Peacebuilding and Police Reform

Editors
TOR TANKE HOLM and ESPEN BARTH EIDE
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## Acronyms and Abbreviations

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<tbody>
<tr>
<td>ANSP</td>
<td>Academia Nacional de Seguridad Pública</td>
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<td>CIVPOL</td>
<td>See UNCIVPOL</td>
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<td>COPP</td>
<td>Co-ordinating Committee for International Aid to Palestinian Police Forces</td>
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<td>CPF</td>
<td>Community Policing Forum</td>
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<td>DEA</td>
<td>Drug Enforcement Agency</td>
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<td>DOAN</td>
<td>Department of Operational Anti-Narcotics</td>
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<td>DPKO</td>
<td>Department of Peacekeeping Operations (UN)</td>
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<td>FMLN</td>
<td>Farabundo Martí National Liberation Front (El Salvador)</td>
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<td>FRG</td>
<td>Guatemalan Republican Front</td>
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<td>GAP</td>
<td>General Peace Agreement</td>
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<td>GCE</td>
<td>Guardia Civil Español/Spanish Civil Guard</td>
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<td>HNP</td>
<td>Haitian National Police</td>
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<td>ICITAP</td>
<td>International Criminal Investigative Training Assistance Program</td>
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<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<td>IDF</td>
<td>Israeli Defence Forces</td>
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<td>IFOR</td>
<td>Implementation Force (NATO)</td>
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<td>ILEA</td>
<td>International Law Enforcement Academy in Budapest</td>
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<td>IPSF</td>
<td>Interim Public Security Force</td>
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<td>IPTF</td>
<td>International Police Task Force (UN)</td>
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<td>JDU</td>
<td>Justice Development Unit</td>
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<td>JIC</td>
<td>Joint Implementation Committee</td>
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<td>LEIWG</td>
<td>Law Enforcement Interagency Working Group</td>
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<td>LEA</td>
<td>Law Enforcement Agency</td>
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<td>LPF</td>
<td>Local Police Forces</td>
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<td>MINUGUA</td>
<td>UN Mission in Guatemala</td>
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<td>MIPONUH</td>
<td>UN Civilian Police Mission in Haiti</td>
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<td>MOPIC</td>
<td>Palestinian Ministry for Planning and International Co-operation</td>
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</table>
MOU  Memorandum of Understanding
MSU  Multinational Specialized Unit
MUP  Ministry of Internal Affairs (Former Yugoslavia)
NAMPOL Namibian Police Force
NCPS National Crime Prevention Strategy
NGO Non-governmental organization
NP National Police
OHCHR Office of the High Commissioner for Human Rights (UN)
ONUSAL UN Organization in El Salvador
OOTW Operations Other Than War
OPDAT Overseas Prosecutorial Development, Assistance and Training
OSCE Organization for Security and Co-operation in Europe
PACC Police Assistance Co-ordination Committee
PAN National Advance Party (Guatemala)
PAT Transitory Auxiliary Police
PLO Palestinian Liberation Organization
PMA Policía Militar Ambulante/Mobile Military Police
PNC Policía Nacional Civil/National Civilian Police
PPF Palestinian Police Force
PPM Mozambique People's Party
PRM Police of the Republic of Mozambique
RDP Reconstruction and Development Programme
RS Republika Srpska (Bosnia and Herzegovina)
RSG Representative of the Secretary-General
SADC South African Development Communities
SAPS South African Police Service
SARPCCO Southern African Regional Police Chiefs Co-ordinating Organization
SC Security Council (UN)
SCR Security Council Resolution
SFOR Stabilization Force (NATO)
SIU Special Investigative Unit
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<tr>
<td>SOFA</td>
<td>Status of Forces Agreement</td>
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<td>SOMA</td>
<td>Status of Mission Agreement</td>
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<td>SRSG</td>
<td>Special Representative of the Secretary-General</td>
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<td>SWAPOL</td>
<td>South West African Police Force</td>
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<td>TA</td>
<td>Transitional Administrator</td>
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<td>TPF</td>
<td>Transitional Police Force</td>
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<td>UEA</td>
<td>Executive Anti-Narcotics Unit</td>
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<td>UNCI VPOL</td>
<td>UN Civilian Police</td>
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<td>UNCJS</td>
<td>UN Criminal Justice Standards of Peacekeeping Police</td>
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<td>UNCRO</td>
<td>UN Confidence Restoration Operation</td>
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<td>UNDP</td>
<td>UN Development Programme</td>
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<td>UNMIBH</td>
<td>UN Mission in Bosnia and Herzegovina</td>
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<td>UNPA</td>
<td>UN Protected Areas</td>
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<td>UNPREDEP</td>
<td>UN Preventive Deployment Force</td>
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<td>UNPROFOR</td>
<td>UN Protection Force</td>
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<td>UNPSG</td>
<td>UN Police Support Group</td>
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<td>UNSCO</td>
<td>UN Special Co-ordination Office</td>
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<td>UNSMIH</td>
<td>UN Support Mission in Haiti</td>
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<td>UNTAC</td>
<td>UN Transitional Authority in Cambodia</td>
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<td>UNTAES</td>
<td>UN Transitional Administration for Eastern Slavonia, Baranja and Western Sirimum</td>
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<td>UNTAG</td>
<td>UN Transition Assistance Group in Namibia</td>
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<td>USAID</td>
<td>US Agency for International Development</td>
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<td>WEU</td>
<td>Western European Union</td>
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Introduction

ESPEN BARTH EIDE and TOR TANKE HOLM

This volume addresses the issue of internationally-assisted police reform in transitions from war to peace. Our purpose is to show how this is becoming an increasingly important element in peace settlements today. We also wish to provide a mixture of theoretical insights and informed case-studies which may help in developing such assistance further, while avoiding the pitfalls of the past.

For several years, scholars and practitioners in the fields of peacekeeping, conflict prevention and post-conflict peacebuilding have sought to grasp the nature of contemporary conflict. Today, intra-state conflicts have become far more common than wars between states. This has profound consequences for the nature of peacekeeping as well as for the nature of international support to peace settlements. ‘Traditional’ peace settlements following inter-state wars have tended to address the specific issue of dispute – for instance, control over a contested territory. In contrast, peace settlements following intra-state conflicts need to address a much broader range of issues. In many cases, what is required is a complete regeneration of the core functions of society and government: a regeneration in which the former contenders will have to find ways of living together, jointly laying the foundations of lasting peace. Thus, a peace accord is not so much the end-product as a milestone on the long road to sustainable peace.

Countries that have experienced civil war face challenges that differ in important respects from those faced by countries emerging from inter-state conflict. One of the most daunting challenges facing both former opponents and the involved international community is the politically contentious and administratively complex issue of the future shape and role of the ‘security sector’. Political power, particularly in weak states, is closely linked to the ability to control coercive power. In internal conflicts, it is often the very nature of the state that is being contested. Sometimes it is a political opposition which challenges the existing government in order to substitute it with other policies, while in other cases, secessionist movements challenge the authority of the state over a specific territory. Where the actual warfare has ended through some kind of compromise or peace treaty, the underlying disagreement may continue. Such countries must embark on a
very difficult path of re-defining the basic features of the state. A new 'social contract' has to be established, amidst post-conflict stress, poverty and contrasting visions about the future.

The effective monopoly of the legal use of violence is a key feature of any state construct. In Weberian terms, a state is defined precisely by its monopoly of legitimate force, and developments towards peace in war-torn societies are almost always doomed to fail if these issues are not properly addressed. The extent to which a war-torn community is able to (re)establish a security sector that is legitimate and loyal to the state's institutions may prove the key to the success or failure of the peace process. Regrettably, the 1990s have brought about a whole series of peace settlements that have not worked - at least in part because they were not sufficiently sustainable. The collapse of the peace processes in places like Angola and Cambodia illustrates the point.

A distinction should be drawn between the two sub-sections of the coercive apparatus: the military, which provides external security; and the institutions that provide internal 'law and order': the police, the judiciaries and the penal system. In conflict-ridden societies, the difference between these two types of security functions is typically blurred, a fact which in itself contributes to the problem of post-conflict settlement. Whereas the military aspects of peace settlements almost always receive thorough attention, the civilian side of the coercive apparatus - the security sector - has long been less in focus. The past decade, however, has seen rapid growth in international efforts in the area of civilian police operations. Some of the lessons of this experience are presented in this volume.

This facet of international peace support has been an understudied corner of peace and security research. It seems to have fallen between two stools: the overly military focus of traditional international relations research on the one side and, on the other, the more 'alternative' approaches of the peace research community, which has tended to reject the importance of effective state power. In recent years, however, academic interest in civilian police and international police reform has been rapidly growing. There has been a shift - from a more narrow and descriptive focus on the operations of the UN Civilian Police (CIVPOL) as such, to a broader focus on the reform of the security sector at large. The restructuring of the coercive powers of the state is increasingly seen as an intrinsic feature of state reform. However, as several contributions in this volume argue, merely addressing these issues is in itself no guarantee for success. This is an area characterized by much more practice than well-established theory; it is also one where good and informed research may actually make a difference.

A rapprochement is taking place between the 'security' and the 'development' communities of analysts and practitioners. Those from the
peace and security side are increasingly forced to recognize that long-term stabilization after internal conflicts requires a broad range of development efforts over suspended periods of time. Today’s ‘peace operations’ are more about managing change than about returning to some status quo ante. At the same time, the development community can no longer maintain a sharp distinction between socio-economic development on the one hand and security concerns on the other. In much of the developing world, violent conflict has become one of the prime obstacles to development. It is increasingly recognized that certain patterns of ‘development’ have in fact led to, or at least accentuated, the very conflicts that we are now experiencing. The discussion of ‘state failure’ illustrates the problem confronting the development community in cases where central power evaporates and is replaced by alternative, often weak, power structures and seemingly endless power struggles in which little reasonable progress can take place.

The so-called Security First Approach has grown out of the recent peacebuilding efforts in West Africa. The argument is that a fundamental precondition for economic and social progress is that an adequate level of security is established and maintained. Scant economic or social development can take place while people fear for their lives and property. A fragile security hampers the emergence of civil society and fuels political antagonisms. The alternative to a functioning public law and order system is the development or maintenance of an ‘every man for himself’ or a ‘guns and fortress’ culture. The reverse also applies: the maintenance of basic security functions is of scarce value if there is no or little progress in other sectors.

Security should be seen as an issue of process and perceptions. Perceptions of security are by definition perceptions about the future. A ‘climate’ or ‘culture’ of security is necessary in order to effectively promote a process of development. The fruits of this development – or indeed, merely the impression that development is underway – may in turn support and reinforce the positive perceptions of increased security, thereby contributing to a pattern of sustainable peace and development.

Beyond the formal institutions of law and order, what needs to be achieved in a post-conflict settlement is just as much a socio-psychological effect – a ‘sense of security’ – among the general public. Solid and lasting peace requires more than the absence of conflict: people must expect that there will be peace in the future, and make their personal calculations on that assumption. There can be no ‘quick fix’ to civil wars. Human beings measure their lives, not in short-term intervals, but in the long run. At the end of the day, the many individual decisions that people make under ‘normal’ conditions, such as marrying, raising children, building a house, investing in local industry etc., are always taken with some kind of calculation about the future in mind. Where people do not believe in a
peaceful future in which a minimum of security for life and property is ensured, few will make those decisions. A vicious circle develops where peace does not come along – because people do not believe it will come. In such situations, much of the capital locally available is saved for the eventuality of having to escape from a return to hostilities. Thus, even existing capital is not circulated within the local economy. Nor are such climates particularly attractive to foreign capital investments. Much of the linkage between security and development lies here. In addition to the paramount importance of a cessation of hostilities, the path back to ‘normalcy’ passes through the (re)establishment of public security.

We have chosen to concentrate on the police aspects of security reform. Police reform, however, is only one important part of a larger whole: it should be understood within the broader framework of what several contributors to this volume refer to as the law and order triad: police forces serving the public, independent judiciaries, and penal systems. Reform in one of these areas will affect the others, so concentrating on only one will often prove futile. A strong police force which is not subject to the control and guidance of an effective legal system may easily end up undermining rather than enhancing the legitimacy of the state. On the other hand, a well-developed legal system may not help very much if there is no effective police force to put legitimate legal decisions into effect. And a situation where the police and judiciary are reasonably well-structured but where the penal system is non-existent or ill-developed may either undermine the efficiency of the two former or lead to serious violations of human rights.

As the case-studies presented here will show, international efforts to assist in police reform have provided a series of opportunities for failure. While obviously also true in most other sectors of international assistance, it is particularly important here, as the consequences of failure may be especially dramatic. Several points have been identified as necessary requirements for reducing the risk of falling into these pitfalls.

First, there is the issue of consent on the part of the receiving government. It is hard to envisage international efforts to reform the governmental apparatus of power of a country without the consent of the government in question. At least some interest has to exist on the receiving end. Second, there is a need to ensure a degree of ‘ownership’. Attempts to reform the coercive apparatus will easily be perceived as unjustified intervention in internal affairs if a feeling of ‘ownership’ is not ensured. Third, the reform process – and the goal the process is aiming at – must be seen as legitimate by the local community. Otherwise, international donors may end up supporting the coercive apparatus of an illegitimate government, making the original problem even bigger. Donors need to recognize the inherently political nature of their undertaking. Reforming
police forces is not merely a technical issue – it is a commitment to a specific political development at the expense of other possible developments – something the donors and institutions involved in the reform process should realize.

As we write this, a major international effort aimed at rebuilding the war-torn Yugoslav province of Kosovo is underway. Here it is perhaps more obvious than ever before that police reform will have to be an integral element of a wider peace process. Unresolved issues remain – what should be the role of the Kosovo Protection Corps (KPC) which is based on the dismantled guerrilla organization UCK, whom should a new police force report to, and what should be the relationship between the future police authorities in Kosovo and the Yugoslav authorities. There is also the question of who is to do the policing in Kosovo until such a local force can become operative, and how the transition to local authority is to take place once the region is prepared for this. Then the question of how to monitor these new forces will require attention. In Kosovo and East Timor, the UN has recently taken upon itself a much more direct responsibility for policing than in its previous operations. It is too early to judge the eventually success of this novel approach. In the Postscript we shed some critical light on this new turn based on the experiences and insights presented in this volume.

The case of Kosovo also illustrates the problem facing the international community in situations where the war may be over, but where no final political settlement has been found. The authority of the police must stem from political power: as long as the locus of political power is uncertain, it is not very clear where the powers of the police are to derive from. This dilemma further illustrates the problems of establishing a local police force from scratch. There is little left of any pre-existing structure of law and order that can be meaningfully reintroduced, so a completely new force with a new structure is required. These and similar challenges will occupy the community of scholars and practitioners dedicated to the development of police reform strategies in years to come. It is our hope that the ten contributions assembled here may be of some guidance in the further development of the Kosovo and East Timor police mission(s) as well as for future missions around the world.

This volume focuses on three main variants of international support for police reform. First, there is international support channelled through and coordinated by the UN or by regional organizations, within the CIVPOL concept. Second, we discuss international support channelled through the UN, but not within the CIVPOL concept; and third, we look into bilateral support for such reform processes.
In the opening article, ‘Contextualizing Police Reform’, Rama Mani places the issue of police reform into the broader contextual framework of societal transition, underscoring the need to distinguish between the police and the military establishments in the aftermath of conflict. She questions the frequent use of the label security sector reform, which she sees as being too inclusive in favour of the military dimension. In contrast, she argues, police reform should be pursued within the broader framework of rule-of-law reform. It should be directly linked to the wider process of peacebuilding in post-conflict countries; the objectives of police reform should reinforce the goals and aspirations of peacebuilding. Furthermore, she opens the discussion about the motives, objectives and strategies underlying international assistance to police reform.

Halvor Hartz focuses in his ‘CIVPOL: The UN Instrument for Police Reform’ on the legal background for CIVPOL missions, the concept of CIVPOL and the role of CIVPOL in past and future peace operations. In particular, he emphasizes the importance of the mandate given to a CIVPOL mission and the importance of CIVPOL as an efficient promoter of human rights.

Along some of the same lines, Chuck Call and Michael Barnett, in their ‘Looking for a Few Good Cops: Peacekeeping, Peacebuilding and UN Civilian Police’, discuss the challenging and complex tasks of CIVPOL in today’s multifunctional peace operations. They stress the importance of the qualifications of the personnel required to assist both in the establishment of public order, internal security and in the more long-term democratization process, which also affect the instruments of state power.

