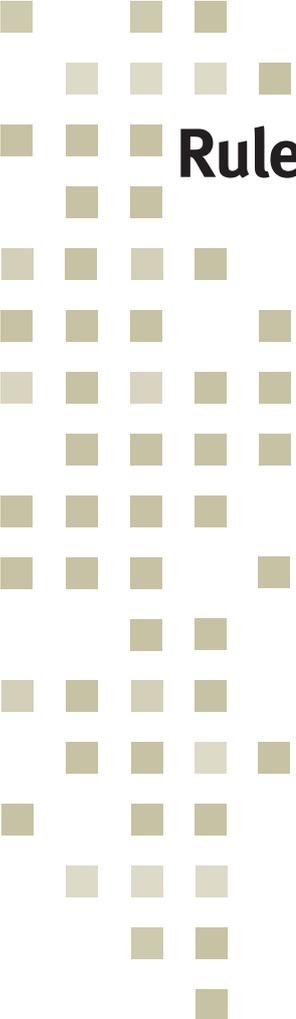




«Challenges to Collective Security»
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A decorative graphic on the left side of the cover, consisting of a grid of small, light-colored squares. The squares are arranged in a pattern that roughly forms the shape of a map of Norway, with some squares missing to create a grid-like texture.

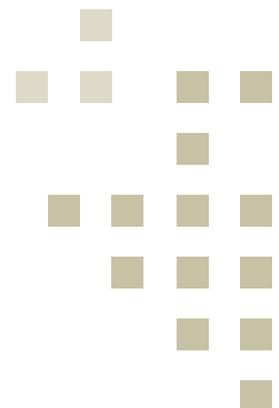
International Policing and the Rule of Law in Transitions from War to Peace

**Anja T. Kaspersen, Espen Barth Eide
and Annika S. Hansen**

Paper No. 4 – 2004

Norwegian Institute
of International
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Executive summary

In transitions from war to peace there are few challenges more in need of urgent attention and careful planning than the issues of policing and establishment of rule of law.¹ Development efforts are futile in situations marred by violence and recurrent conflict. The nature of the institutions of law and order is central to the relationship between state and society. In order to achieve a sustainable political settlement after conflict, these institutions need to be trustworthy, effective and legitimate. Neither is sufficient on its own: a technically effective police force may be used in a way seen as illegitimate by much of the population. Likewise, a high human rights standard may not in itself ensure that the police, the judiciary and the penal system manage to reduce crime and violence to levels compatible with societal and economic progress. It is thus equally important to have institutions established that are both effective and legitimate. However, this can be a very difficult and challenging endeavour since the deliberate misuse of, or the absence of, institutions of law and order often may have contributed to the fostering of conflict in the first place. Both institutional and cultural transformation is needed to achieve lasting peace.

The international community has over the last decade become increasingly aware of the need for a more integrated approach to security-sector reform. That being said, there is still a long way to go in terms of developing functional holistic approaches to such reform processes. Attempts at shortcutting the need for local ownership through «executive missions» have not proven particularly successful. Any system of law and order not rooted in society itself runs the risk of being superficial (allowing informal systems to function underneath) or temporary (as it is dependent on the continued presence of scarce foreign personnel).

While situations may arise that require full-fledged international executive responsibility, the best approach lies in a careful integration of security-sector reform efforts aimed at achieving a sustainable, locally rooted rule of law. There is no alternative to a sector-wide approach in this field, and the inherently political nature of any undertaking of this sort should be recognised from the outset.

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- ¹ This paper primarily addresses situations in which an international peacekeeping or peace-building operation has been authorised. Some of the recommendations may apply also to similar cases, for instance where international security assistance is present without a peacekeeping operation as such in place.

International Policing and the Rule of Law in Transitions from War to Peace

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1. Introduction

Post-conflict management is a daunting challenge. Too often, the dangerous security vacuum that armed conflicts leave in their wake serves to nurture the seeds of the next conflict. Although initiatives aimed at reforming the security sector and establishing the rule of law in countries emerging from conflict have increased, the involvement of peacekeeping personnel in this sector is nothing new. Civilian police have been part of UN peacekeeping operations for over forty years with mandates and roles that continue to change. This report outlines strategic planning requirements and key concerns for implementation, including the extent to which a mission takes on the responsibility for enforcing the law, the challenges of working together with military forces and the development community, and the need for constructive local involvement in establishing and maintaining the rule of law.

