

POLICING THE PEACE: TOWARDS A WORKABLE PARADIGM

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EXECUTIVE SUMMARY

- Reform of the security sector in many countries where the UN is deployed needs to be recognized as a central function in peace operations. This requires the deployment of well-trained police officers, closer military-police cooperation, a more sustained focus on judicial reconstruction and conceptualizing law and order issues in preventive terms.
- Deploying suitable CIVPOL officers is a responsibility for both the UN CIVPOL Unit and member states. To facilitate the recruitment process, the CIVPOL unit should be more specific in its requirements. Member states, on their part, should establish a national database that enumerates the skills and mission experience of its police officers. Nevertheless, it is also important to regularly reassess the composition of the CIVPOL component as a mission evolves, to ensure that deployed officers remain relevant to mission demands.
- The UN needs to update its United Nations Police Officers Course to reflect current political and operational realities. Member states should improve the quality of pre-deployment training, as in-mission training is likely to be limited. To assist developing countries that may be unable to conduct pre-deployment training, regional training centres, as proposed in the Brahimi Report, and help from developed countries are possible solutions.
- The military, often the first international presence in a conflict zone, should take a tough stance against criminality, thus setting the tone for future policing. However, a fully deployed CIVPOL component should not lead immediately or automatically to the downsizing of the military force; much can be gained from a mutually reinforcing collaboration between the two. In addressing organized crime, member states should share relevant mission area information with the UN and seek cooperation with Interpol and Europol.
- While a portable interim criminal code is deemed necessary, the implications of such a crisis-driven response on longer-term legal and judicial reform must be considered. Given the multiple challenges presented by sometimes uncooperative local political elites and certain unique aspects of local political culture, international efforts to reform the security sector must be understood as a lengthy process; a long-term commitment is needed to reap tangible results. Hence, funding for security sector reform should be made an essential component of the mission budget instead of relying on voluntary contributions.
- The commonality of interest that often exists amongst police officers, judges and lawyers in a potential conflict region should be capitalized upon for future conflict prevention, by strengthening local law enforcement agencies, criminal justice and penal system. On his part, the Secretary-General when dispatching fact-finding missions should consider including a police component, as contacts with local law enforcement counterparts should be established as early as possible.

Introduction

In the last decade, both the UN's peacekeeping and peace-building role witnessed unprecedented expansion. Consequently, alongside military peacekeepers, United Nations (UN) Civilian Police (CIVPOL) began to feature more prominently in international efforts to lay the foundations of a self-sustaining civil society. However, these increased responsibilities continue to present multiple challenges for the UN system. In Kosovo and East Timor, the UN was unable expeditiously to deploy sufficient CIVPOL and other required civilian expertise to fill the dangerous security vacuum caused by the absence of a legitimate and functioning law and order infrastructure.

In this context, and close on the heels of the widely praised Report of the UN Panel on Peace Operations (the Brahimi Report), the International Peace Academy and Jane's Conferences co-sponsored a conference *Policing the Peace* on 2-3 November 2000, in New York. This conference analyzed the changing role of the UN in post-conflict peace-building, with an acute focus on the security sector. The conference, which included remarks from the UN Deputy Secretary-General Louise Fréchette, Under-Secretary-General (Department of Peacekeeping Operations) Jean Marie Guehenno and Norwegian State Secretary Espen Barth Eide, brought together a broad cross-section of experienced participants from the UN (headquarters and field), various militaries and police forces, and academia to consider the following questions:

- First, what are the respective roles of the UN CIVPOL unit and member states in the proper selection and training of CIVPOL officers for international duty, particularly where CIVPOL is called to exercise executive authority.
- Second, while the military is reluctant to engage in policing and eager to hand over responsibility for law and order to their police counterparts, CIVPOL, even when fully deployed, is often unable to execute these tasks effectively. Hence, what is the appropriate division of labor between the military and the police in post-conflict peace-building?
- Third, the importance of the broader criminal justice system in post-conflict peace-building is increasingly acknowledged. What are the challenges encountered by the UN in reforming the judiciary and penal



Inaugural Speaker Ms. Louise Fréchette, Deputy Secretary-General, United Nations

systems and what are the options available to the international community to overcome the multiple local and external impediments to the reform process?