The fourth article, ‘The Blue Flame and the Gold Shield: Methodology, Challenges and Lessons Learned on Human Rights Training for Police’, by Francesca Marotta, concentrates on the importance of human rights training in national police reform processes. Such training, she argues, must be provided for the local police in general and as well as directed to the civilian police components of peacekeeping operations themselves, as this knowledge is important in both their monitoring and their training roles.

Otwin Marenin’s ‘The Role of Bilateral Support for Police Reform Processes: The Case of the USA’ discusses how the United States has become involved in bilateral reform programmes with countries in transition. Marenin emphasizes three conditions as necessary for success in this area: a political context that legitimates assistance, a security ideology that can mobilize police agency support, and a perceived policy capacity by implementing agencies. From this starting-point, he examines the specific political, policing and policy obstacles to bilateral support as presented in his cases.

In ‘Building New Police Forces in El Salvador and Guatemala: Learning and Counter-Learning’, William Stanley contrasts the experiences of
international support for police reform in El Salvador and in Guatemala. While CIVPOL played an important role in the police reform process in El Salvador, it did not in the case of Guatemala. In both countries, the police reform processes have presented difficult challenges for the international donors, but a clear difference can be noted: in El Salvador the strength of the peace accord and the attitude of the ruling party supported the work toward democratic policing, whereas in Guatemala the vagueness of the peace accord and the lack of will from the Guatemalan government limited the UN’s ability to influence the direction of the police reform process. The final result was clearly less successful in the case of Guatemala compared to El Salvador.

In his ‘CIVPOL Operations in Eastern Slavonia, 1992–98’, Tor Tanke Holm focuses on the three CIVPOL operations in the Eastern Slavonian (or ‘Danube’) region of Croatia and the relationship with the police reform processes in this region. In order to discuss the three subsequent operations in Eastern Slavonia comparatively, he contrasts them first and foremost through the different political contexts in which CIVPOL were deployed, and outlines the development of the tasks and concepts of CIVPOL during the three operations. His conclusion is that a CIVPOL mission is largely meaningless in the midst of a civil war. In order for CIVPOL to operate successfully, either there must be a reasonably peaceful environment, or some kind of international protectorate must be in place. Without the consent of those in power, there is little room for an international police-monitoring mission. On the other hand, when such consent is present, CIVPOL may play a crucial role in the process of reforming the local police.

Brynjar Lia presents a rather different case in his ‘The Establishment of a Palestinian Police Force in the West Bank and Gaza Strip’. Here, the UN also played an important role, but without any CIVPOL presence as such. He argues that the heavy pressure put on the Palestinian authorities to fight terrorism acted to undermine the fragile local legitimacy of the Palestinian police, which again led it to revert to negative and violent practices in dealing with the local population. While several international donors have provided substantial support for the establishment of a Palestinian police force, this support has been very much influenced by the political setting which emphasized anti-terrorist efficiency over human rights and due process of law. Furthermore, the coordination mechanisms for police aid have largely failed. Donors have not been able to provide a coherent response to reports of a deteriorating security situation.

Mark Malan’s ‘Peacebuilding in Southern Africa: Police Reform in Mozambique and South Africa’ presents two major yet very different cases of international support to political transitions. In the case of Mozambique, which he describes as the UN’s biggest peacekeeping success in Africa to
date, there was an important multilateral police effort. In South Africa, by contrast, multilateral efforts concentrated on other issues, and the police support provided was predominantly of a bilateral nature. Malan discusses various ways of policing, and emphasizes the need to revisit the field of police sociology in order to enhance knowledge about police reform processes.

In the final chapter, ‘Police Reform and Human Rights Investigation’, Claudio Cordone presents the case of the Human Rights Unit within the International Police Task Force in Bosnia. Building on this case, he highlights the importance of a component within CIVPOL that is dedicated to investigating allegations of human rights violations committed by local police officers. While an important aspect of the provision of justice, such a unit can also have a preventive effect, as it may reduce the number of abuses and provide evidence for expelling individual officers from the local police force. It may also detect trends and patterns of abuses, establish corrective measures, and provide feedback on the effectiveness of these measures.

This volume is the outcome of an international conference on ‘International Support to Police Reform in Transitions from War to Peace’ held in Oslo, Norway, 5–6 March 1999. Good research requires both a solid grasp of theoretical approaches and a thorough sense of the realities ‘on the ground’. The purpose of the conference was to bring scholars and practitioners together for a mutually enriching exchange of views and experiences. We hope that some of the stimulating atmosphere of that conference is translated into the contributions presented here.

The editors are grateful to all conference participants for constructive feedback on the early drafts of these articles. Additionally, we wish to express our gratitude to the Norwegian Ministries of Foreign Affairs and of Justice and Police for their joint grant which made this project possible. We also thank the Ministry of Justice and Police, which since 1997 has funded a position for a police adviser within the UN Programme at the Norwegian Institute of International Affairs (NUPI). Furthermore we wish to express our gratitude to the editor of International Peacekeeping, Mike Pugh, and our contact at Frank Cass Publishers, Cathy Jennings, for wholehearted support and keen interest, and to Susan Høivik for her excellent, accurate and rapid language-editing work. And finally, our thanks go to the research assistant at the UN programme, Kari Osland, for her tireless and invaluable contributions to virtually all aspects of this project.

TOR TANKE HOLM

CIVPOL has, in the course of the past ten years, become an important component in multifunctional peace operations. It serves as the instrument of the United Nations with regard to assisting in post-war police reform processes. The most important task of CIVPOL has been the monitoring of local police forces to ensure that they carry out their duties without discrimination against individuals and with full respect for human rights.

In Eastern Slavonia, Croatia, CIVPOL took part in three UN peace operations, from the establishment of the UN Protection Force (UNPROFOR) in 1992 until the UN Police Support Group (UNPSG) in 1998. The most obvious characteristic of UN operations in Eastern Slavonia is the significant change in political context. During the UNPROFOR/UNCRO period from 1992 to 1995 the region was in a state of civil war, and was controlled by Serbian rebels. The ongoing war made it an impossible task for CIVPOL to monitor the local police. Then, early in 1996, the UN Transitional Administration for Eastern Slavonia, Baranja and Western Sirimun (UNTAES) was established, and the region came under de facto UN control and governance in preparation for a Croatian take-over. In the course of this period CIVPOL implemented a large-scale police reform process involving both Serbian and Croatian officers. In the final period from January to October 1998, the region was again controlled by the Croats and a peaceful situation was established. During this period CIVPOL constituted the main body of UNPSG, and in fact consolidated the work and results achieved in the previous period.

This article assesses the three CIVPOL operations in Eastern Slavonia from 1992 to 1998 with regard to the reform process of the local police in the region. In order to clarify the background of the actual operations, which had a crucial impact on the effectiveness of the operations, our starting point will be the political context in which CIVPOL worked. The operations will

Tor Tanke Holm is seconded by the Norwegian Ministry of Justice and Police as police adviser at NUPI, associated with the UN Programme there. In addition to interviews and selected literature, this article is based on the personal experience of the author, who served as a CIVPOL monitor during 1994–95.
be assessed against the mandates given by the UN Security Council. CIVPOL's performance with regard to operational tasks as well as some internal issues like personnel, logistics, command and control, are factors that should determine the level of success. The article will stress the importance of not deploying CIVPOL in an area of operations where the fighting has not come to an end.


At the time UNPROFOR was established, CIVPOL had been involved in only one previous multifunctional peace operation, the UN Transition Assistance Group in Namibia (UNTAG) in 1989–90, where 1,500 monitors from 25 different countries monitored the functioning of the local police force (LPF) and the election process in the country.

Political Context

UNPROFOR was deployed in Croatia at the end of February 1992 in three designated areas known as UN Protected Areas (UNPAs). These were controlled by Serbian rebels, who had proclaimed Republika Srpska Krajina as their own republic in 1991. One of the UNPAs was the region of Eastern Slavonia, Baranja and Western Sirium; henceforth called Eastern Slavonia, a 2,280 sq. km² area in the eastern part of Croatia. This area received particular international attention in November 1991 when the city of Vukovar was devastated after Croatian forces had held out for 100 days against local Serbian forces backed by the Yugoslav National Army (JNA).

Prior to the war in 1991, the region had a population of some 190,000 people with a variety of ethnic and religious backgrounds: 45 per cent Croats, 25 per cent Serbs, with the remainder Hungarian, Czechs, Gypsies, Italians, Muslims, Slovaks and Ukrainians. As a result of the war in 1991 about 80,000 people were displaced to other parts of Croatia, and thousands more fled to Yugoslavia and Hungary.

UNPROFOR has been described as a peacekeeping mission that found itself caught in the middle of a civil war. Mutual hatred and deep-seated fears between numerous armed factions as well as uncertain allegiances and the ready availability of weapons are all factors that contribute to sustaining civil wars. These factors represent an intervening force with an exceptional operational environment. This was indeed the fact in Eastern Slavonia – for instance, the training facilities of the so-called Arkan Tigers, reported to be responsible for recent atrocities in northwestern Bosnia, were located only a few hundred meters from the UN headquarters in Erdut. The crime rate in the area was high and closely linked to the poor economic situation and the very large number of small arms in the region. Major parts of the local
population had to steal in order to survive, and the situation for the minorities was critical. Military tension in Eastern Slavonia fluctuated throughout the UNPROFOR/UNCRO period, sometimes low, but often very high. There was no return of refugees or displaced persons to the region.

Mandate

UNPROFOR’s mandate was to ensure that the UNPAs were demilitarized, through the withdrawal or disbandment of all armed forces. Further, the inhabitants were to be protected against armed attacks. The mandate of CIVPOL was determined by the Vance Plan, which was approved by the UN Security Council on 15 December 1991 by Resolution 724. According to paragraph 7:

The role of CIVPOL would be to ensure that the local police forces carried out their duties without discriminating against persons of any nationality or abusing anyone’s human rights.

The Vance Plan also outlined some important aspects of the CIVPOL operation. According to paragraph 12:

The civilian police monitors would also be deployed throughout the UNPAs. They would be unarmed and they would have no executive responsibility for the maintenance of public order but they would closely monitor the work of the local police forces. To this end, they would be co-located with police headquarters in each region and opstina and would accompany the local police on their patrols and in their performance of their other duties. They would investigate any complaints of discrimination or other abuse of human rights and would report to the Chief of the United Nations Force any confirmed cases of discrimination or abuse. They would also require free and immediate access to all premises and facilities of, or under the control of, the local police.

Analysis of CIVPOL’s Tasks and Performance in UNPROFOR/UNCRO

In evaluating the work of CIVPOL during the UNPROFOR period, we must bear in mind that throughout most of this period the operation in Eastern Slavonia was a relatively small part of a larger operation that included Bosnia and Herzegovina, the Former Yugoslavian Republic of Macedonia and the UNPAs in Krajina and Western Slavonia. CIVPOL headquarters were located first in Sarajevo, then in Belgrade, before being permanently moved to Zagreb in August 1992. As a result of this, the head of CIVPOL – the CIVPOL Commissioner – was permanently located more than 300 km
away from Eastern Slavonia during most of the UNPROFOR/UNCRO period.

*Personnel, logistics, command and control:* The first CIVPOL monitors arrived in Eastern Slavonia at the beginning of April 1992. A Swedish contingent of about 20 monitors established themselves in Erdut. A few weeks later the first Sector Chief of CIVPOL arrived in the region. Over the next few months, several new monitors were deployed in the region, with the number reaching about 120 during the summer of 1992. By April 1993, 157 monitors from 17 countries were deployed in Eastern Slavonia.⁵

CIVPOL is based on UN member-states contributing police officers to the institution when needed. Even though the Department of Peace-Keeping Operations (DPKO) at UN Headquarters in New York had introduced certain minimum standards for police monitors in peace operations,⁶ only about half of the monitors deployed to UNPROFOR in the first part of 1992 fulfilled these requirements. A complete Colombian contingent was repatriated in July 1992 as a consequence of this. To evaluate the quality of the monitors deployed to UNPROFOR, a selection unit was established at CIVPOL headquarters in June 1992, and the situation improved slowly.

The first months of UNPROFOR were characterized by work on practical matters like setting up CIVPOL stations, locating accommodation for the monitors, identifying and employing local interpreters and getting to know the area of operation. CIVPOL did not have its own logistical division, but depended on the Logistical Department of UNPROFOR. There was a constant lack of vehicles, both due to other UN operations consuming resources elsewhere, and to the relatively high number of traffic accidents and hijacked vehicles in the UNPAs. These logistical problems did not, however, have any critical effect on the CIVPOL operation in the long run, and the situation improved gradually after UNPROFOR headquarters had been established in Zagreb in August 1992.

When the first CIVPOL Commissioner of UNPROFOR, Kjell Johansen, was in New York in late February 1992, preparing for the operation, he received his orders at the same time as the first CIVPOL Commissioner to the UN Transitional Authority in Cambodia (UNTAC), Klaus Roos, who was preparing for the UN operation in Cambodia. It is clear that these two CIVPOL Commissioners did not have much previous knowledge to count on when they separately set out to initiate the two most complicated operations in the history of CIVPOL until then.

From the beginning of UNPROFOR, the CIVPOL Commissioner appointed his Deputy and Chief of Staff in the CIVPOL HQ as well as the CIVPOL Sector Chiefs in the three UNPAs,⁷ whereas the Sector Chief appointed the staff in the Sector HQ and the Station Commanders in the
sectors. During the first years of UNPROFOR, the CIVPOL Commissioner reported to the Head of Civil Affairs. Then, early in 1995 the CIVPOL Commissioner was given direct access to the Special Representative of the Secretary-General (SRSG). The formal structure, however, remained unchanged throughout the whole period.

Monitoring the Local Police Forces (LPF): The LPF in Eastern Slavonia, which CIVPOL was supposed to monitor, consisted of both professional police officers who had been trained before the outbreak of the war in 1991, and personnel with no police training or experience. CIVPOL estimated the force at some 1,800–2,000 officers. Throughout the whole UNPROFOR/UNCRO period most of the LPF officers in Eastern Slavonia were regularly mobilized and sent to the frontlines for a certain period. Several officers were killed during such duty.

The LPF was divided into two districts – Beli Manastir and Vukovar, the northern and southern district respectively. The head of each district reported to the representative of the Ministry of Internal Affairs in Vukovar. The representative had to report to the Ministry of Internal Affairs in Knin if he was to raise an issue above his own level. Due to poor communication lines and the considerable distance between Vukovar and Knin, such contact was difficult and seldom yielded results.

Although the task of CIVPOL was outlined in the Vance Plan, the methods and procedures to follow were not described in any manuals or guidelines before December 1993. This resulted in a situation where the monitoring depended on the skills, initiative and background of the monitor. In general this had a negative impact on the monitoring.

When CIVPOL established a new station in an area, their orders were to establish contact with the LPF immediately and to start monitoring their daily activities. At best, this process resulted in the establishment of a procedure where the CIVPOL station commander and the station commander of the LPF would meet regularly and discuss matters of mutual interest. For CIVPOL it was important to obtain permanent access to the Daily Shift Log of the LPF to get an overview of their activities and to follow up particularly interesting cases. The LPF often refused this access and CIVPOL ended up requesting documents only in cases where complaints were reported directly to CIVPOL. In such cases CIVPOL normally requested the specific investigation file from the LPF. Also these requests were often not complied with and CIVPOL would have to forward the request to a higher level – to Sector HQ or CIVPOL Commissioner level. If this failed to produce a result, the case could be brought to the SRSG, which was the highest level. In practice, the SRSG was involved in only a very few cases.
These difficulties in obtaining access to the Daily Shift Log of the LPF effectively tempered CIVPOL's ability to monitor the LPF and was to remain a problem for CIVPOL throughout the UNPROFOR/UNCRO period. When meeting with the LPF, CIVPOL constantly focused on the situation of the minorities in the region. This focus seems to have led to a more careful handling of these groups, but the actual effect concerning violations of human rights is not possible to measure.

Even though cooperation between CIVPOL and the LPF was generally very limited during the first year of CIVPOL in Eastern Slavonia, it differed from one region to another. This was due to various factors, such as the initiatives taken by the CIVPOL Sector Chief or Station Commanders and their staff, the attitude of the LPF station commander, the military tension in the area as well as the overall political situation.

