

Evolution of police monitoring in peace operations

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CONTEMPORARY PEACE OPERATIONS are often conducted in failed states or in those emerging from civil conflict. In these environments, the local criminal justice system has often been largely destroyed or has become otherwise ineffective as a result of widespread corruption among its constituent parts and/or their involvement in the war. This problem is exemplified by the state of indigenous police forces at the beginning of recent peace operations. In Somalia, for instance, the police were inoperative: they left their posts when a central government failed to emerge after President Siad Barre was deposed in 1991. In Haiti, the police were integrated into the armed forces and used by the ruling junta to repress the population. When the multinational peacekeeping force arrived in September 1994 and broke the regime's stranglehold, police officers stopped doing their jobs and assumed a defensive posture, fearing that ordinary citizens would seek retribution. In Bosnia-Herzegovina, where police forces had been segregated along ethnic lines and had participated in the sectarian conflict, the police attempted to continue the fighting through intimidation and thuggery throughout the tenure of the United Nations Protection Force (UNPROFOR) (1992–95). In the ethnically polarised Kosovo conflict, the police were a primary player in the 'ethnic cleansing' and were forced to leave the province as part of the settlement granting access to North Atlantic Treaty Organization (NATO) troops and the establishment of a United Nations (UN) administration. Furthermore, in each of these situations the other components of the criminal justice system—the courts, prisons and, in a less tangible way, the laws of state—were also absent, ineffective or unjust.

A country's physical condition is most likely to prevent efforts to resuscitate its criminal justice system. At best, national infrastructure will be in disrepair. Roads, ports and communication systems may be unusable and housing and office stock

in the principal cities may have been ravaged by the war. Government services and public utilities may be almost non-existent. The (probably nascent) administration may have no capacity to collect taxes or other forms of revenue and may be dependent on the support of international donors. Police vehicles, weapons, uniforms and office materials are likely to have been stolen or destroyed during the fighting—although they may have been inadequate even before the conflict. Police stations may have been bombed out, burned down or ransacked, and the courthouse may have no electricity—or a sporadic supply—and no running water. If jails and prisons are still occupied, they may be centres of malnutrition and disease. Usable copies of the legal code may be unavailable in the country.

In addition, the post-war psychological condition of a society complicates and hinders the rebuilding of the indigenous police and justice system. In the majority of cases, the conflict has had a devastating effect on the society. Public trust, the cohesive element that allows people to place society above self, has often been destroyed. This must be recovered, so that new public institutions, based on cooperation with the public rather than repression, can be established. Usually there is increased toleration of violence as a justified method of interaction. This is made worse by the proliferation of light weapons throughout society and the familiarity that individuals acquire in using them. As former combatants are demobilised—often with poor prospects for earning a living and with little respect for the rule of law—crime often increases rapidly and turns violent.¹

Because of the need for an indigenous criminal justice system, and the law and order challenges inherent in a post-conflict society, the development of local police forces and their monitoring by international police observers have become critical parts of peace operations. This chapter discusses the evolution of police monitoring and law enforcement in peace missions, beginning with the early experiences of the 1960s, and then an examination of the contemporary era. Finally, the chapter offers a speculative assessment of what the future might hold for the international community and police monitoring and reform.

The early era

The UN initially deployed few peacekeeping operations that required it to become involved in recipient states' internal affairs, including their criminal justice systems. The controversial United Nations Operation in the Congo (ONUC), which took place between 1960 and 1964, following the Congo's sudden achievement of

independence from Belgium, was the UN's first large-scale mission and its first experience of deploying civilian police officers as part of a peacekeeping mission. The operation—conducted in what would now be referred to as a failed state—sought to reinforce what was left of the indigenous police force with a small contingent of civilian police officers from Ghana. A 400-person police contingent from Nigeria was later added—the UN did not control this contingent, but, instead, it operated under an agreement between the world body, the Congo and Nigeria. The UN police, and, subsequently, UN-affiliated police, worked side-by-side with their Congolese counterparts to provide basic policing. In this sense, they were supplementing rather than monitoring local units.²