Civilian Police in Peacebuilding

It is imperative that CIVPOL are deployed both in sufficient numbers and with the relevant skills to meet policing demands. This requirement is particularly critical when the UN is entrusted with executive authority. Compared to traditional CIVPOL missions, which involve mainly monitoring and training of local police, executive policing requires a different approach and has a more direct relationship with the local population. Consequently, CIVPOL performance invariably affects not only the credibility of the UN mission and the image of local law enforcement agencies but also the security of the local population. Hence, the recruitment of qualified CIVPOL officers and their training needs are of central concern.

The Recruitment Challenge

Acknowledging that CIVPOL recruitment challenges stem from both government and individual factors, two specific proposals were forwarded at the conference. First, member states should consider planning and budgeting for a larger part of their police force to serve in peace operations. Governments should accept that police officers are not only national crime fighters but also international peace-builders. In addressing individual reservations, the UN must provide more professional and economic incentives to make



Closing Speaker Mr. Jean Marie Guehenno, Under-Secretary-General, Department of Peacekeeping Operations, United Nations

volunteering for international duty attractive. Police officers volunteering for CIVPOL duties should receive clear indications of their expected tasks in the mission area. This will result in greater job satisfaction, increase overall CIVPOL efficiency, and enhance the deployment of specialists.

The inadequate CIVPOL staffing requirements issued by the UN CIVPOL Unit need to be addressed. This deficiency has led many countries to recruit police officers with only basic skills, such as mission language, weapon handling, and driving, for international duties. Participants argued that the composition and capability of the international CIVPOL force is weakened by a disproportionate focus on these basic skills and results in the neglect of other specialized CIVPOL personnel, such as investigators, crime forensics experts, trainers, skilled and experienced leaders at all levels. As a first step, the UN CIVPOL Unit should identify the specific requirements of the 100 "on call" CIVPOL advocated for in the Brahimi Report.

It is also important for the UN to reassess the composition of the CIVPOL component as the mission evolves. While there may be greater demand for the "cop on the beat" in the first years of a mission, their numbers might be reduced as indigenous capacities are trained for these functions. Hence, these CIVPOL officers may be replaced with police officers who possess other needed specialized skills.

In addition, participants stressed the need for an individualized staff assessment mechanism that captures the performance of deployed CIVPOL officers. Such

information is critical for suitable recruitment in future missions. Information technology should be maximized to amalgamate this information across existing missions and be made accessible to those responsible for recruiting CIVPOL officers.

Member states also have a critical role to play in the selection of suitable police officers for CIVPOL duty. Participants agreed that member states should establish a national database that enumerates the skills and mission experience of its police officers. It is from such databases that the UN CIVPOL Unit can select suitable candidates for the rapidly deployable CIVPOL component of a mission. Moreover, to reduce the existing CIVPOL deployment gap, these officers should be equipped with appropriate start up kits.

There was substantial discussion on CIVPOL selection criteria. Some participants questioned the degree to which English language skills should be a basic criterion. They argued that while the use of English was needed on the safety net of a mission's radio communications, there should be room to accommodate other languages. However, most agreed that this basic language requirement was needed. The mission language requirement should be understood against the broader mission needs where reports written by CIVPOL officers are used in the court system and in cases of CIVPOL redeployment from one mission to another.

Referring to the staffing level of CIVPOL in the mission area, particular emphasis was placed on *quality* over *quantity*. Participants with field experience expressed a strong preference for the deployment of a smaller but highly competent group of CIVPOL officers. They argued that the time and effort needed to remedy the work of their less competent colleagues were enormous. Moreover, in view of the limited number of CIVPOL officers, the appropriateness of employing CIVPOL for support functions, such as investigations into UN subcontractors and guarding of payroll should be reconsidered.