1.1 The Changing Nature of Police in Peace Operations

Since the first UN civilian police contingent was deployed to Cyprus in 1964, the use of civilian police in peace operations has developed considerably. Seen as a haphazard supplement to military peacekeepers at the outset, civilian police are now a strategic asset in most peacekeeping missions. Civilian police were initially seen as subsidiary actors in predominantly military UN missions – but today, policing, security-sector reform and the rule of law have become the main objective of several missions.² This is closely linked

2 Annika S. Hansen, *From Congo to Kosovo: Civilian Police in Peace Operations*

to the responsibility of a state to provide public security for its citizens. It also illustrates a crucial point: the inherently political nature of police assistance, especially in connection with reforming security structures in a third state.³

1.2 Security-Sector Reform and the Rule of Law

Security-sector reform can be defined as «a reform of the organisations that have the authority to use, or order the use of force, or the threat of force, as well as those civil structures that are responsible for their management. In other words, it involves a reform of local military and police forces, as well as of the judicial system.»⁴

Security-sector reform is a *process*, whereas the rule of law is the *end state* that this process aspires to achieve. Good governance is an integral part of security-sector reform and the rule of law. Unless the rule of law is established against a backdrop of democratic reform and civilian supervision, there is a danger that it may serve to make an authoritarian regime more effective at suppressing its peoples. Thus, when launching a reform effort, it is critical to acknowledge the normative dimension of reforming the police. Democracy may take various shapes and forms, but a democratic system of governance and democratic supervision of the police forces are non-negotiable foundations for security-sector reform.

Reforming police forces alone is of little value unless complemented by efforts to create an impartial, effective and trustworthy judicial system, where suspected criminal offenders can be brought to trial and justice. This in turn points to the need for more international experts, such as judges, prosecutors, lawyers and prison staff. Police reform must also be seen in relation to post-conflict reforms in the intelligence apparatus. Identifying the mutual dependence among different elements of the security sector can underline the scope and the comprehensiveness of such an undertaking. International contributors must understand that this in turn will require political commitment, considerable resources and sustained engagement.

(Adelphi Paper No. 343, International Institute for Strategic Studies/Oxford University Press, London/Oxford, 2002).

3 Tor Tanke Holm and Espen Barth Eide (eds), *Peacebuilding and Police Reform* (Frank Cass, London, 2000).

4 Jane Chanaa, *Security-system Reform: Issues, Challenges and Prospects* (Adelphi Paper No. 344, International Institute for Strategic Studies/Oxford University Press, London/Oxford, 2002), p. 7.

1.3 Institutions and Culture in the Rule of Law

There are two main dimensions of a reform process: a structural one and a behavioural one. The latter is frequently the least transparent of most governmental institutions. To best address both dimensions, any reform should embrace «capacity building» and «integrity building». *Capacity building* and structural reform are directed at the institution of various actors in the security sector and involve the restructuring of forces; vetting and recruitment; technical training and skills development; (training for) provision and management of equipment and funds; and (training for) administration and other management skills. *Integrity building*, on the other hand, targets the individual as part of an organisational culture. It aims to instil respect for human rights and democratic supervision through performance monitoring and advice on standards for selection and promotion (disciplinary codes and internal mechanisms), and human rights training and public complaints mechanisms.

Culture should also be understood broadly here; the way the police force functions in a society will not depend solely on the police organisation itself, but also on the society that it serves. In stable societies, most citizens obey the law most of the time – not primarily through coercion but due to cultural internalisation of the existing legal order, whereby most sectors of society see the police and the other institutions of law and order as instruments of public *service*, not public *control*. When such a relationship does not exist, special attention should be given to fostering cultures of law and order. This kind of change cannot be implemented overnight. The police forces will also have to prove themselves worthy of such respect and cooperation from society through their own conduct. Coherence, decency and equal treatment are keywords here. Building integrity and changing the culture of a police organisation are long-term efforts that must be followed up by monitoring and effective – local and international – civilian supervision. Such supervision extends beyond the period when training is completed and the necessary mechanisms have been put in place. Equally, it is important to build both capacity and integrity with the help of a police operation. While capacity building is best carried out by police professionals, there exists a largely untapped pool of civilian experts in fields such as human rights, democratisation, administration, management or accounting. Use of this resource can relieve shortages in police staff and add continuity to long-term reform efforts.