The UN's second experience of deploying civilian police officers was in Southeast Asia. The organisation administered the western half of the island of New Guinea for eight months in 1962–63, as control of the territory was transferred from the Netherlands to Indonesia. The UN intended to rely on indigenous police forces, but it found the leadership to be inadequate, especially after the Dutch cadre made a hasty exodus. To ameliorate the problem, the UN appointed a British commander and filled the remaining leadership gap with police officers from the Philippines. In this instance, the oversight functions of the Philippines' cadre presaged the monitoring role that would emerge in future. The fundamental goal of monitoring would be to improve the behaviour and performance of indigenous police units. However, this operation was too short to develop fully the concept.³

The UN's third experience with the police came on a Mediterranean island. In December 1963, ethnic tensions between Greek and Turkish Cypriots erupted in violent, sporadic street fighting. A truce resulted in UN troops and international police officers being dispatched to Cyprus in 1964 in order to prevent a recurrence of the fighting and to contribute to the maintenance of law and order. The UN deployed 173 police officers in five contingents to oversee and liaise with the Cypriot police, to conduct guard and checkpoint duties, and to help resolve grassroots disputes between the two communities. The civilian police had a psychologically soothing effect: a participant in the operation said that they became the host population's 'father-confessor and confidant in one person'.⁴

The term CIVPOL was coined from the UN Peacekeeping Force in Cyprus (UNFICYP) to refer to international civilian police officers serving in a UN peace mission. It was here that the method of monitoring and mentoring by walking the beat with local police officers took shape. The Force assumed a more traditional

interposition posture following the Turkish invasion of the island in 1974—only a small CIVPOL contingent remained after 1974.

During the 1970s and most of the 1980s the UN initiated few new operations because the Security Council could not reach agreement on most matters. As a result, a long period elapsed between the initial forays into police matters and the start of the recent era. But some of the issues that the UN confronted during the 1960s (such as indigenous police units that had to be monitored to deter bad behaviour and poorly trained officers with a weak or partial leadership) are the same as those facing the organisation today, as it attempts to help countries recover from civil war or failed government.

The contemporary era

The contemporary era of peace operations, dealing principally with intra-state conflicts, engendered anew the requirement to help rebuild or reform indigenous criminal justice systems. From January 1989–August 2000, the UN launched peace-keeping operations in 21 different locations, of which 14 have involved CIVPOL in some capacity. These missions (listed in chronological order) took place in Namibia, Angola, El Salvador, Western Sahara, Cambodia, former Yugoslavia, Somalia, Mozambique, Haiti, Rwanda, Guatemala, Central African Republic, East Timor, and Sierra Leone. From 1992–97, the average number of UN CIVPOL deployed monthly was 2,345. The advent, in 1999, of the UN administrations in Kosovo and East Timor increased dramatically the requirements for CIVPOL. As of September 2000, there were 7,194 CIVPOL participating in eight UN peace missions.

The first operation of this era to have a police role was the UN Transition Assistance Group (UNTAG). The mission was launched in 1989 to assist and monitor the transition of South West Africa (now Namibia) from South African control to independence. The UN deployed 1,500 civilian police officers as part of the peace-keeping effort. The CIVPOL in UNTAG were responsible for monitoring the indigenous public safety forces: the South African-controlled South West Africa Police. Unlike more recent operations the indigenous police force in Namibia was fully intact. However, it was feared that South Africa, as one of the parties to the peace accords, might try to influence the police to behave as their proxy once other South African elements had left the country. The presence of the CIVPOL monitors effectively mitigated any unduly partisan police behaviour.⁵

If UN police-related activities were relatively simple at the beginning of this

period, within 10 years they had become highly complex, as situations demanded greater levels of involvement by the international community. There are now four broad tasks related to the indigenous criminal justice system, which must be accomplished by a mixture of military and civilian peacekeepers and local actors:

- provision of basic law enforcement and public order for an interim period;
- reconstitution of indigenous police forces;
- monitoring and mentoring of local police units; and
- re-establishing and reforming the judicial and penal systems, as well as the legal code.