In considering alternative sources of staffing, participants emphasized the potential contribution of qualified retired police officers. Although the majority of recruited retired police officers for international CIVPOL duties currently come from the United States, their strong performance in the field suggested that the employment of suitable retired police officers might indeed be expanded.

The Training Challenge

Given the difficulties in forging a common understanding among multinational police officers that come from diverse policing cultures and legal systems, both pre-deployment and in-mission training must be aimed at narrowing these differences while preparing CIVPOL officers for the immediate challenges of their deployment.

Participants acknowledged that the United Nations Police Officers Course, which was developed in the 1990s, when monitoring, advising and training were common duties, needs to be updated to reflect current political and operational realities. CIVPOL, today, are expected to exercise executive authority in a relatively hostile environment where they have little or no knowledge of local language, culture, traditions, laws and local crime situation, and no pool of informants. Here, the contribution of member states to the curriculum is key to the success of CIVPOL training.

It was recognized that while the UN CIVPOL Unit can draft policies, review doctrine, and even develop pre-deployment programs, pre-deployment training *per se* remains the responsibility of the member states. However, because of the lack of resources, many CIVPOL officers from developing countries continue to be deployed with little such training. To address this training gap, participants supported the concept of regional training centers as proposed in the Brahimi Report. The Swedish United Nations Police Commanders Course offered once a year—the only pre-deployment training course with participation from all the Nordic countries—was cited as one positive example of such regional training centers. In addition, it was also stressed that developed countries should assist developing countries in training police officers for CIVPOL duties, wherever possible, as such activities can help build up a critical nucleus group that may conduct its own local training in future.

Although in-mission training remains important, in view of the often competing requirements for human and logistical resources in the mission area, it should be kept to a minimum. Given the high turnover rate of CIVPOL officers, participants attached importance to a debriefing process between in-coming and out-going staff. The in-mission CIVPOL peer training as a means of transferring awareness about the role of the police in securing basic human rights was also stressed.

Military-Police Interaction

The nature of modern intra-state conflicts, which are often as much about criminal activity and profit seeking as inter-ethnic grievance, has dictated closer cooperation between the military and CIVPOL at a much earlier stage of mission planning and execution. However, to many at the conference, the Dayton Peace Accords—which relegated the role of international police to the final Annex in the agreement—revealed that many policy-makers have yet to grasp the centrality of the CIVPOL.

Law and order requirements should be incorporated at the planning stages of a peace operation. At the UN, inputs from the Police Advisor should be encouraged at the drafting stage of Security Council resolutions. Broader security considerations such as the distinction between *public* and *civil* law and order, how they overlap, affect military and police functions, and inform judicial reconstruction should all feature in Security Council deliberations.

Participants stressed the importance of strong military action against criminality, particularly when the police component is not fully deployed. The early stages of the mission, often characterized by a security vacuum, should be used by the military to set the tone for future policing. Hence, the military should move beyond ensuring the cessation of violence to secure borders, seize weapons and prevent their illicit transfer, remove identified criminal networks, and obstruct the malign influence of warlords both within and outside the territory. Where the CIVPOL component lacks the resources to take over these tasks from the military, participants agreed that the military should continue to execute them. Indeed, the role of the international military component is crucial as it often alone provides the security within which civilian components can carry out their respective mandates. Participants pointed to Haiti as a good example of where the military effectively established and for an extended period maintained a secure environment.

On the other hand, participants noted that a fully deployed CIVPOL component should not be seen as an opportunity to immediately and automatically downsize the military's presence. In non-executive policing scenarios, CIVPOL has specific roles, such as monitoring, advising, training and mentoring functions, and limited powers. In executive policing situations, police tasks such as weapon searches benefit from direct support of

the military, while larger number of military patrols provide a reassuring and controlling presence. In this regard, military and police commanders in the field ought to be imbued with a clear understanding of the benefits of a mutually reinforcing cooperation.