1.4 From Crisis Management to Development

The recognition that crisis management operations must address issues of law and order from the outset is accompanied by the realisation that establishing a functioning rule of law is a long and demanding process that extends well beyond the timeline of crisis management operations. Efforts to strengthen the rule of law must therefore integrate actors with very different approaches and goals into a comprehensive whole. Regardless of the entry point, both crisis management and development approaches should seek to ensure local engagement.

The process of establishing or consolidating the rule of law should be well-planned, carefully integrated and sensibly sequenced, with an initial stage aimed at stabilising the situation and a subsequent stage to reform the security sector. In fact, the two should preferably run in parallel. The reform process – with any elements that may be required in a given situation – should begin as soon as a peace operation is commenced, and must continue long after the military presence has come to an end and the focus of international assistance has shifted to development issues. Crisis management and development efforts should be seen as tailored to supplement each other throughout the peace process. This requires a continuous dialogue among members of the police operation and the development community.

1.5 Local Ownership

Local ownership has long been adopted as a principle for international efforts to support the rule of law, as it is a key to the sustainability and ultimate effectiveness of local security arrangements. Yet, there has been little understanding of how to bring local views into the processes of planning and implementing missions and designing reform programmes. A distinction is generally made between missions in which the mandate entails advising and monitoring the performance of existing security institutions, i.e. a *non-executive mandate*, and missions which place the full responsibility for enforcing the law and building police forces on external actors, i.e. an *executive mandate*. Important examples of *fully executive mandates* can be found in UNMIK (Kosovo) and UNTAET (East Timor/Timor Leste), both established in 1999. At the time, substantial parts of the diplomatic and academic communities believed that executive authority would be the distinctive feature of future peace-keeping, a panacea for frustrations over political recalcitrance and

the slow pace sometimes felt in non-executive missions. As it turned out, the missions were generally unprepared for the scope of activities involved in enforcing the law in a third state, and enthusiasm for this approach cooled rapidly. Indeed, no full-scale executive authority operations have been authorised since. The initial experiences showed that such undertakings are extremely costly and complex.

In this context, we would contend that in transitional processes (1) executive missions are generally an undesirable option; and (2) that local participation should be ensured from the earliest possible stage. Ideally, responsibility for the rule of law should never entirely leave local hands. For any efforts to bear fruit over time, they must be anchored in local views and widely accepted by the local society. Not only must the solutions proposed be considered appropriate – they must also be realistically affordable.

Executive missions are not advisable, as effective law enforcement and the subsequent judicial process are complex tasks, which are difficult for outsiders. One concern involves the limited technical infrastructure that supports criminal investigations and the weaknesses in the judicial chain. Another concern is the difficulties with regard to quality and quantity of international staff. Effective policing requires intimate local knowledge, trust of the local population and detailed understanding of the applicable law and customs – all of which an international police contingent cannot hope to possess on a par with their local peers.

Moreover, security lies at the heart of a state's sovereignty, and consolidating the rule of law is an intrinsic part of a state-building process. The state has a legitimate and exclusive role in exercising coercive power to deal with external and internal threats to its security and that of its citizens. Any attempts by outsiders to influence the control over security institutions – and thereby the balance of power within a state – will require significant political negotiations and at least a minimum of local political willingness or consent to succeed. The transition from an international mission to complete local ownership should be part of a hand-over and an exit strategy, with local stakeholders constructively engaged from the outset of the operation.