The first three tasks are concerned with policing and the indigenous police, while the fourth deals with the remaining parts of the criminal justice system. The necessity of this latter task is obvious: without detention facilities, police cannot arrest suspects; without seated judges, cases cannot go to trial; and without functioning prisons, sentences cannot be served.

The amount of effort required for these four tasks is inversely related to the capabilities of the indigenous police force: the more effective the host country's system, the less need for external assistance. If the indigenous system were not completely destroyed or corrupted during the conflict, for example, then the host state may be able to maintain basic public order with little or no help from peacekeepers. Alternatively, if the police are not present, but the government agencies that normally control them (such as a ministry of interior and municipal administrations) are functioning, they may be able to reconstitute a force with little outside assistance. International monitors and mentors, though, are almost always needed, regardless of whether the old police force is intact or a new force has just been formed. In both situations, the police need outside monitoring and mentoring to help them behave as true public servants and to win the people's confidence. The cases of Haiti and Kosovo illuminate the breadth of these overall tasks.

Haiti

An *ad hoc* US-led multinational peacekeeping force was deployed to Haiti in September 1994 to oversee and enforce the transition of power from coup leaders to the elected administration and to help it develop the basic institutions of democratic government. After six months the UN assumed leadership of the mission. The international community's effort to restore and reform Haiti's policing capacity

has been significant and, as of mid-2000, is continuing. As stated earlier, the Haitian police had been part of the military structure that had staged the coup. Since they had been highly repressive, serving to keep the élite in power, rather than responding to public needs, the police feared popular retribution and largely faded from public view when international military forces arrived. Their fears soon proved well founded, as violence between the former oppressed and oppressors reached intolerable levels. The multinational force changed its aloof posture towards Haitian-on-Haitian violence, occupied the streets to stop the fighting and looting, and re-established basic public order—the first CIVPOL task enumerated above.

Because the multinational military force was loath to retain its activist role in maintaining public order or to go further and undertake actual law enforcement, the second task was accomplished with a two-prong strategy: the immediate creation of an interim Haitian police service to deal with crimes that went beyond basic public order duties; and the longer term development of a mostly new, bottom-up Haitian police force.

As a result, the Interim Public Security Force (IPSF) and a new civilian-controlled Haitian National Police (HNP) service were formed. The IPSF was composed of former members of the Haitian armed forces, who were carefully vetted for past misdemeanours, and pro-government returned refugees, who had fled the country during the political and economic troubles that followed the coup. The term ‘vetting’ has come to refer to a selection process that thoroughly assesses an individual’s qualifications and potential disqualifications for police duty in a post-conflict society. Anyone found guilty or widely accused of strong partisan activity, ethnocentricity or of disregarding basic human rights will probably be unable to garner public confidence as an impartial servant of the people. These applicants must be weeded out during the vetting phase. Some method should be used to gather the views of the population. If the previous system was corrupt or biased, the assessment will likely disqualify a large number of the more experienced applicants, causing the police force, initially, to be less effective. There is a delicate balance between recruiting untainted and experienced individuals, and forming a force that can win public trust. Of course, the balance depends on the situation. The goal is to prove to the people that, in responding to their needs, the system will be effective and fair.

The interim police officers were deployed alongside International Police Monitors (IPMs), who were the same as UN CIVPOL, except that they were under the control

of the multinational force commander and carried side-arms—both controversial deviations from UN practice. Furthermore, the role to be played by the IPMS was more robust than the UN norm, which allows only monitoring and limited mentoring of indigenous police. The IPMS were allowed to enforce Haitian law when no Haitian police were available. They could use force to prevent loss of life and disruption to the security environment. In essence the IPMS were asked to accomplish the monitoring task, as well as conducting some law enforcement. When the UN assumed control of the peacekeeping operation, though, the IPMS' title reverted to the traditional CIVPOL, but the more activist role was maintained. However, command arrangements were adjusted to the UN standard: the CIVPOL component was made immediately subordinate to the highest-ranking UN civilian in Haiti, the Special Representative of the UN Secretary-General, rather than to the UN military commander.