Before the CIVPOL station in Vukovar was opened in October 1993, CIVPOL operated stations in Beli Manastir, Darda, Batina, Dalj, Illok, Orolik and Tenja, in addition to the headquarters in Erdut. Most of these stations were located in rural areas and CIVPOL depended heavily on patrol cars for patrolling its area of operation. A few months after CIVPOL had established its station in Vukovar, the head of the LPF agreed to weekly meetings with CIVPOL, and in December 1993 the LPF and CIVPOL carried out joint patrols on foot in the city centre of Vukovar. This was something totally new in Eastern Slavonia, and an indication that the LPF had come to accept CIVPOL as a counterpart. But the LPF never agreed to CIVPOL's proposal of regular joint patrols by car, according to them because of the high risk during incidents involving weapons. There was obviously a point in this: since CIVPOL was always unarmed, the LPF would thus be responsible for its security. The UN military troops in the region were neither able nor willing to give CIVPOL permanent protection in their work.14

The CIVPOL monitors depended heavily on local interpreters when dealing with the LPF or the local population,15 but there were some problems concerning time coordination. Since the CIVPOL stations operated only during the day, local interpreters were normally available only during this time. When local police officers tried to contact CIVPOL at night, they were often not able to communicate with CIVPOL monitors due to language problems. Hence CIVPOL often received notification from the LPF after they had finished a job –making it impossible for CIVPOL to monitor their activities.

During the UNPROFOR/UNCRO period, CIVPOL lacked clear written instructions on how to operate when joining the LPF at the scene of a crime.16 For instance, there were no guidelines as to the question of responsibility. This was especially a problem on the several occasions when CIVPOL escorted armed local police officers in UN vehicles to crime scenes.
When representatives from the LPF in Eastern Slavonia and the Croatian police headquarters in Osijek and Vinkovci met in January 1994, in UN temporary barracks at the confrontation line near Osijek, this was the outcome of a long process conducted by leading monitors in the CIVPOL headquarters in Erdut. From January to October 1994, six such meetings were held. The official purpose of the meetings was to discuss criminal activities along the confrontation line between Eastern Slavonia and the rest of Croatia. CIVPOL also wanted to encourage dialogue between Serbian and Croatian police officials. The less official intention, which also proved to be the result, was to improve access to the leading representatives of the Serbian and Croatian police forces in the area.17

The ceasefire agreement signed in March 1994 established the Zone of Separation. A stretch two kilometres wide along the confrontation lines in Croatia was totally demilitarized. In Eastern Slavonia 100 Croatian police officers had access to the Croatian-controlled part of the zone, and the same number of Serbian police officers to the Serbian-controlled part. CIVPOL always accompanied the parties when they patrolled the zone. These activities continued until May 1995, when Croatian military forces reoccupied Western Slavonia. By constantly patrolling with the parties, CIVPOL could closely monitor the work of the LPF in the separation zone. This period was to be the most productive one for CIVPOL during the UNPROFOR/UNCRO operation. However, during the 13-month-long zone-of-separation period, CIVPOL had almost no resources left to evaluate the activity of the LPF elsewhere in Eastern Slavonia.

When the Security Council restructured UNPROFOR in late March 1995, replacing it with three separate missions, the UN Confidence Restoration Operation (UNCRO) for Croatia took over responsibility for the UN operation in Eastern Slavonia. This change in structure was not of any major significance to CIVPOL in the region. But due to Operation Flash in May 1995 and Operation Storm in August, in which the Croatian force reoccupied Western Slavonia and Krajina, the UNCRO period was to be severely marked by constant Serbian fears of a Croatian attack on the region. Indeed, Operation Flash effectively ruined the ceasefire agreement of March 1994 and ended the work of CIVPOL in the zone of separation. During the last eight months of 1995, CIVPOL activities in Eastern Slavonia were considerably reduced due to the increased military tension. Several CIVPOL stations were closed and the monitors were redeployed to Zagreb or Krajina. The work of the remaining CIVPOL monitors was characterized by restriction of movement and little or no access to the LPF. By the end of the UNCRO period, there were only 16 monitors left in the region – in Dalj, Beli Manisir and Erdut.18
Humanitarian assistance: Since CIVPOL had only limited access to the LPF, the monitors spent a lot of time patrolling their area of operation by car. During these patrols the monitors often uncovered a desperate need for humanitarian assistance among the local population. These findings were reported through the UN system to the UNHCR and the ICRC. CIVPOL also assisted actively in distributing humanitarian aid: indeed, perhaps as much as 90 per cent of CIVPOL’s resources were used on humanitarian assistance during the first two years of UNPROFOR in Eastern Slavonia. CIVPOL also reported to the UN Civil Affairs on missing persons and on cases where families had been separated during the war and were now seeking to be reunited.

In December 1993 CIVPOL received its first Operational Manual, which featured a noteworthy focus on humanitarian assistance. In addition to monitoring the LPF, the manual outlined the following activities which CIVPOL was to monitor:

- social conditions, UNHCR aid deliveries, medical conditions of populations, population movements, displaced persons, family meetings, prisoner exchanges, body exchanges, persons entering/leaving the UNPA, minority populations, Serb/Croat meetings, local Red Cross activities and many others.

At the beginning of 1994, CIVPOL started its ‘School Visitation Programme’, which aimed at informing pupils about the UN and the role of CIVPOL. The programme proved to be a success, and through this CIVPOL managed to establish contact with many local families. As an additional bonus, CIVPOL received considerable information about the activities of the LPF in the region.

CIVPOL’s efforts in terms of humanitarian assistance should not be underestimated. Even if this task developed due to the lack of other duties and the need to be kept busy, CIVPOL managed to provide aid to a considerable number of people in a very critical situation.

Assessing CIVPOL’s Performance in UNPROFOR/UNCRO

Although many monitors worked hard and made some progress, CIVPOL in Eastern Slavonia never succeeded in accomplishing the priority task set out in the Vance Plan: namely to monitor closely the work of the local police forces. This was due to several factors:

- There was a glaring lack of institutional memory within CIVPOL, as well as of UN experience among the monitors deployed to UNPROFOR.
- CIVPOL also had considerable problems in clarifying its role and functions vis-à-vis the other components of UNPROFOR. The fact that
a large number of monitors deployed to the mission area met only the very minimum criteria also hampered the operation.

- But the most important factor, which made the task of CIVPOL impossible, was the fact that institution was deployed to a region in a state of civil war which the UN, during the UNPROFOR/UNCRO period, never managed to demilitarize. In this situation CIVPOL became totally dependent on the cooperation of the LPF, which in fact was under military control. By refusing CIVPOL permanent access to LPT officers and locations, the LPF never actually allowed CIVPOL to monitor its activities. Instead CIVPOL ended up trying to conduct retroactive reporting, based on allegations and findings after an incident had taken place. The only time and place CIVPOL was able to conduct monitoring of the LPF was in the separation zone in 1994–95.

Except by complaining to the LPF and reporting through its own chain of command, CIVPOL could not take any kind of action against the LPF if they refused to cooperate. The UN presence in Eastern Slavonia during the UNPROFOR/UNCRO period never reflected any kind of executive authority. The UN military units in the region possessed neither the will, the ability nor the mandate to support CIVPOL actively. In order to keep busy, CIVPOL ended up spending substantial resources on humanitarian assistance – which was an important task for the UN, but not for CIVPOL.


*The Political Context*

When Croatian Forces started to reoccupy the UNPAs, first Western Slavonia in May 1995 and later Krajina in August the same year, a Croatian offensive against Eastern Slavonia was expected, but never took place. Instead the Croatian government, the Serbian rebels and the international community signed the Erdut Agreement in November 1995, where they agreed on a peaceful reintegration of the region into the Croatian legal and constitutional system. To facilitate this process, the parties requested the UN Security Council to establish a Transitional Administration for a period of 12 months, with the maximum possible extension of another 12 months.

Deep-rooted mistrust after more than four years of war and hostilities characterized relations between Croats and Serbs when UNTAES was established. The demographic situation in the region had changed dramatically during the UNCRO period when some 75,000 Serbs, most of them from other parts of Croatia, moved into the region as a consequence of Operations *Flash* and *Storm*. The economic system in the region had collapsed, and unemployment soared.
Mandate

UNTAES was to support both a peacekeeping component and a transitional administration authority. The mandate of the transitional administration was outlined by the Security Council in resolution 1037 (1995) as follows:

To supervise and facilitate the demilitarisation of the region within 30 days, and to ensure the possibility for the return of refugees and displaced persons to their home of origin; to help establishing and train the temporary police force in order to enhance professionalism among the police and confidence among all ethnic communities, to organise elections for all local government bodies, and to maintain international monitors along the international border of the region in order to facilitate the free movement of persons across existing border crossings.

The mandate of CIVPOL was outlined in para. 11 (A):

To establish a temporary police force, define its structure and size, develop a training programme and oversee its implementation, monitor the treatment of offenders and the prison system.

Analysis of CIVPOL's Tasks and Performance in UNTAES

Personnel, logistics, command and control: The total number of monitors in UNTAES was initially set to 600, but never rose above 450. CIVPOL had constant problems in receiving the high number of monitors deployed to the region in the first six months, mainly due to difficulties in finding accommodation and logistical shortcomings.

CIVPOL experienced the same problems in UNTAES as in UNPROFOR concerning the many unqualified monitors deployed to the region. Lack of driving experience and limited knowledge of English led to a large number of monitors being repatriated, and considerable sums were spent on selection procedures and administration. It should be noted that the UNTAES operation was set up at the same time as the International Police Task Force (IPTF) in Bosnia. The high number of monitors required in the first half of 1996 led to a situation where the CIVPOL Unit in DPKO had to accept almost all offers of personnel from contributing countries. Due to lack of resources they were not able to take responsibility for, or to assist in, the selection process. When communicating with the police-contributing countries, the unit could only stress the minimum criteria and hope that the countries in question would comply with these requirements.

CIVPOL also faced a problem with monitors who met the minimum criteria, but lacked substantial knowledge about policing. These monitors,
who came largely from Third World countries, did not have the competence needed to train, monitor and advise local police officers. These problems also affected the relationship with Transitional Police Force (TPF) where officers responded negatively to being trained, advised or monitored by CIVPOL personnel with less experience and education than themselves. As a result, some monitors ended up not taking active part in the daily work of CIVPOL.

CIVPOL in UNTAES was supposed to use the vehicles and equipment of CIVPOL in UNCRO, but most of these had been brought back to Zagreb and arrived late, or were not available at all. CIVPOL therefore had to depend on the Logistical Division of UNTAES. The relatively high number of monitors deployed to the region during the first four months of the operation resulted in a logistics imbalance, and the lack of vehicles and equipment was substantial. The fact that the UN Mission in Bosnia and Herzegovina (UNMIBH) was set up at the same time as UNTAES affected logistics severely. But the situation improved gradually, and from around July 1996 it reached an acceptable level.20

UNTAES was headed by a Transitional Administrator (TA) with complete executive authority over both the civilian and military components in the region.21 The parties never seriously challenged his authority during the operation.22 The CIVPOL Commissioner was responsible for the CIVPOL operation and reported directly to the TA.23 He had in fact also managerial and operational control of TPF.

In UNTAES CIVPOL established a structure similar to that of the LPF. Each level cooperated with its counterpart. The area of operation was divided into Sector North (area of the Osijek-Baranja Police Administration) with four stations and Sector South (area of the Vukovar-Sirimum Police Administration) with nine stations. CIVPOL headquarters were established in Vukovar in the middle of April 1996. CIVPOL also established the following elements: a unit monitoring the prison in Beli Manastir, units monitoring the courts in Bali Manastir and Vukovar, units in Beli Manastir and Vukovar monitoring the Traffic Department of TPF, a unit monitoring the activity of TPF on the Drava and Donau rivers, a unit monitoring the activity of the Special Rapid Action Unit in Erdut and a Special Investigation Unit in Osijek investigating criminal activity within UNTAES.24

The structure of CIVPOL in UNTAES reflected the fact that CIVPOL had to interact on a daily basis primarily with the LPF, but also with the courts and prisons in the region. In order to achieve this, CIVPOL's structure had to correspond with the structure of TPF as well as the judiciary and penal system in Eastern Slavonia. The fact that CIVPOL's structure proved rather flexible had a positive effect on the final result of the operation.
Establishing the TPF: In order to deal with defining the structure and size of the TPF, a Joint Implementation Committee (JIC) on Police Matters was established. According to this committee the TPF should, in order to achieve a balance between Croats and Serbs, be multi-ethnic and reflect the population ratio of the region in line with the 1991 census. In reality the TPF was to consist of 40 per cent Croats and 40 per cent Serbs, and 20 per cent other minorities. The force should be established on 1 July 1996 and have a total strength of 1,300 officers.

The process of selecting officers for the TPF started in February–March 1996. In this process, which continued until May, both the Croatian authorities and representatives of the local Serbs submitted lists of candidates to UNTAES. The Serbian candidates had to be approved by the Ministry of Internal Affairs in Croatia (MUP) before they were selected. The aim of this procedure was to establish whether Serbian candidates had been listed as war criminals or recorded as perpetrators of criminal acts. The Serbian authorities conducted a similar procedure with regard to Croatian candidates. This process resulted in a number of Serbian officers being refused by the Croatian authorities. In June 1996 the MUP offered permanent contracts of employment to 916 Serbs and minority members of the TPF. Before these contracts were signed, CIVPOL had to negotiate with the parties for several weeks to solve problems related to probationary periods, vocational testing and payment. Once these problems were solved, the Serbian officers accepted the contracts.

When the TPF was established in 1 July 1996, the TPF officers in their new uniforms took over the responsibility for all the LPF stations in the region. The first Croatian officers joined the TPF in August 1996 and their number increased steadily. At the end of September, 131 Croats belonged to the TPF. The first Croatian officers in the TPF lived outside the region and had to travel back and forth every day escorted by UNTAES personnel, but gradually more and more Croatian officers moved to the region with their families.

When planning the TPF, the parties had agreed on a detailed plan outlining which TPF stations and sectors were to be headed by Serbian officers and which headed by Croatian officers. CIVPOL experienced only minor problems in this regard.

Integrating Croatian officers into the TPF was a difficult and slow process. Even if it was characterized by suspicion and lack of trust between the Croatian and Serbian officers, only a few minor incidents were formally reported. CIVPOL had to work closely with the TPF officers to make progress.

Training the TPF: When the selection process was finalized, CIVPOL initiated a training programme for the TPF, to kick off the integration
process in the force as soon as possible. By placing senior Serbian and Croatian officers in the same class and urging them to work together, the basis for integration could be created. The training was conducted at the International Law Enforcement Academy in Budapest, Hungary. Initially CIVPOL monitors participated in the programme with the assistance of the International Crime Investigation and Training Assistance Program (ICITAP), an agency of the United States government. The first joint group of officers, 20 Croats and 20 Serbs, completed a ten-day training course on 26 April 1996. All in all, 150 Croatian and 150 Serbian officers completed the training programme in Budapest, which continued until the beginning of July 1996. In addition to the courses in Budapest, ICITAP and CIVPOL arranged one-week courses for 600 Serbian officers in Erdut, as well as human rights courses for all Croatian officers who were going to join the TPF.

The task of training the TPF demonstrated several of CIVPOL’s shortcomings. Firstly, the lack of CIVPOL personnel with sufficient training experience was a constant problem. When the monitors for UNTAES were selected, training experience was not a specific criterion. As a result, few monitors had such experience, which limited CIVPOL’s ability to conduct professional and relevant training. Secondly, CIVPOL had no training resources, either in the operation area or at UN headquarters in New York. The CIVPOL officers involved in training therefore drafted training programmes based on material and experience from their home countries. Fortunately ICITAP became involved at an early stage and was able to take responsibility for the bulk of the training activities. ICITAP, which had considerable experience in training local police forces in post-conflict areas, offered professional trainers and tailored training programmes especially related to investigation, riot control and code of conduct.

**Monitoring the TPF:** CIVPOL started the process of monitoring the TPF as soon as it had been established. The first step was to get access to the TPF stations. By September CIVPOL was present in temporary UN barracks outside the LPF stations. The Duty Officer of CIVPOL, together with a local interpreter, was stationed next to the Duty Officer of TPF. This procedure was established at all the TPF stations and headquarters by September 1996. Whenever the Duty Officer of TPF sent a patrol to a scene or received a complainant at the station, he was to alert CIVPOL, which would then decide whether the monitors should accompany the TPF. CIVPOL also placed monitors at TPF investigation units, and closely monitored the investigation process. For the first time since CIVPOL arrived in Eastern Slavonia in 1992, the institution had established a method to monitor the LPF effectively 24 hours a day, seven days a week.
By their constant presence at the TPF stations and often in situations where the TPF was involved, CIVPOL also sent a signal to the local population with regard to their sense of security. The intention was to reassure the residents that their rights would be protected during criminal investigation and in police custody. CIVPOL also wanted to decrease the intimidation committed mainly by Croats who had returned to the region and found Serbs occupying their houses. This process of bolstering the sense of security was also crucial in order to reduce the outflow of ethnic Serbs from the region, as well as increase the return of refugees and displaced persons to the region.

