicial system, as in Cambodia in 1992–93.
- In the 1990s, an increasing number of peace operations with CIVPOL contingents are being deployed in countries where the criminal justice system has totally collapsed. As a result, CIVPOL responsibilities occasionally have expanded into the realm of actual law enforcement.
- The United Nations should continue working to improve the selection and training processes for international civilian police in order to reduce its administrative costs and improve the quality of police monitors. Additional resources would be helpful, but creating a permanent UNCIVPOL force is financially and politically unfeasible.
- The United Nations should also continue its efforts to establish international standards for policing, but the application of these standards should be appropriate for the region and the country.
- The mandates and missions of CIVPOL and military forces need to be defined clearly to ensure the success of police functions in peace operations. However, addressing the gaps between the civilian and military mandates and missions is a political issue that national and international leaders must address.
- Whether CIVPOL should be armed depends on the host country, its culture, and the nature of the conflict.
- Coordination of peace operations' policing activities is essential to their success. Such coordination should take place at two levels: *internationally*, among CIVPOL contingents, the military, and the United Nations; and *locally*, among these organizations and civil, judicial, and law-enforcement authorities in the peace operation's host country.
- Retraining the indigenous police force in the peace operation's host country is a high priority. Careful vetting of candidates and cooperation

with community leaders are necessary if the local police are to become an effective force supporting the rule of law.

- Vocational training and alternative sources of work should be provided to members of local security and police forces upon their reorganization, demobilization, and disarmament, lest they be forced to resort to crime, thus undermining the climate of security the peace operation is working to foster.
- UN civilian police in Bosnia are restricted to monitoring, training, and advising local law-enforcement authorities. Expanding their mission would diminish their capacity to do the difficult work they already have been assigned to perform.

Workshop participants remained divided on whether the international community had the political will and ability to rebuild entire criminal justice systems, not just police forces, over an extended period. Reconstructing a country's criminal justice system requires a serious and extensive commitment of personnel and resources. However, the United Nations, the United States, and other countries seem reluctant to undertake such long-term operations. Political realities that focus attention on the "exit plan" make it difficult to design effective operations that are not temporary or short term. Some even questioned the validity of the decision to participate at all in some peace operations, contending that the missions in Somalia, for example, had changed little in the host country. Others argued that the costs of not intervening would have been much higher and that several hundred thousand lives were saved as a result of the peace operations. Given the limitations, expectations for what peace operations can accomplish should be practical and not unrealistically high.

Other issues remain to be resolved: What should be the appropriate missions for the military and CIVPOL? The question is not so much whether the U.S. Army is capable of carrying out police functions—practically every workshop participant seemed to believe that many army units have the experience and training to discharge these responsibilities,

particularly when the situation calls for establishing a secure environment until an interim or permanent local police force can be reconstituted. Instead, the issue is essentially strategic and political: U.S. military and political leaders are concerned that during a period of highly contested budgetary outlays, participation in peace operations will detract from the military's war-fighting capabilities.

Finally, there is the issue of what to do when local authorities refuse to cooperate with international forces whose intervention seeks to reestablish the rule of law. In the absence of a domestic consensus, and particularly when local law-enforcement bodies have either collapsed or become political tools of oppression, CIVPOL tasks become difficult to accomplish. Trust and mutual respect must be established between host-country authorities and international forces; otherwise local intransigence will undermine the work of the international civilian police. In the face of such intransigence, two questions arise: Should the peace operation's officials work toward bypassing intransigent local authorities? If so, will such efforts be counterproductive? International forces need to evaluate what status and power these officials have, how much they hinder the success of the peace operation, and how the situation will be transformed if such an action is perceived as an external attack on an individual or movement rather than a necessary part of reestablishing stability and providing humanitarian relief.

The trend toward the expansion of police functions in contemporary peace operations is likely to continue. The issues discussed above will require the attention and cooperation of civilian, governmental, and military policymakers and practitioners in the United States, in the United Nations and its member states, and in the broader international community. The success of future missions will depend on the progress made in addressing some of the technical problems associated with CIVPOL monitors, as well as in resolving some of the larger strategic and political difficulties that stem from a lack of resources, unclear mandates and missions, and a lack of commitment to long-term efforts to rebuild the rule of law in countries whose problems have summoned an international response.

AFTERWORD

Workshop presenters: Ambassador Robert Oakley, visiting fellow, National Defense University, and special envoy to Somalia for Presidents Bush and Clinton; Commissioner Peter Fitzgerald, IPTF police commissioner, Sarajevo; Col. J. Michael Hardesty, commander, U.S. Army Garrison, Fort Sam Houston, Texas, and 1995–96 U.S. Army peace fellow, United States Institute of Peace; Dr. Erwin A. Schmidl, head of publications at the Austrian Ministry of Defense’s Military History Institute and Museum and senior fellow at the United States Institute of Peace in 1995–96; Michael Emery, UN Department of Peacekeeping Operations; Lt. Col. Robert Caslen Jr., U.S. Army War College, and liaison officer for CIVPOL in Haiti; Lt. Col. Steve Spataro, commander, 705th Military Police Battalion, Fort Leavenworth, Kansas, and provost marshal for UNITAF in Somalia; Capt. Andreas Pichler, district commissioner, Austrian Gendarmerie, Weiz (Styria), Austria, and former commander of the Austrian police contingents in Iraq (with UNGCI) and Mostar; and Peter Gastrow, special adviser to the Ministry of Safety and Security, Republic of South Africa.

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