Meanwhile, the HNP was being formed, trained and deployed through a combination of loosely co-ordinated bilateral and multilateral efforts. The US established a Haitian police academy, which was largely staffed by American, Canadian and French trainers. Later, an additional site in the US was used temporarily to increase training capacity. As new police recruits graduated, they were put to work under the watchful eye of UN CIVPOL staff, who took on a larger mentoring role to follow up the recruits' initial training. The military peacekeepers went to great lengths to work in conjunction with the indigenous police—CIVPOL teams. This whole process of collaboration was relatively effective. In just 13 months, more than 5,200 Haitians were vetted, hired, given basic training and put on the beat. A much longer programme to develop supervisory and other specialised HNP personnel and to create organisational methods of accountability, such as an Inspector-General's office, has also been underway since the first year of the operation.

Throughout the first three years of peacekeeping in Haiti, the military peacekeepers had a visible presence and were capable of responding to civil disturbances or other events that might endanger UN personnel. This gave important leverage to the CIVPOL as they engaged in psychological brinkmanship at the tactical level in order to encourage reform of the indigenous system. The military was withdrawn in December 1997, however, because its other tasks were completed and the risk of disturbance was minimal. A 'self-protection unit', a small civilian paramilitary body, was deployed to provide emergency backup to the CIVPOL, replicating on a smaller scale the psychological, and, it is to be hoped, real, benefits of the previous

military contingent. This marked the UN's first use of a civilian paramilitary element and civilian police officers in the absence of a military peacekeeping contingent.

In Haiti, the internationally-sponsored improvements in the judicial system (the fourth task of CIVPOL) have had little positive effect. The military and, later, the US Agency for International Development and the US Department of Justice have provided much training and some direct assistance in managing judicial cases. Nonetheless, the system remains largely corrupt and backlogged. Part of the problem is that attempts are being made to reform the tainted old system, whereas the police force was restructured mostly with a clean slate. Living conditions within the penal system, though, are much improved from those of 1994. In fact, the severity of the earlier conditions rallied the involvement of the military, CIVPOL, the new Haitian government and non-governmental organisations.

The weak and corrupt judicial system in Haiti has stymied effective criminal justice, as an increasing number of suspects are arrested by the improved police force and must wait in jails for long periods before seeing a magistrate. This bottleneck poses significant psychological difficulties for the civilian population. By not bringing the accused before magistrates in a timely fashion, innocent people will be incarcerated for unreasonable lengths of time, while trials and pronouncements of guilt for real criminals will be deferred. The common citizen—especially one who has endured the trauma of the old repressive police service—cannot feel safe in an environment where unsubstantiated allegations and scraps of collaborating circumstantial evidence result in suspects being locked up for long periods without an opportunity to clear their name. The absence of due process impinges on the public's ability to trust their new government. To break these psychological impediments, a reformed justice system will have to be perceived as fair.

Kosovo

In June 1999, five years after the launch of the Haiti operation, a robust military force under NATO command was deployed to Kosovo, as part of the settlement ending the Alliance's bombing campaign against the Federal Republic of Yugoslavia (FRY). The UN was given overall responsibility for administering the province and for establishing the UN Interim Administration Mission in Kosovo (UNMIK). The operation was comprised of four functional 'pillars': humanitarian assistance; civil administration; economic reconstruction; and institution building. These pillars were operated by the UN High Commissioner for Refugees (UNHCR), the

UN Secretariat, the European Union (EU), and the Organisation for Security and Co-operation in Europe (OSCE), respectively. The settlement required all FRY troops and police to depart Kosovo, which was accomplished during the first days of NATO's deployment and well before any of the civilian entities were able to establish much of a field presence. For an interim period, therefore, the Kosovo Force (KFOR)—as the NATO mission was called—assumed responsibility for criminal justice matters, including maintenance of public order, basic policing, judicial affairs and penal detention.