CIVPOL also monitored the interaction between TPF officers and the local population, a process that resulted in the dismissal of 18 officers involved in misconduct. Here the CIVPOL Commissioner used his executive authority and sent a clear signal to the parties, especially the Croatian government, that UNTAES would not tolerate such behaviour. When UNTAES was wound up in January 1998, the multi-ethnic TPF comprised 815 Croatian officers, 811 Serbian officers and 52 officers from other ethnic groups. The Serbian officers had at this stage been granted Croatian citizenship.

UNTAES felt the need for an element responsible for, and capable of, conducting crowd control, as there were several public demonstrations in the region both before and after the TPF was established in July 1996. The TA triggered the discussion regarding riot control and the role of CIVPOL after an incident on 21 March 1996. Demonstrators in Vukovar attacked a delegation including US Ambassador to the UN Madeleine Albright and UN Ambassador to Croatia Peter Galbraith, escorted by the TA. Nobody was injured, but members of the delegation had to be escorted out of the area in armoured personnel vehicles. On the basis of the experience of UNTAES, local Serbian officers seemed reluctant to take action against Serbian demonstrators, and their Croat colleagues adopted the same attitude when dealing with Croatian demonstrators. In fact the TPF was not able to conduct effective riot control. After intense discussion within the UNTAES leadership, several solutions were suggested. Some wanted CIVPOL to become actively involved in riot control, but this option was strongly opposed by the CIVPOL Commissioner and his staff. Others wanted UNTAES forces to be responsible for riot control. As a consequence a Polish Military Police Unit was tasked with conducting riot control when necessary, but the unit was in fact never used.

*Monitoring the courts and the prison system:* The Court Monitoring Units in Beli Manastir and Vukovar, consisting of some eight monitors, worked throughout the operation. These monitors reported to, and were placed
under, the legal advisors of the TA. The units selected the cases which were to be monitored according to certain criteria. They focused especially on cases where the crime had been committed in 1991, or where minorities had been involved. The unit also monitored cases of particular political interest. Monitoring all these cases was a very difficult process in which the monitors often lacked the necessary legal competence.

The Prison Monitoring Unit monitored the regional prison in Beli Manastir. Eight monitors were permanently located inside the prison to facilitate monitoring of the daily treatment of the prisoners. Monitors had full access to the prison and worked on an around-the-clock basis. Most of them had been selected because of their previous experience as prison officers.36

Assessing CIVPOL's Performance in UNTAES

CIVPOL received a far more comprehensive mandate in the UNTAES period compared with the UNPROFOR/UNCRO period. But this mandate was a reflection of a totally different political context. After a substantive peace agreement had been concluded between the belligerent parties, the UN took de facto political and military control of Eastern Slavonia throughout the transitional period. This is the main reason why UNTAES proved to be such an operational success.

CIVPOL succeeded in establishing the TPF, but this was very much a political process, and had to be dealt with at that level. CIVPOL nevertheless played an important role in building confidence between the parties as well as in organizing the process.

With regard to training the TPF, CIVPOL was extensively hampered by factors like lack of training resources and qualified personnel. In this situation ICITAP became a vital asset, taking over responsibility for the bulk of the training activities.

Of central importance was the fact that the CIVPOL Commissioner had executive authority entitling him to take disciplinary action against TPF personnel. The constant presence of monitors in or outside the TPF stations and the full access to documentation, crime scenes and locations of the TPF, gave the term 'monitoring' the correct meaning. For the first time since 1992, CIVPOL was able to monitor the local police force effectively.


Political Context

On 15 January 1998, the UN transferred the authority of Eastern Slavonia to the government of Croatia. The region had been demilitarized and a new
local police force (LPF) established. The political and institutional framework for the reintegration of civil administration and public services was then finalized. Local and regional elections had been successfully conducted and the concept of two-way return of displaced persons and refugees had been demonstrated in practice through the latter part of 1997, when some 6,000 Croats and 9,000 Serbs returned to their original homes. The outflow of new refugees from the region was not more than expected."

**Mandate**

The Security Council decided in its resolution 1145 (1997) of 19 December 1997 to establish a support group of 180 CIVPOL monitors with effect from 16 January 1998, for a period of nine months. The area of responsibility remained the same as for UNTAES. The mandate of UNPSG was, according to para. 13 in the resolution:

> to continue to monitor the performance of the Croatian police in the Danube region, particularly in connection with the return of displaced persons, in accordance with the recommendations contained in paragraphs 38 and 39 of the report of the Secretary-General and in response to the request by the Government of the Republic of Croatia.

According to the report of the UN Secretary-General to the Security Council S/1997/953, paras. 38 and 39:

> This would include monitoring investigation by the Croatian police of any allegations of police misconduct in connection with the return of displaced persons to the region and the provision of limited on-the-job training to improve the professional capability of the local police.

The civilian police monitors would be stationed in the main Croatian police headquarters and the 20 Croatian police stations throughout the Danube region and would maintain a 24-hour-a-day coverage of police activities. Three joint patrols would also be established in the region.

**Analysis of CIVPOL's Tasks and Performance in UNPSG**

*Personnel, logistics, command and control:* A management team of UNTAES started to prepare for the follow-up mission already in February 1997. After several drafts, it was decided that UNPSG should be made up of 180 monitors and 120 local interpreters. The number of monitors and interpreters had been closely estimated and reflected a minimum requirement in order to be able to monitor all ten stations, three sub-stations, three units and the headquarters of the LPF, 24 hours a day, seven days a week.
UNPSG recruited its personnel from the UNTAES operation and was able to select the most qualified monitors from UNTAES. The majority of the senior staff within UNTAES also became part of UNPSG, and several of them made central contributions in preparation for the UNPSG mission. When the selection process of monitors to UNPSG was initiated and the performance of the monitors during the UNTAES period was assessed, the various national contingent commanders played an important role as advisors.

UNPSG also took over the required vehicles, equipment and other support assets from UNTAES, which enabled UNPSG to become operational almost from day one. On the other hand, much of the equipment inherited from UNTAES had also been used in the UNPROFOR/UNCRO operation and was of poor quality. This equipment failed regularly and caused problems throughout the operation.38

The UNPSG mission was headed by a Representative of the UN Secretary-General (RSG).39 This individual also served as head of the UN Liaison Office in Croatia and shared his office between Zagreb and Vukovar. CIVPOL was by far the main body of UNPSG; it was headed by the Commissioner,40 who reported directly to the RSG. CIVPOL headquarters were located in Vukovar.

In UNPSG the most obvious difference compared with the UNTAES period was the considerably lower number of staff positions, due mainly to the fact that all CIVPOL stations had only a Station Commander position but no Deputy position. This resulted in a higher number of monitors available for purely monitoring duties.

Monitoring the LPF: In preparing for UNPSG, staff members of UNTAES realized that in order to conduct effective monitoring of the LPF, CIVPOL ought to be located inside all the LPF stations next to the Duty Officers of the LPF. This marked one step forward compared with UNTAES, where CIVPOL was mainly located in temporary barracks outside the TPF stations.

At a 4 December meeting between the RSG and the Croatian Deputy-Minister of Interior, Josko Moric, the parties constructed the following interim mechanisms:

that the Civilian Police monitors [CIVPOL] will participate in patrols, investigation and check points as may be deemed necessary and appropriate by the PSG or its police monitors and they have been guaranteed unrestricted and full access to information and documents. These are among others: Daily Shift Logs, Arrest Logs, Arrest Warrants, Search Warrants, Case Reports, Duty Rosters,
Redeployment Orders, Disciplinary Actions, Quarterly Employment List. Therefore, CIVPOL monitors may have direct insight into all official documents or parts of documents, as well as access to all operational activities being undertaken, and take notes on anything that they consider of interest.

These mechanisms were to prove very important for CIVPOL in the process of monitoring the LPF. In addition, the CIVPOL Commissioner brought in a new dimension to the concept of monitoring when he introduced a set of international standards as monitoring instruments. The idea was to monitor the LPF according to UN Criminal Justice Standards for the Police and Universal Standards for Human Rights. CIVPOL was to focus only on ethnic-related crimes. A copy of the *UN Civilian Police Handbook* was handed out to each monitor, who was also instructed as to its purpose and how to utilize the manual effectively. CIVPOL then presented the Head of LPF with the list of agreed standards and informed him that CIVPOL would monitor the activities of the LPF according to these standards.

The monitors accompanied the LPF on patrols on a random basis and responded to incidents. At all times the Duty Officer of CIVPOL had available two CIVPOL patrols which could be directed to different locations. In the event of the LPF failing to cooperate fully with CIVPOL, the monitor would send a report to UNPSG headquarters, and the matter would immediately be taken up at the appropriate level. When this was not successful, the RSG would then raise the matter at the ministerial or presidential level. Weekly and monthly reports on the general security situation in the region were prepared and submitted through the RSG to the UN Secretary-General. Twice during the mandate period the UNPSG produced an assessment report evaluating police issues and the security situation in the region. This report was shared with other agencies in the region as well as with the MUP.

In addition to international standards CIVPOL also established procedures for non-compliance. CIVPOL distinguished between non-compliance with regard to working procedures and non-compliance with regard to criminal justice or human rights standards. The first category applied when an LPF officer failed to cooperate with CIVPOL. In such cases CIVPOL would raise the matter with the superior of the officer in question, who would often be fined. In cases of the second category CIVPOL immediately reported the matter through its chain of command and the case was dealt with at the appropriate level.

CIVPOL also monitored the relationship between the court system, the media, the citizens and the LPF. This was monitoring in a wider perspective
compared to the daily monitoring of the LPF. The rational for focusing on the relationship between the courts and the LPF was linked to the understanding that the success of the LPF as a police force was directly linked to the ability of the Court to act independently. During this process CIVPOL established beyond reasonable doubt that judges received instructions from MUP officials and that the LPF did not have to take criticism and correctives from any court into consideration. The relationship between the LPF and the local media was characterized by mutual distrust. CIVPOL encouraged the media to adopt an independent approach toward the LPF, and the LPF to take responsibility with regard to public relations. The relationship between the local citizenry and the LPF seemed split along ethnic lines. CIVPOL tried to encourage the LPF to implement the model of community policing, but failed in this attempt.44

Assessing CIVPOL's Performance in UNPSG

The UNPSG operation proved to be a success, due to several factors. First of all, UNPSG was operating in a peaceful environment that was totally in the control of the Croatian government, who welcomed the operation and cooperated closely with the UNPSG throughout the operation.

When senior CIVPOL staff members in UNTAES prepared for the UNPSG mission, the mandate of UNPSG was in fact outlined by the personnel who were to use it. The result was a clear-cut mandate focusing on CIVPOL’s responsibility for monitoring the LPF with regard to the return of refugees and displaced people to the region. The interim mechanisms for UNPSG, agreed to by senior staff members of UNTAES and the Croatian government in December 1997, also proved central in the process of monitoring the LPF. These mechanisms enabled CIVPOL to monitor the LPF even better than during the UNTAES period.

The operation also benefited greatly from the fact that the UNPSG monitors were carefully selected from UNTAES. This had an important impact on the institutional memory of UNPSG, making the operation ready from day one. UNPSG also benefited from being able to inherit vehicles and equipment from UNTAES, even though, as noted, the fact that much of this equipment was old and unreliable caused problems throughout the mission.

The new method of monitoring according to international standards had several important consequences. All the CIVPOL monitors, independent of training and experience, employed the same standards when they were monitoring, which rendered monitoring procedures far more precise. If the need arose, monitors could always consult with the standards, which were outlined in the CIVPOL Handbook or in additional compilations. In UNPSG, CIVPOL also became more able to gauge the performance of the LPF effectively. CIVPOL was able to produce regular and detailed reports
on the performance of LPF, focusing solely on ethnic-related incidents. In this way, the monitors also became important human rights monitors.

Concluding Remarks
What has experience taught us about the use of CIVPOL? The operations in Eastern Slavonia pointed up the importance of the political context of CIVPOL deployment. It became clear CIVPOL cannot operate efficiently in a state of civil war – as was the fact during the UNPROFOR/UNCRO period. To be able to perform its duties, CIVPOL needs consent from the local government as well as a peaceful environment – or at least an area of operation controlled by UN or other forces. Here we should note that the most comprehensive police reform in Eastern Slavonia was conducted during the UNTAES operation, when the region was in fact a UN protectorate.

Future tasks of training, advising and monitoring local police services seem set to become even more difficult and complex than in the past. For this reason, the concept of CIVPOL must be further developed and refined. The systematic and comprehensive method of monitoring the local police which was developed during the UNSG period should be implemented in CIVPOL operations elsewhere as soon as possible. Regarding long-term training of local police services, during the UNTAES period CIVPOL experienced a lack of qualified personnel and other training resources. If CIVPOL in the future is to be involved in comprehensive training of local police services, it will have to develop a comprehensive strategy for conducting such duties.

During the three operations, the ‘institutional memory’ of CIVPOL became expanded. This was due in part to other CIVPOL operations elsewhere, but it was mainly because so many monitors, especially in UNTAES and UNSG, could benefit from previous experience in the region. In the future, CIVPOL should continue to implement and develop capacity built in earlier operations.

The United Nations should continue to assist in the selection process of monitors to CIVPOL, as well as encouraging the member-states to develop UN Police Officer Courses in order to prepare monitors for CIVPOL duties. Being a CIVPOL monitor is a complicated task that requires a blend of personal and professional qualities whose importance should not be underestimated.

In this article we have seen how the reform process of the local police in Eastern Slavonia is an important example of an extensive process in which the local police changed radically – in terms of ethnic composition, strength, structure and, one hopes, the way of policing as well. This process,
conducted mainly during the UNTAES and UNPSG periods, could not have been accomplished without the assistance of CIVPOL – the UN Civilian Police.

NOTES

1. Although the Security Council restructured UNPROFOR in March 1995 and established the UN Confidence and Restoration Operation (UNCRO) which replaced UNPROFOR in Croatia, UNPROFOR and UNCRO will in this article be treated as one operation.
2. Lessons Learned UNTAES, Lessons Learned Unit, DPKO, July 1998, para. 1.
6. The minimum standards were a minimum of 8 years of varied police experience, good mental and physical health, good driving skills (including four-wheel drive practice), good language skills (English plus the mission language), basic computer knowledge, and the capacity to write good police reports.
7. One of the UNPAs, Krajina, was divided by the UN into two sectors, Sector South and Sector North. The second UNPA, Western Slavonia, was named Sector West and the third UNPA, Eastern Slavonia, was named Sector East.
8. During the UNPROFOR period, CIVPOL never managed to establish the accurate number of local police officers in Eastern Slavonia.
9. Petar Dukic held this position throughout the UNPROFOR/UNCRO period.
11. The Daily Shift Log records all incidents reported to, and action taken by, the local police.
12. Since Eastern Slavonia was controlled by the Serbian rebels, CIVPOL was mainly interested in criminal cases where the perpetrator or the victim belonged to the Croatian or any of the other minorities in the area.
13. Normally the complainant went to the local CIVPOL station or contacted a CIVPOL patrol.
15. A few monitors, especially from Eastern Europe and Russia, were able to communicate directly with the Serbian-speaking local police.
19. The Operational Manual was compiled in consultation with the operations officers and monitors in CIVPOL and sanctioned by PC Michael F. O’Rielly on 6 December 1993.
21. General Jacques Klein, USA, was Transitional Administrator from 17 January 1996 to 11 August 1997. He was succeeded by Ambassador William Walker, USA, who held the position until the end of the operation.
22. Lessons Learned UNTAES (n.2 above), para. 20.
23. Haakan Jurfors, Sweden, served as CIVPOL Commissioner from January to August 1996. He was succeeded by General Walter Fallmann, Austria, who held the position until the end of the operation.
25. According to the recommendations in the Secretary-General’s report of 13 December 1995, the Transitional Administrator established the mechanism of JICs on various issues as a means of providing a forum for the two parties to establish a dialogue on the peaceful reintegration of the region into Croatia.
29. Lessons Learned UNTAES (n.2 above), para. 52.
31. In Vukovar CIVPOL was present in a room inside the local police station.
32. Interview with Per Dag Røed, CIVPOL Chief of Staff (1996), February 1999.
34. Lessons Learned UNTAES (n.2 above), para. 50.
39. Souren Seraydarian, Syria, served as RSG throughout the operation.
40. Halvor Hartz, Norway, held this position throughout the operation.
41. The United Nations Civilian Police Handbook was drafted by members of DPKO and was issued for the first time in 1995.
42. Interview with Halvor Hartz, October 1998.
44. Ibid.
Police Reform and Human Rights Investigations: The Experience of the UN Mission in Bosnia and Herzegovina

CLAUDIO CORDONE

The aim of any internationally-led programme of police reform should be to develop a police force that is effective in fighting crime and that respects international human rights standards. Such a new police force would need to be sufficiently equipped and competent in preventing and detecting crime. Furthermore, it would have to operate outside discriminatory influences based on political, ethnic, gender or other grounds and also possess internal mechanisms to redress abuses by its members. On the operational side, a programme of reform would normally include a vetting mechanism for the officers of the new force, the provision of technical training and of training in human rights, and the supervision of police operations through human rights investigations.