2. Defining the Overall Target – Strategy and Planning

Still lacking within the UN and in the wider international community is an agreed recognition of the specific direction of change to be encouraged, the specific nature of the state and society structures to be nurtured. Also lacking is a greater recognition of the long-term implications of the policies promoted.⁵

A well-planned and sustainable security-sector reform depends on the articulation of concrete policing goals and the strategies to achieve these goals. Consequently, there must be agreement on what *end state* the international community is hoping to achieve; on what kind of reform should be undertaken in order to get there; and on how reform(s) should be sequenced and interrelated. Further, there must be agreement on what the priorities are, and on how to ensure the early inclusion of local forces.

Setting objectives and priorities carries practical implications for the design and conduct of an international police operation. It is essential that the parties, from the outset, clearly spell out the «end-game» parameters – the conditions that will have to be matched by realities on the ground for a reform to be deemed successful. What kind of reform is being sought, and reform into what? Concrete responsibilities and tasks should be assigned to relevant stakeholders, since the division of labour will ultimately dictate the appropriate means and mechanisms to be employed. There are no quick fixes and a change in response requires a well-planned and holistic approach. Merging policy tools from the security sector and the development sector will help to render responses more effective. Thus, attempts to reform the security sector should be coupled with long-term peace-building activities as a whole, rather than be approached as two separate processes.

Relations with local populations are affected by their expectations of an improved security situation. Thus, it is critical to develop and implement a well-planned public information strategy from the outset of the mission. Conflict also alters the traditional cultural patterns of a society. This has to be understood as a baseline for any reform efforts. Moreover, the tendency of donors and other stakeholders to expect quick results can be contradictory to incorporating local ownership more systematically from the outset of a mission. Efforts to synchronise a common framework of reference

⁵ That being said, however, hesitating to define a mission vision could sometimes be recognised as a strategy in itself. Avoiding clear indicators of what amounts to a success decreases the chance of failure.

among all contributors are vital, and should be reflected both in the mission planning and in the training given to all personnel prior to deployment. This should also provide an opportunity to interact with future counterparts in the field in joint mission exercises or simulations.

A comprehensive approach to policing and other measures to provide a secure environment is indispensable. However, funding and the human resources made available by contributing states are limited. A crucial question is therefore how to set priorities and how to ensure that measures undertaken are cohesive and complementary. The international actors, and not least the donor community, must realise that success will depend greatly on their willingness to provide the necessary support in terms of financial and human resources.

A major flaw in the UN system is that it becomes too concerned with supplying ready-made solutions rather than focusing its work on case-specific responses. Effective intervention starts with making the right diagnosis through an adequate analysis capacity to prescribe the right cure. This report endorses intensified efforts to undertake frequent fact-finding missions and real-time evaluations⁶ and systematic impact assessments of the practical and unintended consequences of policing arrangements. Relevant findings should be fed into the mission planning and management processes.

A well-managed planning process should focus less on how to «fix» a broken police force and instead concentrate on the following questions: What is the criminal/law and order environment? What are its key features? How does the conflict affect the law and order environment? What is required to «normalise» the criminal/law and order environment? What sorts of law and order institutions are needed to achieve this? What is required to ensure that these organisations are democratically controlled and sustainable, operate with integrity and enjoy public support? What is needed to make these institutions operationally effective and to sustain this effectiveness? Questions should also be asked as to what sort of international intervention is required (as indeed should be asked of other state security apparatuses). Is the United Nations there to support immediate stabilisation of the law and order environment; to develop institutional design; to professionalise civil service and policing

6 Real-time evaluation is a diagnostic and problem-solving tool designed to provide an alternative approach to assessing complex and rapidly changing situations on the ground.

structures; or to develop operational policing capabilities? And, lastly, who should undertake these tasks and coordinate them?

Many activities aimed at security-sector reform fall within the same continuum, necessitating the involvement of a multiplicity of actors at the governmental, intergovernmental and non-governmental levels. The complex nature of security-sector reform requires a broad interagency approach to policy development that incorporates both security and development concerns. A merger of policy tools from both the security and development sector will render responses more effective.