Some participants expressed concern over the seemingly limited capacities of both the military and police in tackling organized crime. They argued that both the military and CIVPOL lack the intelligence gathering capabilities, informants and in many cases, even the mandates to do it. Others, however, pointed to possible collaboration between different agencies in the mission area in tackling organized crime. In addition, member states, particularly troop contributing countries, should share relevant mission area information and tap their national linkages to Interpol and Europol. These participants argued that in the face of limited resources, priority should be placed on organized crime that impacts most on the political dimensions of peace-building. However, in dealing with organized crime, it is insufficient to just make arrests; sufficient criminal evidence must be gathered to successfully prosecute and convict the guilty parties.

Beyond Policing

Effective post-conflict reconstruction of the security sector requires equal emphasis on all elements of the criminal justice system—the police, prosecution, judiciary and the correctional system. These elements should be addressed concurrently and comprehensively from the planning stage of a mission with adequate local inputs. The experiences of the UN in Haiti and East Timor, however, have shown that reestablishment of the security sector is particularly difficult for the UN when it is confronted with questions of applicable law, the nexus between justice and reconciliation, and local constraints that impede international efforts.

Legal Framework

Arriving at a credible and functional legal framework within which law enforcement and judicial institutions can operate remains a major challenge; difficulties abound in identifying and enforcing legitimate local applicable laws. In East Timor, even a pragmatic decision to continue with Indonesian law (as long as it remains consistent with international standards), in order to avoid a legal vacuum, encountered many serious obstacles. Difficulties ranged from defining relevant international

standards, the lack of local lawyers familiar with international human rights norms, the significant administrative burden of translating all existing Indonesian laws for international experts, the need to consider local customary laws and the peoples' hostility to the continued employment of Indonesian laws.

Participants expressed support for the recommendation in the Brahimi Report for a portable interim criminal code that can be applied to such situations. A "quick start package" for UN administered territories which provides a readily applicable set of minimum rules for criminal procedure (arrest and detention), substantive criminal law, and rules governing the activities of the police would allow CIVPOL to act with legal certainty, provide a clear framework for the training of local police and give guidance to judges, prosecutors and lawyers. Some participants, however, argued that, for a time, the military and military justice represents a viable alternative to civilian legal authority. In the absence of legitimate civil laws, they argued, military law and courts could temporarily be applied.

However, one participant cautioned that incompatibilities might exist between these crisis-driven responses to urgent legal and judicial needs and the application of longer-term reform frameworks. Clearly more careful thought ought to be given to whether such initial crisis-driven responses could be a nucleus for a future judicial system let alone the appropriate, albeit temporary, system for a country which has been subjected to the imposition of exogenous illegitimate institutions of law. There was agreement, however, that any viable solution to these questions requires active indigenous participation and needs to be combined with a civic education process to explain the approaches taken by the UN in judicial reform.

Justice and Reconciliation

While participants recognized the important linkage between justice and reconciliation in security sector reform, it was stressed that the right balance between the two has to be found; reconciliation should not be rushed. For example in the case of East Timor, notwithstanding the capacity for forgiveness within the East Timorese society, participants argued that an international tribunal was needed. While traditional mechanisms for justice and reconciliation may exist, they are constrained in several important ways. First,

while they may be able to deal with looters and arsonists, traditional mechanisms are unable to cope with the staggering scale of murders that took place in the aftermath of the UN-sponsored referendum in September 1999. Second, "adat", or customary laws, vary from district to district in East Timor and hence cannot be applied consistently. Third, traditional elites and mechanisms have been politicized in the 25 years of Indonesian occupation, and may be unable to serve as impartial arbitrators to mete out justice and foster reconciliation. Finally, reconciliation is needed both within East Timorese society and with Indonesia; this is a process that neither traditional mechanisms nor Indonesian courts alone can effectively accomplish.

Local Factors

The success of security sector reform is affected by the existing social, political and cultural realities of a post-conflict society. Participants argued that notwithstanding the *initial* availability of external attention and resources, unless local stakeholders themselves support the reform processes and eradicate deeply rooted attitudes and practices antithetical to due process and the rule of law, external support for the reforms are unlikely to be sustainable.