In post-conflict situations we often find that the police have been used as a repressive apparatus for the state before the conflict and as a paramilitary fighting force during the conflict – backgrounds not conducive to great sensitivity for human rights. Particularly in such situations, therefore, a programme of reform must include, indeed give priority to, the investigation of allegations of human rights violations. The immediate purpose of such investigations is to stop abuses and provide redress in individual cases. The long-term purpose, and arguably the most important for police institution-building, is to identify abusive practices and their causes, so as to be able to devise corrective measures relevant to the overall programme of reform and provide feedback on the effectiveness of corrective measures adopted.

This article highlights several policy and operational issues relevant to the role of human rights investigations in police reform, touching upon questions of definition and approaches in conducting such investigations, linkages with other areas of intervention by the international presence, and

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personnel and organizational matters. It draws specifically on the initial experience of the Human Rights Office of the UN Mission in Bosnia and Herzegovina (UNMIBH) and its International Police Task Force (IPTF), UNMIBH's main component. UNMIBH was established as a peacekeeping mission by the Security Council in December 1995, following the signing of the Dayton General Framework Agreement for Peace. UNMIBH's Human Rights Office, made up of 120 IPTF police monitors and ten non-police civilians including the Chief of the office, became operational in November 1997.

UNMIBH's Human Rights Office monitors both direct human rights violations by law-enforcement agencies (for example, ill-treating a detainee under interrogation) and violations resulting from negligent inaction (for example, failure to investigate ethnic attacks). This monitoring function encompasses a wide area of activities, including registering complaints by the public and following related police investigations; inspecting police detention facilities and prisons; observing internal police disciplinary and criminal proceedings; and monitoring the activities of housing and other authorities which are relevant to the process of refugee returns.

Definitions and Overall Approach

Monitoring, Observing and Investigating

These terms are sometimes used interchangeably, sometimes with different meanings, creating uncertainty as to the scope of the mandate they are meant to define. For example, Annex 11 of the Dayton Agreement mandates the IPTF to carry out, among other functions, 'monitoring, observing, and inspecting law enforcement activities and facilities', including those of the judiciary. One year later, Security Council resolution 1088 of December 1996 entrusted the IPTF with the task of 'investigating or assisting with investigations into human rights abuses by law enforcement personnel'.

With specific regard to former Yugoslavia, some have also distinguished between 'soft monitoring' and 'robust monitoring' - with the first involving observing, reporting and lodging complaints and the second involving human rights investigations and quasi-enforcement activities such as inspecting police stations and detention facilities. Others have distinguished between 'monitoring', intended as observing in real time an operation as it unfolds, and 'retroactive reporting', which amounts to investigating. Human rights non-governmental organizations tend to use 'monitoring' and 'investigating' as synonymous, and it is in this sense that these terms will be used here.

What ultimately defines the scope of each mandate are the specific powers given to the human rights monitors. Short of full executive authority
in law enforcement, the powers vested in the IPTF are among the most extensive (covering police, judiciary and various administrative authorities) and strongest (including full access to people, sites and documents). One additional power given to the IPTF – but without the possibility of direct enforcement – is to vet and certify all police officers due to be part of the new force, and to decertify (thereby dismissing) any officer subsequently found to be deserving such sanction.

These powers were included in the Dayton Agreement, which means that the IPTF was always in a position to carry out investigations in addition to any real-time monitoring. In this sense, Security Council resolution 1088 was not needed other than for the purpose of clarifying any misunderstandings over how far UNMIBH’s monitoring could go. On the other hand, the resolution may have contributed to creating the impression that UNMIBH’s monitoring function would now go farther than appropriate for a programme of human rights investigations in the context of police reform and in the absence of law-enforcement powers.

Developing the Right Approach to Human Rights Investigations

Without executive authority – including the powers to discipline, arrest and prosecute – the focus must be on putting pressure on the national systems to ensure that human rights investigations are conducted effectively by the local police, and that they are properly linked to the judicial system. In this approach, independent investigative work is carried out as a means of better monitoring and putting pressure on the law-enforcement agencies to fulfil their obligations to address reported violations.

In the case of UNMIBH, this process typically begins with the recording of a complaint or other incident, followed by independent investigative work to decide whether to pursue the case with the local authorities – for example if there is no official investigation or the investigation appears inadequate. UNMIBH then monitors the response of the local authorities, providing advice and bringing pressure to bear to move the investigation along. The IPTF’s independent investigative powers continue to be exercised in parallel (for example, by re-interviewing a witness who has been interviewed by the local police) in order to better assess and show what needs to be done. Pressure on obstructive officials should then escalate through the police hierarchy, up to and including the political level, to ensure that what needs to be done gets done.

The level of independent investigative work is thus a function of the level of cooperation on the part of the local police. There may be instances where the response of the local authorities is so persistently poor that UNMIBH would need to carry out considerable independent investigative work and publicly denounce the shortcomings of the official response in
order to achieve progress. However, any independent investigative work by the IPTF will eventually need to be brought within the legal framework of the country itself if proper measures of redress are to be taken.

When properly executed, this approach is labour-intensive: it requires the shadowing of activities and persistent, forceful interventions with law-enforcement agencies all too adept at delaying tactics and avoiding accountability. It is not conducive to quick solutions. However, it operates within and supports the systems of redress that one ultimately wants to see fully adopted. It is also consistent with directions developed in other areas of police reform, specifically that of ‘co-locating’ international police monitors within police stations, possibly with senior police monitors shadowing the local Chief of Police in order to monitor and advise the Chief on a day-to-day basis.

For a protectorate-like situation, it may be appropriate to apply a ‘do-it-yourself’ approach to human rights investigations, where an international police force exercises executive powers (which would require standards and procedures currently non-existing within the UN and regional inter-governmental organizations). Without such executive powers, going too far in independent investigative work – especially in criminal cases – may expose the monitors to accusations of tampering with evidence and otherwise disregarding legal procedures that the local police is supposed to follow. It also makes it easier for uncooperative police officers to be obstructive, as they would not be expected to carry out or supervise the investigations themselves. Independent investigations are also very difficult to conduct, since monitors are normally forced to operate through interpreters in unfamiliar and often hostile environments.

To be sure, there are very strong pressures for short-cuts to resolve particularly outrageous incidents such as the ethnic killings still plaguing Bosnia and Herzegovina – especially in the presence of unrealistic deadlines for ‘exit strategies’, competition among several international monitoring agencies and criticism by some non-governmental human rights organizations. But trying to be the police when one is meant to reform it risks undermining the whole project of reform without necessarily resolving individual incidents. The key is not to lose sight of the ultimate aim of prompting action from the local authorities, ensuring that responsibility, also at the political level, rests squarely on their shoulders.

An example of the interaction between independent investigative work and local police response was UNMIBH’s reaction to rioting in Jajce in August 1997, where the local (Bosnian-Croat) police allowed Bosnian-Croat residents to harass and expel Bosniacs who had started returning to their homes. On the basis of the direct observation of IPTF monitors and other information gathered during several days of intense independent
investigative work, a report was published in September identifying serious negligence on the part of the Chief of Police and other officers. Two options were considered: to dismiss these officers immediately on the basis of the IPTF’s initial findings (which did not include interviews with the officers in question and therefore would have exposed the process to the justified accusation of unfairness); or to insist that the local police institute their own investigation. The second approach was adopted, and, following persistent pressure, a disciplinary tribunal was set up in December. It was given the opportunity to cross-examine five IPTF monitors as well as the accused officers, and was closely monitored by UNMIBH’s Human Rights Office. The tribunal ordered the sacking of the Chief of Police and lesser sanctions towards the Deputy Chief, after his responsibility was determined to have been less serious than initially found in the IPTF report. At the end of this process, the Bosnian-Croat police authorities had been forced to take measures according to their own rules (still being reformed). The process had been altogether fair, and the outcome was deemed appropriate by UNMIBH.

Similarly, in Teslić in the Republika Srpska (RS), UNMIBH’s Human Rights Office received and investigated allegations of torture over five months involving the local Chief of Police. In March 1998 it submitted a confidential report to the RS Minister of Internal Affairs, requesting that a special investigation team be sent from outside Teslić to investigate these cases. This was done, despite risks to the RS special investigators, given the fact that the Chief being investigated was politically powerful and was suspected of involvement in organized criminal activities. This special investigation, monitored in detail by the Human Rights Office, was thorough. It led in June 1998 to disciplinary and criminal proceedings against the Chief and 31 other officers.

**Top Priority: Ensuring Local Police Investigative and Disciplinary Capacity**

If pressing the police to adhere to its own investigating and disciplinary systems is essential for institution-building, a precondition is that the systems in place, albeit in need of reform, can nevertheless offer a minimum level of functionality according to international standards. In this respect the initial effort of the reform programme may need to focus on strengthening or establishing an internal police body responsible for the supervision or even conduct of investigations into allegations of human rights abuses and for related disciplinary actions. It is important that this body be recognized, or provided for, in the initial peace agreement and national legislation.

This investigative and disciplinary body should operate on the basis of transparent criteria and procedural rules, made known within the police and to the public at large. It should have the authority to receive complaints by
the public, to institute disciplinary proceedings in accordance with general international standards of fair process (international standards specific to policing are not developed if compared, for example, to those relating to judges and prosecutors) and to refer the matter to the judiciary if there is evidence of a crime. This body would also be instrumental in providing advice for reforming internal police investigation mechanisms.

The staffing of such body may need to include international monitors with supervisory authority and full powers of access. The national staff should initially be selected by the international mission from among the most senior and qualified officers available, chosen where possible also to reflect an adequate ethnic and gender balance. There are precedents for mixed bodies of this nature in Bosnia and Herzegovina, including the Human Rights Chamber and the Constitutional Court of Bosnia and Herzegovina.

To a large extent, the difficulties faced by UNMIBH’s Human Rights Office arose because insufficient attention had been given to developing an appropriate internal investigative and disciplinary capacity within the local police. By the end of 1998, three years after the beginning of the mission, existing systems were unsatisfactory or were being reformed by the US-led International Criminal Investigation Training Assistance Program (ICITAP) without proper coordination with UNMIBH. Unfortunately ICITAP did not appear to have considered developing mechanisms whereby police officers from other police forces would be brought in for such investigations (yet in the Federation of Bosnia and Herzegovina this could have been achieved by using police from another of the ten cantons of the Federation, or at least from another police station within the same canton, or investigators from the Federation Ministry of Internal Affairs).

Identifying the Need for Corrective Measures: Ethnic and Gender Balance

In a society ravaged by political or ethnic conflict, police reform will necessarily focus on trying to reintegrate different political factions or ethnic groups within the restructured police. Such emphasis, however, makes it easy to overlook the key role that women can and should play in police reform, and their wider contribution to the community at large that could result from their adequate inclusion within the police force. This is particularly important in the field of human rights: women are often subjected to widespread abuses not sufficiently recognized as human rights violations in many societies (for example, domestic violence) and a male-dominated police is not likely to be sensitive enough to investigate such abuses.

In Bosnia and Herzegovina, attention to the ethnic balance within the new police was paramount, with detailed quotas and allocation of positions set for
Bosnians, Bosnian Croats and Bosnian Serbs. No doubt also because of this, the gender dimension was nowhere reflected in UNMIBH’s activities, until the creation of the Human Rights Office and the development of closer cooperation with the staff of the Office of the High Commissioner for Human Rights (OHCHR) shed some light on the difficulties encountered by the local police in investigating abuses relating to women. It became apparent that no proper research had been done in this area and nothing related to gender had been included in the training programmes of the local police. In addition, a survey of the police force of Travnik Canton in early 1998 showed that there were even fewer women police officers in the restructured force than there had been before (and that had been only a handful). Women police officers appeared to be a casualty, possibly deliberate, of the redistribution of posts along ethnic lines. Since then, things have improved. Gender sessions were introduced in the training of the local police (with the crucial assistance of local NGOs), and human rights monitoring has devoted specific attention to these issues. However, gender has yet to become fully integrated in police reform in Bosnia and Herzegovina.

A not unexpected spin-off of the introduction of gender issues within UNMIBH was the catalyst effect it seems to have had for some female IPTF monitors. They now came forward and reported their complaints of discrimination or harassment by colleagues to senior officials within UNMIBH.

Challenges of Investigative Work


disclosing Information

Whether, how much and at what stage information gathered in independent investigative work should be shared with the police or others is a matter requiring careful judgement. For example, there may be situations where a detainee tells a monitor, in confidence, that he or she has committed a crime. Does the monitor report this ‘confession’? The legal weight of such ‘confession’ to a third party is debatable, but if reported it may nevertheless undermine the defence. On the other hand, the proper course of justice may require disclosure. There is no explicit privileged attorney relationship between monitors and suspects, although it might seem reasonable for suspects to believe that there is. In the absence of general guidelines here, decisions have to be made on a case-by-case basis.

Questioning Suspects

Another difficult matter concerns the questioning of police officers suspected of specific violations. Normally suspects should only be questioned through proper disciplinary or criminal proceedings that afford
adequate guarantees of defence for the accused. If in exceptional cases questioning by international monitors appears necessary, rules have to be improvised in the absence of any international guidance for such eventuality. In one such case in Mostar in 1997, the Human Rights Office decided that police officers suspected of torture should be interviewed by the IPTF but not penalized for refusing to answer questions (a right according to international standards), even though the IPTF would have had the power to sanction them (including dismissal for lack of cooperation).

Testifying and Other Forms of Involvement in Legal Proceedings

Monitors with strong powers of access are likely to be direct witnesses to evidence of abuses. In order to facilitate the bringing of perpetrators to justice through a fair process, monitors with such evidence must be ready to testify in disciplinary or criminal proceedings. This may create awkward situations, as in the case of the hearing relating to the Jajce incidents, where UNMIBH was both providing evidence and performing its observer function. Possible solutions may include establishing clear barriers between the staff involved in providing evidence and those doing the monitoring, or requesting a different international agency to do the monitoring. Neither are ideal options, but either would be preferable to withholding evidence necessary for the proper course of justice. UNMIBH in this respect received full support from UN Headquarters in partially lifting the immunity from any legal process enjoyed by UN staff for the purpose of testifying in disciplinary and criminal proceedings. The immunity was maintained, however, with respect to any charges that may arise against UN witnesses, for example perjury.

Monitors may also be asked to intervene in proceedings they are observing. In Zenica, an investigating judge ended his questioning of suspects, in a case where people had been held in secret detention, by inviting the international monitors present to ask any questions. To decline and possibly criticize the conduct of the questioning afterwards would have appeared unfair to the judge and might have meant missing an opportunity to ask important questions. On the other hand, to accept would have meant foregoing the role of impartial observer. While it is better to avoid any formal involvement in such proceedings, solutions must again be devised on a case-by-case basis. In this instance the questioning had been fairly thorough, and the monitors decided to ask one additional question, leaving it to the judge whether to put it to the suspects, which he did.

Public Reporting

Human rights investigations need to be documented and shared with the national authorities, other relevant organizations and, in the appropriate
format, with the public at large. Indeed, one could say that investigations really exist only to the extent that they are documented. Investigation reports not only provide information but are part of the intervention strategy towards the authorities responsible: by putting on public record, at the appropriate time, not only what has happened but also what should happen according to international standards and local rules, reports generate political pressure and provide a yardstick for measuring future actions by the authorities.

UNMIBH is mandated to provide ‘credible information’ on human rights matters to the Bosnian governmental authorities, to the national bodies created for human rights supervision (such as the Human Rights Ombudsperson) and to other organizations. A large volume of information is produced on a daily basis, but the main difficulty is ensuring the quality of the information produced (in both English and local languages). Within these constraints, UNMIBH has been progressively more open in its sharing of information on day-to-day events. It has also published several major reports on specific investigations with recommendations relevant to the case in point and the overall programme of police reform.