The basic aim of coordination is to reduce the duplication of programmes and to harmonise the often-conflicting strategies of the actors involved, by defining common principles for action. Coordination may range from information sharing and informal meetings, to joint policy and strategy making and programme planning. An important first step is to move away from the turf culture and the «agency approach» symptomatic of the United Nations Secretariat. Repeated efforts to increase transparency, have had limited effect and illustrate the seemingly contradictory nature of the UN. In practice, coordination is not easy, least of all among donors. This poses problems for accountability and could, in the long term, have fatal implications in an already fragile post-conflict setting.

2.1 Regional Actors

The ever-increasing number of peacekeeping operations, and the decline in troops and police contributions, have forced the international community to rethink the role *regional organisations* can and ought to play in accordance with the UN Charter. Creating a sense of ownership for long-term solutions to regional problems is crucial, and regional initiatives enjoy obvious advantages. Such initiatives should be stimulated to prevent countries emerging from war from backsliding into conflict, and to promote democratic development while supporting the transition to peace.

The specific role of regional organisations in policing will naturally vary from organisation to organisation and from region to region. However, in broad terms there are at least four kinds of roles that regional organisations might fill: (1) providing rapidly deployable police forces, (2) acting as a long-term peace-building actor where the United Nations mission will gradually hand over responsibilities, (3) supplying trainers to raise the regional standard and equally to standardise the level of training given, and (4) providing

specialised resources required in the long term, e.g. in relation to regional crime patterns/trends, specific technical expertise, linguistic, and regional, local and cultural knowledge.

Another important aspect of the successful management of fragile transitions is the development of effective regional strategies to deal with the problem of spoilers;⁷ conflict-fuelling economic resources in war zones; smuggling; mercenaries; and trafficking – to mention but a few. Efforts should be intensified to allow for joint cross-border policing patrols.

2.2 Mission Leadership and Preparedness

Any attempts at reform are context-sensitive. Any planning assumption should include a sector-wide approach, with the inclusion of all stakeholders and the formation of a senior management team early in the planning process. This means sitting down to identify gaps in plans and work intersections and engaging with all relevant stakeholders – including donors and potential police contributors. In addition, the current system of assessment missions should be revised, and plans should be adjusted as necessary throughout the life of the mission.

Another issue that has become more pressing with the increasingly complex nature of UN engagements is the quality of personnel recruited both at headquarters and in the field. Not only is there a need to recruit people with appropriate backgrounds for the task at hand, in particular civilians with hands-on experience from real-time planning, local governance and administration. It is also vital to provide appropriate training programmes. In a multicultural context, the lack of understanding and articulation of the nature and influence of one's culture and organisational role may be a serious stumbling block to building synergies. Pre-deployment training should provide broad interdisciplinary training opportunities that can reflect the complex task awaiting in the field and introduce concepts and practices perhaps less conventional than in a traditional police setting. Innovative training and partnership settings and joint training models among police, judiciary, correctional institutions, human rights agencies, and public servants should be encouraged.

7 Stephen J. Stedman «Spoiler Problems in Peace Processes,» *International Security*, Vol. 22, No. 2 (1997), pp. 5–53.

3. Key Concerns in Implementation

3.1 Executive and Non-executive Missions

The distinction between *executive* and *non-executive* missions can appear blurred at times, and there has certainly been a move towards more robust non-executive mandates. Still, a fundamental difference remains between an international police force with responsibility for law and order, and a force charged with the responsibility of monitoring the law enforcement by local police. There is no halfway house here: sovereignty will either reside locally or will lie in the hands of an international administration. The following paragraphs outline the key activities involved in policing, police reform and promoting the rule of law in post-conflict societies.

Most operations still nominally fall within the SMART concept developed in 1995, which defines the central activities of civilian police operations as support for human rights, *monitoring*, *advising*, *reporting* and *training*. In line with the greater intrusiveness of peace operations, new interpretations have evolved as to what these activities entail. Monitoring and advising have moved towards proactive mentoring, implying a closer and more interactive relationship with local counterparts. Training has been placed within the wider concept of restructuring, reform and democratisation and is now generally understood to cover instruction in technical skills as well as in management, administration and – not least – human rights. Further, to fully exploit mandates that are non-executive and far-reaching, an international mission should have at its disposal both incentives/carrots and sanctions/sticks.