Although some participants questioned the wisdom of continued international engagement when confronted with uncooperative local political elites, many others took a longer view of nascent reform efforts. They argued that these efforts lay important theoretical and structural foundations for long-term institution building; therefore, international involvement must be seen as a long-term commitment. Nevertheless, it was recognized that while the UN can be creative and patient in overcoming local resistance, there were clear limits to what the UN, on its own, can accomplish. More can be achieved if concerted pressure is brought to bear upon uncooperative local political elites by influential neighbors, international financial institutions, and NGOs (both international and local).

Local political culture, particularly ingrained negative perceptions of law enforcement agencies, was singled out as a major obstacle to successful security sector reform. While the international community can build institutions and train local police, changing perceptions cultivated by decades of police brutality and repression is a long and arduous process. In addition, external actors must also be aware of other aspects of political

culture that may adversely impact upon reform efforts. Therefore, participants attached considerable importance to outreach exercises aimed at reeducating the public on the acceptable roles of the police in society.

Participants also stressed the importance of incorporating local inputs from the outset of a mission. This not only reduces the administrative strain on the need for translation, but also builds a sense of local ownership and prevents major disruptions when the international community departs. However, it was recognized that the limited availability of appropriate local human resources remains a constraining factor. For example, while the Organization for Security and Co-operation in Europe (OSCE) was able to train 2,300 police officers in Kosovo, the situation in East Timor was more difficult. A mass exodus of skilled personnel meant that there was, at the outset, limited, if any, local capacity available to the UN transitional authority to develop.

Limited local capacities are often inadvertently aggravated by a large international presence. In East Timor, the intense competition among various international agencies to recruit the limited supply of skilled Timorese not only drove wages up but also had an adverse impact on recruitment for the East Timor civil service. Therefore, while the long-term solution remains the training and development of indigenous capacities, the international community must supplement the immediate needs.

International Factors

Notwithstanding the multiple challenges to reforming the security sector, participants were encouraged by the options available to the international community to manage these difficulties.

First, all agreed that it is mandatory for the UN and the international community to improve its rapid deployment capacities, not only of CIVPOL, but also of judges and correctional officers. Such a stand-by network of experienced and international jurists that can be activated at short notice ought to encompass jurists from both *common* and *civil* law systems. To achieve this, cooperation with member states, as well as with other international organizations, NGOs, academia and military actors, based on the existing standby arrangement framework should be pursued.

Second, funding for security sector reconstruction can be put on a more solid footing through assessed contributions incorporated into the budget of the mission rather than relying on voluntary contributions. Third, donors must understand that a functioning correctional system is inextricably linked to the creation of a viable law enforcement mechanism, and should move away from existing reluctance to finance correctional facilities. On its part, the UN should include a sufficient number of professional international prison guards and wardens in its mission planning services.

Prevention and Security Sector Reform

While it is commonplace to think of security sector reform as essentially a post-conflict activity, some participants argued for law and order to be viewed through preventive lenses, as it is often one important indicator of potential instability.

Therefore, importance was attached to the understanding of local law and order challenges either through the proposed Information and Strategic Analysis Secretariat or by relying on the fraternity that exists among police officers, judges and lawyers in the affected region, all of which can be used as early warning indicators. For its part, the UN should consider CIVPOL not only in peacekeeping or peace-building terms but also as early assistance to states with law and

order problems before a potential conflict situation spirals out of control.

As such, there is a need for police and military briefings to the Security Council to include comprehensive assessment of the capacities of local law enforcement agencies and the criminal justice system, to uphold the rule of law and resist the corruption of organized crime. Such assessments should inform short and long term strategies and be consistent with conflict reduction strategies should civil war prove unavoidable. On his part, the UN Secretary-General should include a police component with his fact-finding missions, as contacts with local law enforcement counterparts should be established as early as possible.