**Linkages with Judicial Reform and Political Action**

**Linkage with Judicial Reform**

It is increasingly recognized that police reform and judicial reform are essential components of an overall reform of the criminal justice system. Progress in police reform requires a judiciary able to supervise police work and to follow up, through effective prosecution, on good police investigations.

The judicial and police human rights monitoring functions are also inextricably linked. For example, police powers to search and detain are, or should be, regulated in detail by legal standards requiring close oversight and frequent intervention by the judiciary. This may start from the very beginning of an investigation – for example, in a murder case various investigation procedures like autopsies will necessitate the specific involvement of the judiciary. Far too often, however, the dimension of judicial reform has been an afterthought rather than an essential component of police reform which should be in place from the outset of the reform programme.

The case of Bosnia and Herzegovina is again illustrative. The Dayton Agreement had mandated the IPTF to monitor the judiciary, although police officers do not normally have the required background, nor is it normally appropriate for the police to monitor the judiciary. Inevitably, this function was implemented by the Human Rights Office only in a small number of
cases, employing its few civilian staff and several police officers with the specific skills. At the end of 1997 UNMIBH recognized that the judicial monitoring function would have to be developed significantly and, in concert with other international organizations, they proposed the creation of a Judicial System Assessment Programme to be made up of 26 legal professionals (including eight Bosnians). It took until July 1998 to overcome opposition to this project within the Security Council, specifically on the part of the US government, which argued that judicial reform could not be properly considered a peacekeeping activity, even though it had been envisaged by Dayton. The full complement was then deployed at remarkable speed by October 1998.

Interaction with Politics

Given the strong links between police and political power in most societies, especially in post-conflict situations, the programme of police reform must be negotiated and pursued at the top political level if it is to succeed. Without at least political acquiescence, reforms would soon be blocked and could easily be reversed. In this respect police reform may even be a catalyst for political change: it is known that it was precisely the divergence of views within the Bosnian Serb leadership over cooperation with the international community on police reform that precipitated the split in June 1997 between President Biljana Plavsic and the leadership loyal to Radovan Karadzic.

However, the political dimension is relevant also at the level of specific investigations. The Jajce disciplinary hearings took place only after pressure on the highest level of the Bosnian-Croat leadership, not just on the cantonal officials directly responsible. Without the direct approach to the RS Minister of Internal Affairs, the abuses by the Teslic police would not have been dealt with. It took some time for UNMIBH as a whole to realize that human rights work is not merely a ‘technical’ function but one requiring political intervention strategies as sophisticated as for any other aspect of the mission’s work, and as such it needs to be fully integrated within the political work of the mission.

In Bosnia and Herzegovina, difficulties in dealing with broader causes of police abuses also led to an expansion in December 1997 of the political powers of the High Representative, to enable him to remove uncooperative officials. The Jajce investigation, for example, had created frustration within the international community because sanctions were meted out to the police involved, but Jajce politicians responsible for the incidents escaped unscathed. Ultimately, even the best police officers cannot operate professionally if their political masters are allowed to remain obstructive towards the overall implementation of police reform and the broader project of political reform.
Need for Coordinated Action

When different international organizations operate in areas relevant to human rights investigations and police reform at large, their political and other interventions must be closely coordinated. In Bosnia and Herzegovina, UNMIBH has the largest human rights component and the one with the strongest mandate, but other international organizations have overlapping human rights mandates: particularly sizeable is that of the Organization for Security and Cooperation in Europe (OSCE). These organizations can legitimately intervene, for example, in the same cases of abuses by the police being addressed by UNMIBH. The local police officers and victims involved may thus face several monitors from different organizations dealing with the same cases, but not necessarily operating on the basis of the same standards or making consistent recommendations. Lack of coordination confuses and undermines the morale of well-intentioned police officers, while ill-intentioned officers may exploit the opportunity to frustrate international action.

At the end of UNMIBH’s investigation on the treatment of Goran Vasic, a suspected Bosnian-Serb war criminal who was injured in February 1998 during his arrest by Canton Sarajevo police, the Human Rights Office was discussing measures for redress with Canton Sarajevo officers when the latter informed them that their Ministry of Internal Affairs was about to adopt a comprehensive book of rules prepared by ICITAP. The book had been worked on for almost a year and covered the area of human rights investigations, but the IPTF seemed to have been unaware of this. In a matter of hours the Human Rights Office had to review the book of rules to ensure that it would not conflict with UNMIBH’s recommendations arising from this investigation – an embarrassment that was fortunately avoided.

In a different example, in the Bosnian-Croat-controlled town of Drvar in April 1998, two Bosnian Serb returnees were murdered in their homes and local people rioted against the presence of international monitors there. It was clear that no amount of effort with the local police would bring the murderers and rioters to justice unless one also took on the Bosnian-Croat ministers who were derelict in their duties, to ensure that investigations into these incidents took place. It also appeared that this attitude was part of a broader developing challenge to the Dayton Agreement promoted by the highest echelons of the Bosnian-Croat leadership seeking to establish a third – Croat – entity in Bosnia and Herzegovina. However, differing views within the international community as to how far to go in exercising political pressure prevented the development of a coherent and assertive response. To date no one has been brought to justice for those incidents.
Coordination at the working level has nevertheless been greater in the human rights field than in others in Bosnia and Herzegovina. The preparation of an overall judicial reform plan, of which UNMIBH took the main monitoring share, was well discussed and developed within the main human rights coordination mechanism presided over by the Office of the High Representative. However, seeking to work in a coordinated framework and aiming to achieve a synergy of efforts among a multitude of international organizations exacts considerable costs in terms of time and communications between and across the various levels of the organizations involved. It is further made difficult by the need to involve local human rights institutions and NGOs, all too easily left aside or disempowered by a heavy international presence. Ideally, the mandate to carry out human rights investigations should be given to one international organization only.

**Personnel and Organizational Matters**

*Police and Civilian Approaches to Human Rights Work*

Human rights investigations are strengthened by combining police and civilian (non-police) skills. The challenge is to combine police and civilians monitors in the right proportions and in the best structural arrangement.

Police investigators are expected to contribute technical investigative skills, as well as the experience of having conducted or managed complex criminal investigations. When it comes to addressing local police officers, CIVPOLs, as their peers, usually enjoy greater credibility than civilians. However, many police officers tend to act only after a complaint is received. They often approach human rights investigations as if to prepare for a court case, whereas human rights investigations require establishing enough initial evidence to request the authorities to intervene and pursue their inquiries in depth. Also, close proximity to local police officers may more easily engender unhealthy empathy among CIVPOLs than among civilians.

Finally, the tour of duty of many investigators in field missions is short – six months to one year, with the opportunity to change jobs while on mission. As a result, continuity – so crucial in the area of investigations – is seriously affected.

The human rights expertise that civilians are expected to contribute includes knowledge of international human rights standards and the local legal system, familiarity with the other human rights actors, understanding of the wider human rights and political context in which the intervention strategy for moving investigations along needs to be conducted, and expertise in reporting in a human rights framework. Civilians will normally have a better sense of the importance of proactively investigating human rights issues rather than waiting to react until complaints have been lodged.
They are also more likely to have experience of other human rights missions and tend to stay longer than police monitors in each mission, thus ensuring continuity of experience and approach. For these reasons, in order for human rights investigations to be most effective, the civilian element should be in overall charge of such investigations, in the field and not just at headquarters level, with police providing the technical expertise required to monitor and carry out investigations.

Organizational Options

Perhaps the main challenge in devising the organizational structure of a human rights investigation operation within a broader programme of police reform is balancing a minimum of autonomy – important for the credibility of investigations – with sufficient coordination with the other activities of the mission. UNMIBH has experimented with various organizational configurations in this respect, but no organizational structure has so far been fully satisfactory. Because of the history of the IPTF, which was originally envisaged by Dayton as an exclusive CIVPOL mission but established by the UN under civilian control, the Human Rights Office has inevitably tended to fall between the IPTF and UNMIBH’s civilian component (for example, the Chief of the Office reports to both the Special Representative of the Secretary-General – UNMIBH’s head of mission – and the IPTF Commissioner; similar ambiguities pervade the rest of the Office).

Within the Human Rights Office, the direction chosen was to seek maximum integration between police and civilian monitors compatible with the different administrative regimes for CIVPOLs and civilian staff. An alternative model of a small team of civilians as advisers to the IPTF but administratively separate from it was discarded, as earlier experience within the mission had shown that following up investigations would be frustrating without the authority to directly assign tasks to the monitors involved.

The main drawback of an integrated structure was that ten civilians (the full complement was actually not reached until January 1999) were too few to effectively manage up to 120 police monitors, particularly as these monitors were also part of a larger police operation (the current strength of the IPTF is 2,057 CIVPOLs) with no other civilians integrated in operational positions. There was also resentment among some CIVPOLs about working in the same section with, or under, civilians. On the other hand, a civilian Chief had been brought in, and a small nucleus of capable civilian human rights officers soon showed the IPTF’s potential for good human rights investigative work when proper direction is provided. CIVPOLs who were serious about human rights work actually welcomed the contribution that civilian supervisors could bring, specifically in the area of legal and policy advice, and the drafting of reports.
Another organizational challenge is the tendency within other parts of the IPTF to conduct parallel investigations and take action on human rights cases without involving the Human Rights Office. Part of the reason may be that as UNMIBH has gradually given priority to the training of the new police and to human rights investigations over more basic forms of monitoring (such as patrolling), this has left many monitors without an effective role. It is therefore important that the gradual shift of emphasis within a police reform programme be promptly reflected in the numbers and types of specialization of the monitors. In this respect, UNMIBH should expand its civilian human rights component (a recommendation to raise to 20 the number of the civilian human rights officers from mid-1999 was eventually approved) and could arguably reduce the number of IPTF monitors by several hundred.

Recruitment and Retention of Civilian Staff and CIVPOL Human Rights Investigators

A mission’s success depends on the ability to recruit staff with the right qualifications, and to recruit them promptly: this cannot be stressed enough. Within the UN much more could be done to expand the range of candidates (for example, through properly advertised external recruitment, aimed particularly at improving the national, ethnic and gender balance) and to speed up the recruitment procedure (the recruitment staff for field missions at UN Headquarters, both civilian and CIVPOL, are seriously overworked).

CIVPOL investigators are needed to cover the full range of investigative skills and be sent on tours of duties for periods of at least 12 months, preferably 18. With the IPTF, by mid-1998 only a few governments (notably those of Canada and the United Kingdom) had sent monitors specifically to carry out human rights investigations, although other governments tended to include good investigators within their contingents (for example, India). A proper system is also required to identify skills and deploy incoming monitors to functions and regions on the basis of objective requirements. In UNMIBH’s case, much has been left to chance, personal connections or competition among the various IPTF sections and national contingents.

Once monitors have been placed in an investigating function, care should be taken to limit their mobility within the mission. A system of open competition for appointment to senior positions, per se an excellent idea, may have negative counter-effects, as it did in the IPTF when introduced in mid-1998. Officers are often attracted to positions which may appear more important and less challenging than those dealing with human rights investigations. Some even come under pressure from their own governments to compete for higher positions for reasons of national prestige. As senior investigators tend to have managerial and other
transferable skills, they often seek to leave the area of human rights investigations early on and move up the ladder once or more during their stay. The consequent disruption can be devastating for ongoing investigations.

To contain an internal drain of investigators, the task of human rights investigator must be adequately supported. Experience shows that even seasoned investigators can be put off by the amount of work involved, especially when compared to other tasks such as patrolling, and by the unpleasantness of facing hostility from the local police and often being resented by colleagues more concerned about maintaining good relations with the local police than carrying out effective monitoring.

There are other CIVPOL administrative rules that may be reasonable in themselves but which add to the difficulties of finding and retaining investigators and otherwise ensuring continuity in investigations. With the IPTF, examples are the rule that at least two monitors from the same contingent should be present in the same location (for mutual support in a culturally diverse environment), and the rigidity of the Compensatory Time Off system (providing for six days leave after 30 consecutive days of work), which makes it virtually impossible to change the dates of leave of officers.

Finally, there must be firmness in dealing with forms of national, ethnic and gender discrimination which affect, among other things, the investigation capacity. They range from blatant racism (‘we cannot appoint a Human Rights Officer in this Station because there are no Europeans here’) to cultural insensitivity (for example, by requesting a standard of ‘fluency in English’ for positions which do not require communication skills at that level). Experience in Bosnia and Herzegovina shows that there are outstanding officers from many countries, including countries with a notoriously bad human rights record, who are individuals of integrity, capable of excellent human rights work.

*Human Rights Training for the International Monitors and Local Police*

Training in fundamental human rights standards is obviously essential for anyone involved in police reform. For CIVPOLs, such training should be a requirement to be met in some measure in their home countries (together with other requirements, including driving and language tests). Human rights training must be fully based on the operational needs of the officers receiving it: practical training in human rights work rather than training in human rights *per se*. While fundamental international principles and standards must be taught, the focus of the training must be what the monitors will need to do during their participation in the police reform programme. In this respect the training must be delivered in mission, and address both civilians and CIVPOLs together. Learning about the country’s
basic history, its laws and institutions, and the specific policies and procedures involved in monitoring, is at least as essential as learning about the UN human rights machinery. Otherwise the training risks being ineffective and even counterproductive — for example, by reinforcing perceptions that human rights are of little relevance to actual police work.

As part of their induction course on arrival, IPTF monitors have typically been receiving only a few hours of human rights training — a wholly inadequate situation regardless of the efforts of the trainers. To remedy that, in mid-1996 an extensive programme of training took place for IPTF monitors organized with the OHCHR. However, given the high rate of turnover, by 1997 few of those trained were still on duty. In June 1998 a different approach was tried out, aimed at training trainers on a continual basis, giving priority to IPTF monitors working on human rights investigations, and drawing the trainers from officers working in the Human Rights Office. However, the system appeared inadequate to ensure consistency and was too difficult to administer. Efforts were then concentrated on developing a small number of trainers that would concentrate full-time on training. The quality of this training gained considerably by the involvement as trainers of local legal professionals and NGOs; it could benefit further by including local police officers. This training has also permitted the identification of policy issues relevant to monitoring which required a solution.

Such training and experience in human rights work also serves a broader goal: that of ensuring that CIVPOLs returning to their countries contribute to raising the level of human rights awareness within their own police forces. There is anecdotal evidence in this respect that would merit further study. An article in The Hindu (New Delhi) of 13 July 1998 reported complaints of discrimination by returning Indian IPTF contingent members, but included the following remarks illustrating the educational value of police involvement in concrete and specific human rights work:

The most important thing that they learnt during their year-long mission was to respect human rights, the ITBP [Indo-Tibetan Border Police] personnel said adding that this was the most needed thing in India. ‘We actually learned how to handle human rights cases. We feel that this needs to be discussed properly in India.’

A programme of human rights training for international monitors should clearly be matched by a programme of training in human rights for the local police. An isolated but useful initiative was undertaken in 1997–98 by the Council of Europe, which developed training materials on human rights for the local police from case studies provided by the IPTF. However, by the end of 1998 the Bosnian police forces were systematically attending only
US-developed ‘Human Dignity’ courses, which deliberately avoid employing the language of rights. While useful, these courses cannot replace a proper programme that explicitly integrates human rights standards into police training.

Accountability

All those in the business of telling others how to behave according to international human rights standards must obviously respect, and be seen to respect, such standards themselves. Yet it is surprising how often little attention is given to this aspect of international monitoring. In Bosnia and Herzegovina this is still problematic – also for UNMIBH, the Stabilization Force (SFOR) and the Office of the High Representative.

As part of the vetting and certification/decertification process of the new police forces, UNMIBH has been operating a system of ‘non-compliance’ reports, issued as a form of warning against individual police officers found to have been misbehaving, and has actually ordered the dismissal of several officers as a sanction for specific incidents. However, by early 1999 the criteria for certifying or decertifying police officers had not yet been properly developed. Also, any officer subject to such sanctions would have had no regulated mechanism of recourse other than appealing on a personal basis to the IPTF Commissioner or to other international senior officials. It seems obvious that this state of affairs could lead to arbitrary decisions which would violate police officers’ rights to fair process, as well as undermining the credibility of the reform programme.