There are short-term and long-term measures. Short-term measures aim at stabilising a volatile situation. Long-term measures hope to establish a basis on which to build sustainable security institutions, and thereby sustainable reconciliation, democratisation and development. Short- and long-term tasks are not consecutive; they take place in parallel and are closely linked. Aside from preventing outbreaks of violence, stabilising a post-conflict situation also means establishing the initial order that can begin to convince the population that the rule of law is indeed the best principle for social interaction. Widespread unchecked looting and lawlessness seriously tarnish the credibility of justice and undermine popular confidence. Unless there is an executive mandate, the international police forces will have a limited role. International military forces may have to fill a gap in the early days of an operation – also because a civilian police contingent is unlikely to be operational in this phase. In many

situations of general chaos, the military will be the only organisation that can effectively move in, see to its own security and still provide basic services. Hence, they should be more geared to fulfil the basic, temporary internal security functions frequently required of them. Indeed, in situations of generalised lawlessness the international military presence may be the only institution available to create some sort of order. It is important, however, that the military be allotted a time-limited role and that it is mindful of the long-term consequences of stabilisation measures on the establishment of the rule of law. Again, the principle of local ownership applies: the sooner the local police forces themselves can take effective steps to curb violence – with the necessary support and advice from military peacekeepers and international civilian police – the better it will be for their own legitimacy and credibility and the eventual overall rule of law.

3.2 Interfaces

3.2.1 *Police–Military Cooperation*

The increasing complexity of peace operations and the growing willingness of international actors to assume extended responsibility for the rule of law in often highly criminalised environments point to the need for close cooperation between military forces and international civilian police. Sadly, past cooperation has often been marked by recriminations and buck-passing rather than constructive engagement.

The vast majority of tasks are in fact «policing tasks», but many tasks, especially those aimed at providing a «safe and secure environment», are in practice performed by military forces. Thus there have been typical military tasks in traditional peacekeeping operations as well as in more recent peace-support missions. The classification of tasks as either «military» or «policing» leads the discussion of civilian–military relations into a stalemate. Developing the capacity to carry out comprehensive peace-building efforts successfully and effectively requires a sophisticated approach to cooperation between military and police actors, with recognition of what each can bring to the table in the shape of comparative advantages – or disadvantages.⁸ At this stage, the most important step is to over-

8 The notions of *deployment gap* and *enforcement gap* are a useful conceptualisation of the role that military forces can play in support of international police. The *deployment gap* is mainly a question of reaction and

come the mental stalemate. Military forces need to acknowledge their supplemental role in policing, and the police need to accept the direly needed assistance provided by military forces. Both have a responsibility to enhance their understanding of each other's modes of operation and organisation, terminology, procedure – while also recognising the limits of cooperation.⁹ Joint planning and joint concepts of operation are important moves in this direction.

3.2.2 *Police–Development Community Cooperation*

Policing, police reform and the rule of law must work hand in hand with the development community, as the effective, impartial and trustworthy rule of law is a prerequisite for socio-economic and political development. This is true of the local population's willingness to invest financially and emotionally in peace, but also of foreign investment, which requires a predictable and non-corrupt business environment.

There are few areas in which mutual assistance is more apparent than in promoting respect for human rights. Civilian (non-police) agencies can for example contribute to training local police forces and monitoring police conduct. They also play an important role in establishing or consolidating civilian mechanisms of supervision by fostering a democratisation process, by strengthening civil society and watchdog organisations and by building public confidence in the rule of law. The restructuring of police forces or technical training will be of limited value without the «ideological» backdrop that defines the role of police forces in society. Missions aimed at security- sector reform bring together a variety of actors with different organisational cultures, approaches and goals. Thus there must be an ongoing exchange of views, from the planning

deployment times. The *enforcement gap* refers to a gap in the ability to use force. See Alice Hills, «The inherent limits of military police forces in policing peace operations», *International Peacekeeping*, Vol. 8 No. 3 (Autumn 2001), pp. 80–82; and Michael Dziedzic, «Policing from above: executive policing and peace implementation in Kosovo,» in Renata Dwan (ed.), *Executive Policing. Enforcing the Law in Peace Operations* (SIPRI Research Report No. 16, SIPRI, Stockholm).