Conclusion

The Brahimi Report, strongly supported by conference participants, proved an excellent point of departure and reference for in-depth discussions. There was a sober recognition that post-conflict societies are plagued by structural political and social constraints that do not disappear with the signing of a peace agreement or the deployment of a UN mission. Hence, even with a well-planned and coordinated strategy where both civilian and military resources are brought together effectively with due consideration for local factors, the international community must realize that short-term gains are likely to be small. Resources have to be committed for a long period before positive gains may be reaped.

Agenda

Thursday, 2 November

- 8:00-8:30 AM Registration and continental breakfast
- 8:30-8:45 AM Welcome and Opening remarks by program chairs
- 9:00-9:30 AM Inaugural address
Ms. Louise Fréchette
Deputy Secretary-General of the United Nations
- 9:30-10:30 AM **Session I – Civilian Police Issues: Recruitment, Planning, Training, Logistics**
- Chair: Ambassador John Hirsch
Vice President, International Peace Academy
- Panelists: Chief Superintendent Halvor A. Harz
Civilian Police Advisor, United Nations
- Mr. Tor Tanke Holm
Police Adviser, NUPI
- Mr. Peter Phelan
Director, Logistics and Communications/UN FALD
- Discussant: Mr. William G. O'Neill
Senior Visiting Fellow, International Peace Academy
- 10:30-10:45 AM Coffee Break
- 10:45-12:30 PM **Session I – continue**
- 12:45-14:45 PM Lunch
- Ambassador Stewart Eldon, CMG, OBE
Deputy Permanent Representative of the United Kingdom to the United Nations
- 15:00-16:15 PM **Session II – Military-Police interaction in the field: The Case of the Balkans**
- Chair: Colonel Michael Dziedzic
Senior Military Fellow, Institute for National Strategic Studies (NDU)

Panelists: Mr. Graham M. Day
Senior Fellow, Jennings Randolph Program, United States Institute for Peace

Mr. Richard Monk
Police Advisor
Member of the Panel on UN Police Operations

General Vincent Coeurderoy
Police Commissioner in Bosnia and Herzegovina

Discussant: Dr. Charles T. Call
Assistant Professor for Research
Watson Institute for International Studies

16:15-16:30 PM Coffee Break

16:30-18:00 PM **Session II – continue**

18:00-19:30 PM Reception

Thursday, 3 November

8:00-8:30 AM Continental breakfast

8:30-9:00 AM **Presentation**
Reforming the Security Sector in Post-Conflict Reconstruction: Lessons from the Balkans

Mr. Espen Barth Eide
State Secretary, Ministry of Foreign Affairs, Norway

9:00-10:30 AM **Session III- Post Conflict Judicial System Reconstruction: The Case of Haiti**

Chair: Ambassador David Malone
President, International Peace Academy

Panelists: Ambassador Colin Granderson
Ministry of Foreign Affairs, Trinidad and Tobago

Lieutenant-General (Ret.) Joseph W. Kinzer, US Army
Former UNMIH Force Commander

Chief Superintendent Neil Pouliot
Former UNMIH Police Commissioner

10:30-10:45 AM Coffee Break

10:45-12:15 PM **Session IV- Post Conflict Judicial System Reconstruction:
The Case of East Timor**

Chair: Ambassador John Hirsch
Vice President, International Peace Academy

Panelists: Dr. Shepard Forman
Director, Center on International Cooperation

Mr. Hansjoerg Strohmeyer
Policy Advisor
UN Office for the Coordination of Humanitarian Affairs

Mr. Tamrat Samuel
Asia and the Pacific Division, UN DPA

Discussant: Ms. Priscilla Hayner
Independent Writer and Consultant

12:15-12:45 PM **Closing Session**
**The Future Role of Civilian Police in UN Peacekeeping
Operations: Prospects and Challenges**

Mr. Jean Marie Guehenno
Under-Secretary-General
Department of Peacekeeping Operations

13:00 PM Lunch

Participants

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