SFOR troops operate effectively as an armed law-enforcement operation, since the military aspects of the Dayton Agreement were implemented well within the first year of the mandate of SFOR (then IFOR). The Dayton Agreement even included in IFOR’s mandate law-enforcement tasks, such as ensuring a secure environment for refugee returns and responding to violence. On the ground, SFOR has intervened to assist the IPTF and others when faced with law-enforcement emergencies, such as serious rioting in Brcko in August 1997 and Drvar in April 1998. SFOR has also routinely provided armed escort to the IPTF, for example during major inspections of prisons or police facilities. SFOR’s operations of arresting suspected war criminals, indicted by the International Criminal Tribunal for former Yugoslavia, are also by nature law-enforcement operations. Yet none of SFOR’s operations are subject to any form of independent scrutiny, even when they have resulted in death or injury, as in the case of some of the arrests of indicted war criminals. This leaves accusations of misbehaviour unchallenged, and damages the credibility of those involved in human rights investigations and police reform.
Caught between the need to respond appropriately to public disorders and the weariness of distorting its military mandate, SFOR opted to create a Multinational Specialized Unit (MSU), composed of dual police/military personnel (such as the Italian Carabinieri), and deployed it in July 1998. UNMIBH had raised concerns about this initiative on several grounds, including the risk that responsibility for law enforcement would be effectively taken away from local police forces, and that MSU personnel would be confused with IPTF monitors. The IPTF could also be placed in the untenable position of having to provide advice to the local police as a situation unfolded while the MSU intervened independently in the same situation. There were also concerns that the MSU should follow the same law-enforcement standards as those being taught to the local police rather than military rules of engagement, and specific questions were raised in particular about MSU powers of arrest. The issues raised by UNMIBH may still need to be addressed satisfactorily. Again, there is no provision for independent monitoring of MSU law-enforcement operations.

Finally, in December 1997 the High Representative was given additional powers to remove uncooperative officials. Such powers were used several times, most dramatically in March 1999 with the removal of the President of the RS. The exercise of such powers is not known to be regulated by open criteria or any review mechanism.

To the extent that some law-enforcement functions may still need to be performed by an international presence in exceptional circumstances, it is essential for the credibility of the whole international presence that these functions be exercised according to clear criteria and mechanisms, consistent with international human rights standards. Mechanisms may include bodies to which anyone can present a complaint – for example against the dismissal of police officers by the IPTF, or the use of force by SFOR. Also, nothing would prevent the High Representative from charging senior figures, such as supreme court judges, with the power to review his actions against local officials.

Conclusion

The mandate of any mission involving police reform must be set following a proper assessment mission and comprehensive planning. The mandate should avoid as many grey areas as possible between monitoring and exercising executive power – the main political challenge here is to be clear as to whether the mission is exclusively to pursue a programme of reform or also to establish a provisional protectorate. The programme of police reform itself must include a human rights investigation component and be integrated with a programme of judicial reform at the outset rather than
through piece-meal additions. The appropriate personnel must also be made available from the beginning. Not unlike other activities, human rights work and police work require specialist professionals, and competent individuals can go a long way in compensating for systemic flaws.

While international standards for policing and internal police investigations need to be developed, there is a well-developed body of substantive human rights standards which should be made known to top decision-makers and monitors. There is also ample experience for the development of policies and ‘standard operating procedures’ for monitoring, investigating and other aspects of police reform. A focal point that does so systematically is still urgently needed, within the UN as well as other inter-governmental organizations.

NOTES


During the 1990s, we have witnessed a sharp increase in international efforts to support law and order reform in transitions from war to peace. However, as a field of study, this is still in a nascent phase. The contributors to this volume have presented an overview of the state of the art in this field, emphasizing lessons learned as well as contextual factors that may contribute to success or failure in future efforts to assist in the (re)construction of the coercive functions of states in transition.

While the contributions point to a broad variety of modes, one recurrent theme can be found in all: what has been aimed at so far is to assist local power-holders in their own process of change. Bilateral and multilateral donors alike have sought to influence the direction of change, to establish good practices, and to transfer knowledge and insights to the new authorities. Until very recently, however, the international community has not seen it as its task to take upon itself the responsibilities of providing law enforcement as such. Even in most of the more ambitious peace-support operations that have been launched in the post-Cold War era, the normal ‘mode’ has been that the international presence is in place to keep the war away and, on that basis, to support a transition process for which the local authorities are ultimately responsible themselves.

The CIVPOL unit within the Department of Peacekeeping Operations (DPKO) at the UN Secretariat in New York is responsible both for the practical administration of on-going police operations and for contributing to the conceptual thinking in the field. Together with most other relevant parts of the UN Secretariat as well as many independent experts, it has consistently, and in our opinion wisely so, warned against actually taking over the day-to-day policing in the countries where CIVPOL has been active. This view has been based on a number of important lessons learned:

- First, experience shows that contributing countries are never ready to send the number of police officers necessary for executive authority

This postscript was written primo February 2000 and discusses developments that have taken place since the contributions to this volume were written.
policing. Personnel shortage is an endemic problem even for regular police monitoring, and it has been believed that attempting to recruit policemen for executive, armed policing would prove even more difficult. Contrary to military personnel, the fact that civilian police officers are busy in the daily fight against crime in their home countries makes it difficult to spare them for international duties.

- Second, actually becoming the police of other people’s countries has been understood to be extremely difficult. CIVPOL contingents represent a plethora of police cultures and policing concepts, which is believed to reduce efficiency and increase the risk involved in armed executive operations.

- Third, it has been assumed that international policemen would encounter overwhelming obstacles when trying to get sufficiently on the ‘inside’ of the sub-cultures of the country of operation in order to combat mafia-related and other forms of organized crime (which is a predominant feature of most post-conflict societies) – or for that matter even petty crime. At the same time, the risk of being subjects of revenge if one actually succeeds in infiltrating these networks has been seen as too high to try.

- Fourth, there has been a common understanding that if the UN took over this job, it would remove the responsibility from the local authorities, which would prove unhelpful in the peace stabilization effort in the longer run.

In maintaining this position, the UN has had to defend itself against criticism from several quarters that wanted to see quicker progress with respect to the reestablishment of law and order, the arrest of persons indicted for war crimes, and so on. The critics did not appreciate the argument that the UN sent policemen, but that they were not to conduct the actual policing. In post-Dayton Bosnia, just to take one example, the role of the International Police Task Force (IPTF) has been under constant debate, but it has nevertheless stuck to its main function of assisting in the development of local police forces and of monitoring their behaviour.

Towards Executive Authority Policing?

In two of the last peacekeeping operations to be launched in the twentieth century, a new trend seems to emerge. In both Kosovo and East Timor, the UN has taken upon itself the provision of executive authority policing as an integral part of its peacebuilding efforts. This is a rupture from the SMART (Supporting, Monitoring, Advising, Reporting and Training) concept which is referred to in, for instance, Halvor Hartz’s contribution to this volume.
The arguments for such a development seem strong at first glance: in both Kosovo and East Timor, the previous governments (Yugoslavia and Indonesia) have withdrawn their security forces and no longer exercise sovereign authority over the provinces in question, whereas new local governments are yet to be established. International transitional administrations have been set up to run the provinces for an interim period. The UN has then been tasked with (re)constructing law and order, and is to take responsibility for the whole range of issues from day-to-day policing tasks to the long-term establishment of the security sector ‘triad’ of police, judiciaries and penal systems as well as the development of new legal codes.

It remains to be seen whether this is a shift for better or for worse, and it would be too early to draw final conclusions about the viability of the novel concept applied to these two operations. The early experiences, however, give scarce room for optimism. The CIVPOL operation in Kosovo, for instance, ran into serious difficulties right from the start, and despite claims to the contrary, little progress has been made when it comes to curbing the violence that still pervades the battered region and even less when it comes to investigation and crime prevention. As this is the prime example of an apparent new trend of executive authority policing, it merits a closer look at this point.

Policing Kosovo?

At the end of the NATO air war against Yugoslavia and the internationally brokered agreement that led to the withdrawal of Yugoslav security forces from the province, Kosovo represented an archetypical security vacuum situation. There had hardly been ‘normal’ policing in Kosovo for more than a decade, since the totally Serbian-dominated Yugoslav police (and in particular the special police) had been much more oriented towards controlling the local population than in serving them. Still, some rudimentary law and order had resulted even from this starting point. Then, after the withdrawal of all Serbian security forces, there were no local institutions at hand to take care of the public security function. Immediately, a rush began between KFOR/UN and the Kosovo Liberation Army (KLA or Ushtria Çlirimtare E Kosoves – UCK) to fulfil this as well as most other functions related to the civilian administration of Kosovo. While the UN is formally in charge, the UCK and other political forces have the upper hand in several areas, and neither of the two have anything close to full control over the situation. A thin balance is maintained between cooperation and confrontation.

Instead of the expected post-war normalization, parts of the country have experienced the development of a rather anarchic state of affairs. It
should be remembered that Kosovo was not a particularly well-ordered society before the war either. The police were an instrument of oppression and, on the other side, strong traditional structures of kanun laws and self-styled ‘policing’ prevailed. The state – whoever was trying to set it up – has never been very successful in Kosovo. What to a certain extent did prove successful was the establishment of a parallel society and a parallel government in Kosovo from 1989–90 onwards (the Republic of Kosova). The current self-styled take-over of public functions, this time by the UCK in opposition to NATO/UN, actually bears some resemblance to the 1989–98 period of parallel sovereignty in Kosovo.

The absence of effective control has led to the continuation of some of the worst patterns of war. It is a repetitive pattern from conflicts around the globe that many of the warlords of the past become the magnates and political leaders of tomorrow. Kosovo is in only one aspect an exception to the rule: in Kosovo, those conflict entrepreneurs that were active on the Serbian side have largely gone, as there is no room for them in the current set-up.¹ Those on the Albanian side, however, have been actively taking part in the war, and are now demanding their fair share of the victory. While wars, blockades and exceptional situations are devastating for the majority, they create a breeding ground for certain types of economic activity that proves particularly effective in the absence of order. The people that benefit from such activities see few reasons to support the re-establishment of effective public control. Past warlords, therefore, frequently become the spoilers of peace processes.⁴

Experience from around the globe shows that if the internal security challenge is not handled early, these ‘old’ habits and structures will continue to prevail for a long time, undermining other efforts aimed at enhancing post-conflict settlement. The immediate aftermath of any civil war is the ideal breeding ground for organized crime, revenge attacks, arms proliferation, looting and theft. The structures that emerge may quickly reach a level where it will be difficult to combat them at a later stage.

In the absence of a final settlement, Kosovo is de facto occupied by NATO’s KFOR and formally administered by the UN through its UNMIK mission. Within the hastily drawn up structure of the UN administration in Kosovo, UNMIK, not KFOR, was to be responsible for the everyday maintenance of public order. KFOR’s role in this area was only to establish rudimentary public security at the very outset of its campaign (until the UN could effectively take it over), and then to provide the general climate of security that would make UNMIK’s operations possible. The UN was asked to provide an all-purpose civilian police force with full executive authority for law enforcement in Kosovo, and this force should be operational ‘as soon as possible’. At the time of writing this – nine months after the
international community took over responsibilities for Kosovo – the
UNMIK Police force is only at around 40 per cent of its authorized strength
of 4,718 officers and has only been able to take over control in two of
Kosovo’s five regions. It is the subject of heavy criticism for its inability to
hinder both ethnic and non-ethnic violence and intimidation as well as the
solidification of organized crime structures. Still, the police area is the most
developed of the three legs of the security sector triad: there is hardly a court
system working, discussions over which legal code to apply continues, and
very little progress has been made with respect to prisons and detention
centres.

The well-established CIVPOL model was not practicable in the case of
Kosovo, where the UN and NATO were to take over a province without any
kind of recognized government in place. Thus, the international community
had to take on the exceptional job of providing internal security itself. It was
understood, at least to a certain extent, that Kosovo was not like Bosnia and
Herzegovina. In Bosnia, there were recognized government structures to
work with. The issue was, therefore, not one of whether but of how the
international presence in Kosovo should prepare itself for performing this
task. In this light, it was far from obvious that the solution should be a
CIVPOL, responsibility for this crucial area in which it has no previous
experience.

Looking back at earlier examples of international occupations, the
function of internal security has been associated with the role of the military
occupational force. For instance, during the occupation of Germany after
the Second World War, the US Army established a US Constabulary
(USCON), which was in charge of public security in the Western sectors. Its
structure reflected the new German administrative structures (Länder,
Regierungsbezirk, Kreis). It was a quite successful set-up, but it is very
important to note that this was based on a full occupation situation: power
resided with the US commanding officers, not with local German
authorities. The occupational force not only performed policing as such,
but also oversaw and was in part responsible for the re-establishment of
effective and legitimate judiciaries and penal systems. A similar model was
introduced in Japan after the Second World War.

Military governance, however, seems to have gone out of fashion, and
internal security was only to a limited extent understood as an intrinsic
element of the role of the KFOR when it was established in June 1999. As
the war with Yugoslavia drew to an end, there was little enthusiasm within
NATO about taking on the task of policing. This job can arguably be seen
as the most complicated and dangerous one, once the Serbian forces had
been forced to leave Kosovo. It is also in this area where the interface with
the Kosovars threatened to be most difficult. NATO was already strained
internally after the war itself, and was careful not to take on new adventures beyond the provision of a peacekeeping force as such. Some NATO members, and in particular the United States, have for years been warning against mission creep in peacekeeping operations like the one in Bosnia and Herzegovina, and the same argument came up over Kosovo. Thus, a concentration on what is understood as more ‘military’ tasks was the preferred option on NATO’s side.

But NATO’s apparent desire to hand this job over to someone else is only part of the explanation. Equally important is the position of the UN after the Kosovo war. Under ‘normal’ circumstances, the UN Secretariat would clearly be sceptical about the proposed portfolio of tasks. However, 1999 was not a normal year for the UN which, marginalized by the US and NATO, has been trying to regain a leading role over the handling of Kosovo. In the settlement that ended the NATO-Yugoslav war, the UN suddenly got two major tasks to fulfil: organizing the overall civilian administration of Kosovo and running a police force. In this situation, the ‘offer’ to take on the police function was hard to refuse.

The OSCE could conceivably have been used as a platform for the police pillar, and it actually did begin rudimentary planning for an international Kosovo police force that could substitute its ill-fated Kosovo Verification Mission (KVM) operation which was terminated shortly after NATO’s air campaign began in March 1999. But to the surprise of its chairmanship, the OSCE was in the end not the body selected. After all, the OSCE’s record in running operations itself is not particularly encouraging, and part of the explanation may simply be that this new policing job was seen as too big for the OSCE at this stage. Instead, the OSCE was charged with the task of training the new local Kosovar police force in cooperation with UNMIK.

In hindsight, it is unfortunate that NATO did not devote more time to discussing the nature of its post-war engagement in Kosovo. Indeed, a more comprehensive role could already have been achieved by then. It appears that NATO’s understanding of how to work in a peacekeeping environment has improved substantially since the first NATO peacekeeping operation was launched on 20 December 1995 (IFOR). Then, the mantra of ‘no mission creep’ was the answer to all the questions raised by the civilian pillar of the implementation process, and only gradually did IFOR, and later SFOR, broaden its outlook to the wider issues involved in long-term peacebuilding. With KFOR, the understanding that it is in place to help to underpin all the civilian reconstruction efforts was introduced with the first commander, Gen. Michael Jackson, and continued with the second KFOR commander, Gen. Klaus Reinhardt, who has taken steps to increase KFOR’s engagement in community patrolling and other policing activities. Indeed,
the whole KFOR operation is in several respects more ‘European’ than was IFOR, as the American ‘quick-fix’ approach is much less present in Kosovo than it was in Bosnia. Significantly, the first two commanders have been European, the force composition of KFOR is overwhelmingly European, and the operational concepts are much more European than American. A discussion about the further Europeanization of KFOR is underway. This is a better starting-point, but it remains to be seen whether this will do the trick in keeping violent conflict out of Kosovo and the countries surrounding it. The future development of the UNMIK operation in Kosovo seems to be very dependent on a continued increase in KFOR’s engagement in the public security area.

