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Issues with Policing in UN Peacekeeping Operations

PEP BRIEFING NOTE

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A Partnership for Effective Peacekeeping (PEP) Publication

The PEP is a non-partisan policy working group that brings together the humanitarian, human rights, peace and security, think tank, and academic communities in support of greater peace operations capacity. The PEP promotes public policy solutions to improve national and international peacekeeping infrastructure, and works to build the political will to support such policies by: providing an open forum for discussion of peace operations issues; serving as an information resource for media and policymakers; and engaging in educational efforts that facilitate greater understanding of peace operations. The PEP does not exclusively support any one particular solution for the capacity problems that prevent effective peacekeeping operations. Rather, the PEP facilitates the exploration of all potential pragmatic and achievable solutions in a candid and 'outside the box' atmosphere.

Introduction – CIVPOL and Peace Operations

International peace operations are now challenged by failed states and the aftermath of internal civil wars, and most importantly must now confront the public security gap that occurs in the immediate post-conflict environment.

The complete or partial collapse of the indigenous security sector and the rule of law is a frequent result of internal conflicts. Alternatively, the local security sector may have been part of the ruling regime's hold on power, and is therefore illegitimate. Either way, peace operations face two challenges in the area of the rule of law: the short-term need to fill the security gap left by inadequate local capacity, and the long-term goal of rebuilding the indigenous security sector.

Within peace operations a critical role falls to the international civilian police (CIVPOL) element. CIVPOL not only contribute to public security in the short term, but also deal with civil disturbances, ordinary criminal activity, refugee security, election security, and the monitoring and training of local police forces.

The Difference Between Soldiers and CIVPOL

The role CIVPOL play in peace operations is very different from that of soldiers. Military forces in peace operations tend to oversee disarmament and demobilization of combatants; supervision of a cease-fire; and providing security for the mission. In the initial stages of an intervention, military forces establish stability and a secure environment such that other activities, including restoring the rule of law, can take place. Military forces are normally not trained or equipped to perform policing functions. They operate under rules of engagement that permit a use of force doctrine oriented towards shooting first and asking questions later. Military forces are heavily armed, train and deploy as a unit, and when deployed live in a separate area under a state of readiness.

CIVPOL, on the other hand, deploy as individuals. They are trained and recruited to preserve public order and protect property within a country under national and local laws. In established democracies, police as a rule may only use force proportional to the situation, and while authorized to use deadly force, may only do so under heavily proscribed circumstances as dictated by law. Police, including CIVPOL, live in and with the community that they are policing.

CIVPOL historically have been deployed in small numbers, unarmed and without executive authority. In the late nineties at the start of the Kosovo and East Timor missions, however, larger deployments were called for. Here UN CIVPOL were armed and given executive authority functions, meaning they had the authority to investigate crimes and arrest those who broke the law. This proved necessary for each case given the complete absence of local law enforcement capacity following the military intervention. Increasingly, many peace operations experts contend that for a peace operation to be successful, such larger deployments of armed CIVPOL will be necessary. Nevertheless, it is important to remember that UN CIVPOL have no role to play in a war zone. They cannot settle armed conflict.

Problems and Issues with the Current CIVPOL System

The problems confronting the current UN system for CIVPOL are significant and numerous, and contribute to the CIVPOL capacity gaps that influence every peace operation.

Quality and Training Gap CIVPOL recruited for UN peace operations have often been unable to adequately speak or write the language of the mission, resulting in the production of false monitoring reports, and the inability to communicate with the military forces or the local population through interpreters. CIVPOL come from many different parts of the world, including significant numbers from non-industrialized nations, with a confusing mix of social, cultural, normative, and religious backgrounds

and a wide range of policing skills and cultures, making it nearly impossible for CIVPOL commanders to create an effective CIVPOL mission.

Quantity and Recruitment Gap The UN faces a serious shortfall of qualified CIVPOL for every mission it seeks to implement. UN member states do not generally have police officers readily available for deployment. Unlike soldiers, who wait for deployment in their barracks, and can thus be made available relatively quickly, police are upholding law and order on the streets of their local community. The added demands of dealing with potential terrorism and international organized crime put a further strain on governments.

Time Gap It takes too long to deploy CIVPOL. For the UN Mission in Kosovo (UNMIK), police units requested in 1999 were still arriving in early 2002. Compounding this problem, there is a high turnover of CIVPOL in many missions, meaning none of the experience and learning is carried over from one mission to another.

Operational Gap The UN is often unable to provide adequate equipment, transportation arrangements, and communications systems. Another issue has been the establishment of standards guidelines (human rights, police procedures, etc.) that CIVPOL should use, and what system of laws applies in cases where CIVPOL have executive authority. (The Brahimi Report also mentions this need, and recommends a generic set of basic laws be created to address the issue.)

Management Gap One of the most critical issues has been the failure to engage in adequate pre-mission planning. CIVPOL are often deployed in haste a few days after a Security Council resolution, meaning the realistic needs for the mission are not adequately accounted for. Until recently, six individuals at UN headquarters were attempting to support nearly 9000 CIVPOL operating in ten different peace operations—the number has increased, but may still be inadequate. There is also a lack of intelligence (i.e. concerning organized crime elements) available to CIVPOL in the field, which makes the job harder and adds to the risks involved.

Accountability Gap (Accountability refers to the ability to hold CIVPOL responsible for misbehavior.) From Cambodia, to El Salvador, to Bosnia, and throughout Africa, CIVPOL (and soldiers) have been associated with trafficking in drugs and weapons, and in the sexual enslaving and trafficking of women and children. Due to the Status of Forces agreements that generally address legal matters concerning the behavior of those involved with peace operations, the UN can do little against CIVPOL who break the law.

Impact of the Capacity Gaps

Threats to the Civilian Population The inability to effectively establish public security in a post-conflict environment can threaten the general population. These threats come from violent criminals, ex-combatants, rioters, vigilantes, or those seeking retribution. The end of war releases both arms and former combatants into a society. With few jobs available, many people find it easy to turn to criminal activities. Given the collapse of the justice and security sector, the result is that crime increases while the local ability to address crime decreases or disappears entirely.

Military is Forced to Provide Policing The growing need for some sort of public security function in peace operations, combined with the UN CIVPOL capacity gap, has resulted in the military taking up policing tasks. However, while the military has played this role, it exhibits great reluctance to do so, and often does not do the job well. Military troops and police officers are trained for different tasks, have different rules of engagement, and should not be asked to perform jobs they are not well trained or equipped to handle.

The Development of Organized Crime Networks International organized crime networks are a threat to all nations. These organized criminal networks have surfaced in post-conflict states such as Kosovo, Haiti, and Afghanistan, in turn creating serious problems throughout Europe and in the U.S. Organized crime networks in failed states have also been linked with international terrorist organizations. The current UN CIVPOL system has not been able to deal with such problems effectively. Police officers thrown together from various countries, who do not speak the local language or each other's language, who have had little contact or experience with the local populace, who are deployed for only short time periods, who often have an unclear legal mandate, and, finally, who generally live unprotected within the community, cannot be expected to conduct effective campaigns against organized criminal networks.

Sources: Robert Perito. *The American Experience with Police in Peace Operations* (Cornwallis Park, Canada: The Canadian Peacekeeping Press of the Pearson Peacekeeping Centre, 2002), and the UN DPKO websites.