In administering the province, UNMIK was given complete responsibility for conducting law enforcement and the administration of justice (operation of the courts and the penal system). This was the most robust law enforcement mandate ever given to a UN mission, exceeding by far the authority to conduct limited law enforcement in the case of Haiti. (In 1999, the UN would be given a similar, robust level of law enforcement responsibility in East Timor.) UNMIK established an international police force, comprising regular police, border police and special paramilitary police units (as used first in Haiti). Overall, the police service was to number 4,718 persons, but, as of August 2000, less than 4,000 were in the field, allowing only rudimentary law enforcement to be performed and placing significant demands on KFOR to maintain its involvement in policing matters.

Development of a new 4,000-strong indigenous police force is the responsibility of a sub-section of the UNMIK police, which is under the direction of the Deputy Commissioner for Planning and Development. The nascent force is termed the Kosovo Police Service (KPS). The OSCE, in its institution-building role, is operating the KPS School at Vucitrn in Kosovo. Thus far, two classes have graduated—173 on 16 October 1999 and 176 on 19 February 2000. The third class is currently underway. After graduation the officers are assigned to the UNMIK police unit and receive field training. Once this is completed, they serve alongside the international police under UNMIK's command. Hence, UNMIK police commanders will initially supervise and control the activities of the new police. The plan is to cede increasing responsibility to the indigenous police force, while gradually switching the international police from law enforcement duties to a supervisory and cadre role, and, subsequently, to traditional CIVPOL monitoring and mentoring functions. Ultimately, they will be withdrawn altogether.

The fourth general task listed above has been attempted in Kosovo perhaps more than in any other peace operation. This level of effort was based on necessity:

when the UN administration arrived in the province there were neither functioning courts nor legal detention centres, and there was widespread rejection of the FRY legal code. UNMIK has appointed over 300 indigenous judges and prosecutors, and international legal personnel have been deployed to supplement the new local officials. The latter are paid salaries by the UN administration. Meanwhile, the judicial facilities are under repair and essential equipment (such as computers, fax machines, other office supplies and metal detectors) is being procured and donated. International personnel are also providing technical assistance and advice in setting up new procedures for the judicial system. UNMIK police and, in some cases, NATO forces are operating detention centres for persons awaiting adjudication of their cases and serving sentences. With regard to the legal code, UNMIK ruled that, in addition to its decrees, the criminal justice system would use the code that was in force in Kosovo before the province was stripped of its autonomy in 1989.

The future

The future is unlikely to involve the accomplishment of a wide range of additional new tasks in the criminal justice sector during peace operations. The interim administrations in Kosovo and East Timor—where the UN is responsible for top-to-bottom law enforcement and for the creation of completely new indigenous systems—have probably demonstrated the extent of international engagement in this area, as suggested in the four categories discussed above. What is needed now, and most likely in the future, are improvements in these areas.

CIVPOL, whether serving as monitors and mentors of indigenous police, or actually conducting policing duties themselves, need a common set of standards and level of training. A typical CIVPOL component of a UN mission is comprised of officers from 10–30 countries, each with their own practices and procedures. It is not surprising that CIVPOL fail to act coherently. Each national contingent and individual brings with them a particular view of acceptable behaviour. When policing or monitoring indigenous police these national and/or personal norms inform the manner of policing and what the CIVPOL allow the indigenous police to do. At best the absence of common standards makes mentorship confusing for the indigenous police, and, at worst, helps the new police learn or retain bad habits. The sheer scale of CIVPOL missions in the Balkans and in East Timor is causing the UN and its member states to develop mission-specific standards, which appear poised to become UN-wide guidelines. What is needed next is a system to

provide comprehensive training to existing and potential CIVPOL so that they can be held accountable to such standards. Another problem related to CIVPOL performance is that some CIVPOL are unmotivated and end up doing little or simply ignoring behavioural standards. United Nations' missions and CIVPOL contingents need leaders who can coax all mission members into acting diligently, often in difficult and dangerous environments. These leaders also require the authority to repatriate poor performers.

Language poses another significant and two-fold challenge for CIVPOL operations. First, proficiency in the mission language—which is used for command and control in the peacekeeping operation, and which is usually English or French—is important for efficient performance. CIVPOL who misunderstand their supervisors' directives or commands will likely appear to be poor performers, whether they are or not. It is not surprising that poor proficiency in the mission language further complicates leadership and conduct within the operation.