**Long-term: A Kosovar Police Force?**

The international community cannot be responsible for policing Kosovo forever. Eventually a home-grown *internal security sector* – encompassing police, judiciaries and penal system, and representing a codified legal system – has to be developed in Kosovo. The international community should assist in the establishment and formation of such services. There are many technical challenges in this area – who shall foresee the training, who shall select and ‘vet’ the officers, who shall pay them and which legal system shall be applied, just to name a few. In contrast to other post-conflict situations, the task is particularly huge in Kosovo, as there is hardly any pre-existing core of officers to build on. Practically all police officers active during the last ten years were Serbs, and are now out of the province. A new police force must furthermore reflect the ethnic composition of the population, which today is almost all Albanian. Most of the ethnic Albanian officers left or were decommissioned during the Serbian purges of Albanians in public service at the beginning of the 1990s. With a few exceptions – officers who served with the Yugoslav police more than ten years ago – new cadres have to be identified, vetted and trained before an authentic Kosovar Police Service (KPS) can be introduced. A specialized institution – the OSCE-led Police Academy in Vucitran (Vushtrri) – is already operational. The first group of 173 students has graduated from the Academy, which is however substantially behind schedule compared to the initial aim of producing 3,000 local police recruits per year. An early review has also somewhat extended the length of the basic course from five to nine weeks. Anyhow, there is a clear danger that the important tasks relating to the recruitment, training and formation of a new local police force loses out in the competition for attention and resources in a situation like the one prevailing in today’s Kosovo. The problem is that while being of paramount importance for the future, pitfalls and shortcomings on this side are not as visible today and thus will not lead to the same level of media critique as the failure to provide public security in the short term.
Still, the overarching problem in this area is not first and foremost an issue of models and resources, but rather an underlying, political impediment: the absence of a final settlement over Kosovo. The ‘law and order’ sector must represent an established political and legal system; the full transfer of authority to competent local authorities is pending on, among other things, a settlement of the underlying political issue: what is to be the future status of Kosovo? Simply put, the new police officers need to know which government they represent, whom they are to report to, and which law to apply, and this has fundamental consequences for those responsible for training them.

While the OSCE Police Academy is systematically, albeit belatedly, training an embryonic core of police officers, other institutions have also been referred to as pointing in the direction of a future police core. The September 1999 agreement between KFOR/UN and the UCK illustrates the point: a Kosovo Protection Corps (KPC) was established as a follow-up of the now formally disbanded UCK, but accounts vary about what it is to be used for – a disaster relief organization, a reconstruction brigade, the embryo of a local police force, a ‘National Guard’, or the future army of independent Kosovo. In the difficult negotiations about its nature, much emphasis was placed on the issue of the number of small arms this post-UCK institution was entitled to control. In a country where weapons abound anyhow this seems to be somewhat off focus. What remains is that a framework organization is kept in the place of the old UCK and this organization can then later be used for a variety of possible purposes, including that of re-establishing a military organization at a later stage. The shape that the relationship between the Kosovo Protection Corps, the embryonic Kosovo Police Service and the international security presence will take in the months to come may become a key to the understanding of the future shape of a home-grown security sector in Kosovo. In any case, it is of paramount importance that such a home-grown security sector is being formed, to provide the inhabitants of Kosovo with a police force they can see as their own and to enable the international community to reduce its engagements in this sector in the long run.

The Lack of Judiciaries and Penal Systems

There is little use, however, in even a well-functioning local police force, if the rest of the legal system is not up to the job. These sectors also suffer from the limbo situation Kosovo finds itself in, where neither local authorities nor international administrators are able to perform a number of key public functions. Reports conclude that neither the judicial nor the penal systems in Kosovo are operational beyond a very rudimentary level, and that detainees are released without punishment while others are not even brought in for
questioning. The lack of legal response seems to have led to even more violence, killings and criminal activity, while reducing the general perception of a 'sense of security' among the population in general and the minorities in particular. A report from the Lawyers Committee for Human Rights found shortcomings across the board in this sector: it pointed out constraints, interference and pressure against the rudimentary new justice system, impartiality on behalf of certain judges whereas others abstain from sentencing people because of fear of the consequences, continued disunity about which version of the Yugoslav legal code to apply (pre-1989 or current), non-payment of salaries and general lack of resources - just to name a few. UN sources admit that over 40 per cent of the detainees are released more or less immediately, and very few individuals have made it to a courtroom trial while several hundreds have been arrested. Only parts of the province have any operational court system at all. Even if street policing improves, there is little hope of improvement in the general law and order situation as long as the judicial and penal sectors remain in crisis.

The experience of Kosovo seems to underline a point raised in several of the contributions to this volume, that policing must be an expression of clear authority. This authority can be either native or foreign, but hardly something in between: an international presence may either assist a local government in its law and order functions or choose to take over the government, but intermediate solutions will easily prove futile. Involving oneself in actual policing, for instance, including the detention of perpetrators, but then leaving the detainee to the local authorities for punishment, may turn out to be disastrous either for the individual in question, the prestige of the international police force, or both. In Kosovo, no effective judiciary system has developed, hence most detainees are released in spite of ample evidence of guilt. If the international community involves itself in, for instance, investigation and detention, it must also take the moral responsibility for the future fate of the persons detained. In some settings, this means ensuring that the physical treatment and legal process against a detainee is consistent with international human rights covenants and legitimate local laws. In other settings, the local detainee might actually have committed an offence but is protected by a corrupt or politically governed local court system and hence freed instead of being tried. Both situations illustrate the problems of having a police force based on an international mandate and a judiciary and penal system based on local political realities.

The Way Ahead

The example of Kosovo – and eventually that of East Timor – should be followed closely by anyone interested in the international community’s
ability to bring public order back to war-torn societies, as it may say something about the possibilities, but also the limitations, of such involvement. The Kosovo / East Timor model may result in redefining the collective wisdom of international engagements in police reform – but it may also end up reaffirming some of the assumptions behind the traditional approach.

It is sometimes argued that in peacekeeping, lessons seem to be observed but never learned, and that the case of Kosovo is another example of this. Still, it is our hope that the collection of studies presented here may assist those involved in designing future peacekeeping and international police reform operations as well as contributing to a dialogue between practitioners and scholars.

NOTES

1. This development has taken place after the other articles in this volume were written.
2. There is a substantial difference, however, between the two cases. In the case of East Timor, a final status is envisaged (full independence). In the case of Kosovo, no such final status has been agreed on yet, and in principle, the suspension of Yugoslav sovereignty over the province that is laid out in UN SC 1244 (1999) is a temporal measure until a settlement has been found.
5. For a thorough description of the US occupation of Germany, see Hans-Jürgen Schratt, ‘U.S. Forces in Germany, 1945-1955’, in S. Duke and W. Krieger (eds.), U.S. Military Forces in Europe. The Early Years, 1945-1970, Boulder, CO: Westview Press, 1993. Germany was for an infinite number of reasons a different case from Kosovo: First of all, the war was definitely over as Nazi Germany had won. In the case of Kosovo, the Yugoslav government is still in power but has its sovereign control over Kosovo suspended. Secondly, it was made clear to the German population that the allied forces intended to stay for as long as it took to bring peace back to Germany. There was no other option than peace, so to speak. In Kosovo, the duration of the international presence is uncertain.
6. Gen. Reinhardt confirmed his vision of a broad and encompassing operation, focusing on supporting the civilian side, in and interview with the authors on 7 October 1999, the day before he took over as Commander of KFOR.
7. The issue of making the Eurocorps responsible for KFOR was discussed at the Franco-German summit of 30 November 1999.
8. Both UNMIK and KFOR has made it clear that KPC is not to become a police force, but KPC candidates have been seen to perform police-like functions and on the Albanian side, a future police role of the KPC has repeatedly been mentioned as an option.
Abstracts

Contextualizing Police Reform: Security, the Rule of Law and Post-Conflict Peacebuilding by Rama Mani

While reaffirming the importance of police reform in the transition from conflict to peace, and the necessity of international assistance for this process, this contribution urges caution and reflection in the way in which police reform is pursued today. It suggests the need to consider carefully the motives, objectives and strategies underlying international assistance to police reform, and perhaps to modify or 'recontextualize' police reform in light of the particular exigencies of post-conflict societies. Three suggestions are forwarded. First, it may be desirable to treat police reform as separate from 'security sector reform', in order to underscore the distinction between the police and military establishments in the aftermath of conflict. Second, police reform might best be pursued within the broader framework of rule-of-law reform, reinforcing the organic association of the police with the principles and institutions of the rule of law. Last, and linking both previous points, police reform may be most sustainable if pursued within the overall ambit of post-conflict peacebuilding – that is, if the goals and strategies of police reform complement and forward the twinned objectives of peacebuilding: to consolidate a lasting 'positive' peace and to avoid a collapse of 'negative' peace into renewed hostilities. This contribution evaluates police reform efforts from these perspectives, discussing both the need for the changes suggested above and the difficulties that might be encountered in implementing them. It draws on three different cases of bilaterally and internationally assisted police reform processes in the aftermath of conflict: Namibia, El Salvador and Haiti.

CIVPOL: The UN Instrument for Police Reform by Halvor Hartz

In the process of building peace in war-torn societies and with the introduction of multifunctional peace operations, the importance of reforming local police forces has been strongly emphasized. As a consequence CIVPOL has for the last ten years played an important role in reforming local police forces. This contribution focuses on the legal background as well as the concept of CIVPOL, and discusses what tasks CIVPOL should concentrate on. Furthermore, it outlines the importance of compliance from the host government as well as a realistic mandate understood by all the parties in the operation area. It also points to the fact that by using internationally accepted human rights and criminal justice standards when monitoring the local police, CIVPOL plays an important role as a promoter of human rights.

Looking for a Few Good Cops: Peacekeeping, Peacebuilding and CIVPOL by Chuck Call and Michael Barnett

Based upon field research in El Salvador, Haiti, Guatemala, Bosnia, New York and Vienna, this study describes the contribution that police personnel can make to
ABSTRACTS

peacekeeping settings, particularly as a complement to military personnel. After describing how internal security concerns have been brought squarely into the sphere of international security, the authors set forth a difference between peacekeeping tasks — such as monitoring foreign police conduct, observing elections and verifying demobilization processes — and peacebuilding tasks necessary to ensure that the organization and ‘cultures’ of police forces are more responsive and accountable to the public. Peacebuilding public security tasks include helping revamp police doctrine and curriculum, advising senior police management on policies and procedures, erecting oversight offices, and providing human rights and specialized skills training. The authors find that current international police support efforts are largely organized for peacekeeping tasks, and offers some suggestions about how to strengthen both peacekeeping and peacebuilding capabilities.

The Blue Flame and the Gold Shield: Methodology, Challenges and Lessons Learned on Human Rights Training for Police by Francesca Marotta

Institutional, contextual and methodological aspects of human rights training for police are analysed with reference to training of police in general, training of civilian police components of UN peacekeeping operations, and training in the context of specific national reform efforts. Effective human rights training for police must emphasize the professional relevance of human rights standards to police work and be practical in orientation. It must be based on a thorough assessment of the legal, socio-cultural, economic, political and professional context in which police agencies operate, as well as their specific training needs. The need for human rights training for CIVPOL is clear due to their monitoring and assistance functions towards the local police forces, which emphasize respect for international human rights standards. Various programmes conducted by OHCHR in cooperation with a number of peacekeeping operations revealed the ongoing need for such training to take place as soon as possible upon deployment in the mission area, and its direct relevance to improving the effectiveness of CIVPOL work. International assistance to national police reform efforts is also provided in the context of longer-term development-oriented programmes, rather than in the framework of time-bound peacekeeping operations. Creating a sustainable human rights capacity within the police must be the objective of international training (and other) support for police reform. Some of the elements which the contribution identifies as necessary to achieve sustainable results are: training of trainers, involvement of police command, development or review of internal guidelines, establishment of mechanisms to deal with human rights violations and breaches of discipline, integration of police reform and other national institutional reforms, and involvement of local organizations.

The Role of Bilateral Support for Police Reform Processes: The Case of the United States by Otwin Marenin

Bilateral support for police reform is an important part of the overall donations to such processes. This contribution looks into the reasons why the USA offers support, and discusses the obstacles which hamper programme development and implementation. Bilateral support for police reform in transitional societies depends on three conditions: a political policy context which legitimates assistance; a security ideology
which can mobilize police agency support; and a perceived policy capacity by implementing agencies. The specific political, policing and policy obstacles to bilateral support are examined with reference to police assistance efforts engaged in by the United States.

Building New Police Forces in El Salvador and Guatemala: Learning and Counter-Learning by William Stanley

El Salvador and Guatemala have undertaken sweeping police reforms, supported by extensive international technical, material and training assistance. The two cases illustrate trade-offs between the requirements of security during the transition to new police institutions, and the requirements of long-term development of effective, genuinely civilian and accountable forces. El Salvador’s reforms incorporated a much higher proportion of new, civilian personnel, especially at command levels; they required higher levels of education, provided lengthier and generally better training, and included stronger internal controls. But El Salvador’s transitional security regime was inadequate, allowing crime levels to reach extremely high levels. Guatemala has followed a more expedient path that involves recycling roughly 90 per cent of the old police force, with abbreviated retraining, low standards for recruits, and weak internal controls. The new force is unlikely to perform to democratic standards, but Guatemala’s approach may also have prevented a security vacuum from developing.

CIVPOL Operations in Eastern Slavonia, 1992–98 by Tor Tanke Holm

For several years CIVPOL played a crucial role in the process of reforming the local police in Eastern Slavonia, Croatia. The three CIVPOL operations were conducted in totally different political settings – each largely influencing the operations. The first operation was characterized by the ongoing war, in which the area was controlled by Serb rebels and CIVPOL had to function in a war theatre without any possibility of effectively monitoring the local police. In the second operation the area was under de facto UN control, and an extensive police reform process was conducted to prepare for the Croatian take-over. In the third operation the area was again under Croatian control and a peaceful situation was established. This contribution assesses these three operations with regard to the mandates given by the UN Security Council. By focusing on the changing operational tasks of CIVPOL the study indicates the development of the CIVPOL concept during the actual period, as well as the difficulties in achieving these tasks. For the CIVPOL operation to be successful it is of utmost importance that the war has come to an end.

The Establishment of a Palestinian Police Force in the West Bank and Gaza Strip by Brynjar Lia

The process of establishing an effective and professional Palestinian police force in the West Bank and Gaza Strip represented one of the major challenges during the early phases of the Oslo peace process. The Israeli government conditioned the implementation of all redeployments from the Occupied Territories on the ability of the Palestinian police to control and combat political violence. This contribution
studies the main factors influencing the process of creating this force: the legacy of the past, in particular the patterns of informal policing or 'vigilantism' in the Occupied Territories during the pre-Oslo period; the political context and the implications for policing of the Oslo peace accords, in particular the external pressure for heavy-handed counter-terrorist campaigns; and finally the donor efforts in the field of police aid and the fragmented nature of donor coordination mechanisms. The contribution concludes that these three factors have contributed in varying degrees to weakening efforts to create a professional and legitimate Palestinian police force.

**Peacebuilding in Southern Africa: Police Reform in Mozambique and South Africa by Mark Malan**

The United Nations Operation in Mozambique (ONUMOZ) was undertaken at a time when neighbouring South Africa was also undergoing a 'miraculous' political transition to democracy that required a fundamental transformation of the apartheid criminal justice system. CIVPOL had a limited but positive impact in curbing abusive police behaviour in Mozambique, but could do little to change internal controls or the orientation and ethos of the police. After the termination of ONUMOZ, the Mozambican police remained in need of comprehensive reform. During June 1997, the United Nations Development Programme (UNDP) took over where CIVPOL had left off by launching a comprehensive project to assist and strengthen the Mozambican police as an essential part of the post-conflict peacebuilding process. The South African transition, by contrast, was 'home-grown', and did not require the presence of UN peacekeepers. The Interim Constitution for the Republic of South Africa, which came into force with the elections on 27 April 1994, provided fundamental guidelines for the reform of the public service in general and the 'security services' in particular. This contribution reviews the process of police transformation in both countries, with specific reference to the utility of international assistance with the reform process. It concludes that a multiplicity of donor-driven approaches tends to be dysfunctional, and proposes that there is some merit in promoting police reform from a local and regional perspective, rather than relying too heavily on foreign models and trainers.

**Police Reform and Human Rights Investigations: The Experience of the UN Mission in Bosnia and Herzegovina by Claudio Cordone**

A key challenge for a human rights investigation programme in peacebuilding missions is to define at the outset whether the purpose is to pursue a programme of reform, thus concentrating on monitoring and leaving law enforcement responsibilities to the national police and judiciary, or to take over law enforcement tasks. Lack of clarity about the purpose leads to muddled activities since each scenario requires different approaches. On the basis of the experience of the UN Mission in Bosnia and Herzegovina, this contribution highlights policy and operational issues relating to human rights monitoring in the context of police reform. It argues that police reform needs to be complemented by judicial reform and to be actively supported at the political level. Effective human rights investigations require deploying a proper combination of police and non-police professionals with adequate policies, training and accountability. There is a wealth of experience in this field but it needs to be systematized and built upon.
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