The second challenge is the ability to communicate with the local populace and the indigenous police. Whether it be Albanian, Creole or Tetun, CIVPOL who speak the indigenous language are more likely to be effective monitors and mentors. Unfortunately, most CIVPOL will not speak the indigenous dialect and must rely on interpreters to bridge the gap—a system that has many shortcomings.

As alluded to earlier, the supply of CIVPOL and special civilian police units has emerged as a problem because of the sudden increase in requirements for civilian police in peace operations. This shortage is likely to continue in the near future. Indeed, it may become worse as the prevalence of CIVPOL in peacekeeping missions continues to rise. Furthermore, a broader range of civilian police experts is now required in peace operations. Whereas in earlier times only 'beat cops' were involved, missions now need immigration police, customs police, and forensic and organised-crime investigators. Many of these specialists are already in short supply in contributing states—a situation which will result in shortages in the field.

The future will also entail a greater emphasis on the speedy development of interim police forces (as in Haiti), as the complexities and difficulties in having international police perform law enforcement tasks are realised. The extent of UN responsibility for policing in Kosovo and East Timor will likely lead to retrenchment among potential contributing states as the international police prove unable to provide the desired degree of basic policing. Relying instead on interim police forces will require improvements in quick vetting and basic training for interim

police, as well as enhancements in the way new police are provided with uniforms and other equipment. Because interim police are more likely to be drawn from the ranks of former security elements, they are more likely to be partial and heavy-handed. Effective CIVPOL monitoring is vital while any interim force is being used. Another way to improve an interim force's performance would be to seed it with an international cadre of police supervisors, so that the international community could lead the interim force, rather than simply monitoring and mentoring it. Finally, the future will certainly involve the continued development of the international community's means for rebuilding judicial and penal aspects of criminal justice systems.

Conclusion

A reasonably effective criminal justice system is a necessary, albeit insufficient, condition for a society to achieve and to sustain durable peace. It is through such a system that a society regulates and resolves internal conflicts in an orderly fashion. In a society that has attained durable peace, the criminal justice system acts as a mechanism for relieving pressure: the law is the means through which wrongs are righted and injustices are corrected. By and large, citizens resort to the police, courts and law, as opposed to vigilante justice or other forms of violent dispute resolution. The absence of an effective criminal justice system leads to instability. If the macro objective of a peace operation is to help a society return to durable peace, then the peacekeepers—military or civilian—in concert with whatever is left of the host state, face a significant challenge in rebuilding or reforming each component of the criminal justice system. The recovery of the basic indigenous capacity to enforce the laws of the land is essential for a country to make progress towards lasting peace. One of the most important jobs for civilian and military peacekeepers is to press steadily and to coax this aspect of recovery, which is likely to be a slow and stuttering process. Nurturing the criminal justice system constitutes a vital transitional phase for a country on the road from chaotic conflict to sensible self-governance.

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Endnotes

¹ See, for example, Kimberly A. Maynard, 'Rebuilding Community: Psychological Healing, Reintegration, and Reconciliation at the Grassroots Level', in Krishna Kumar (ed.), *Rebuilding Societies After Civil War: Critical Roles for International Assistance*, Lynne Rienner Publishers, Boulder, Colorado, 1997; *Washington Post*, 'Postwar Deprivation Breeds Violent Crime in Kosovo', 12 March 2000, p. A25.

² Ernest W. Lefever, *Crisis in the Congo: A United Nations Force in Action*, Brookings Institution, Washington, DC, 1965.

³ Quoted in Robert Oakley, Michael Dziedzic and Eliot Goldberg (eds.), *Policing the New World Disorder: Peace Operations and Public Security*, National Defense University Press, Washington, DC, 1998, p. 31–32.

⁴ Oakley, Dziedzic and Goldberg, p. 18.

⁵ William J. Durch (ed.), *The Evolution of UN Peacekeeping: Case Studies and Comparative Analysis*, St. Martin's Press, New York, 1993, p. 360 and 371.