9 One extreme is looting and lawlessness in the immediate aftermath of a conflict, which military forces are better suited, trained and equipped to address. The other extreme is the investigation of crimes and police training, which should be a clear prerogative of police forces. Aside from these extremes, there are many areas – such as patrolling, transport, logistics, communications, protection of minorities, demobilisation and reintegration – in which the military and the police components of a mission will need to cooperate closely.

process and throughout the life cycle of a mission. This in turn underscores the need to define the strategic objective of the international engagement in a given conflict area.

Anticorruption measures should be pursued vigorously, as corruption is a crime, obstructs development and taints the credibility of the security forces. The trust and cooperation of the public is essential for policing and judicial work to be effective. Transparency and accountability should therefore be guiding principles for the rule of law and for external assistance to strengthening the rule of law.

Although combating organised crime is part of law enforcement, it is set apart from other types of crime. Organised crime has four clear dimensions: criminal, societal, political and international. In part, fighting organised crime means applying highly developed and highly specialised policing skills, which are both scarce and expensive. In addition, it calls for a sweeping alliance among all components of the international presence and not least international political pressure to break the institutionalisation of crime. Even if effective local law-enforcement capacities are strengthened to ensure lasting improvement, it may take international intervention to sever the unholy ties often found between local police forces and organised criminality. As soon as local capacity is sufficiently established and sufficiently trustworthy, partnership and cooperation with local police forces should be sought. The United Nations and its Department of Peacekeeping Operations in particular – as the executor for most missions involving police and rule of law – should not be tasked with responsibility for deploying mission components to fight organised crime, but be given appropriate capacity to detect trends and be responsible for bringing in special support, as through the United Nations Office on Drugs and Crime (NODC).

An area that brings together military and police forces, as well as the development community, is the demobilisation, disarmament and reintegration of former combatants (DDR). Problematic DDR processes, and dealing with excess and/or irregular security forces, are only indirect policing concerns. They are, however, influential factors for the security environment and the law and order challenges of a war-torn society. For policing, the reintegration of former combatants is of greater relevance than the technicalities of the quartering process. Or rather, while quartering is extremely important to the initial stabilisation and pacification phase, reintegration – or the lack thereof – will affect levels of crime and instability in the longer run.

3.2.4 *Mobilising Local Ownership*

For security-sector reform to take root, it must be compatible with the particular circumstances and traditions of the country in question. The central objective is to ensure that governments abide by certain principles – not to dictate how these principles are translated into law or applied in practice.

Difficult questions arise when attempting to implement local ownership: How should partners be identified? What level is the most appropriate entry point? How should cooperation be approached? How much responsibility should be transferred, and how much control should international actors retain? There are no absolute answers, as each conflict situation differs in nature. However, it is possible to outline concerns and dilemmas that occur when applying the principle of local ownership.

Studies on spoiler management have pointed to the potential gains and pitfalls of identifying the «right» partners.¹⁰ There is no golden rule aside from the need to conduct a thorough fact-finding mission and to gather as much information as possible on local power structures. Interaction should then take place at different levels and in a variety of forms. At the grass-roots level, fostering ties between police forces and local communities can strengthen the rule of law, as through community policing, public town hall meetings, public information campaigns and public complaints mechanisms. At a mid-level where society begins to organise itself in interest groups, counterparts should be sought in civil society organisations and in the management of security-sector institutions and its overview mechanisms. Finally, consent needs to be nurtured at state level or at top levels of political decision-making.

Policing arrangements should be governed by local security needs, but there is a fundamental dilemma involving local stakeholders in rule-of-law processes versus allowing local actors to determine the objectives and outcome of the process. In order to ensure a consistent approach throughout a reform process, international donors need to have a clear view on which elements of their assistance are non-negotiable.

Another dilemma of local ownership involves the financing of reform. During a restructuring and reform period, expenses for police forces and associated institutions are likely to increase. At the same time, there will be donor pressure to reduce security-re-

¹⁰ Stephen J. Stedman, «Spoiler Problems in Peace Processes», *International Security*, Vol. 22, No. 2 (1997), pp. 5–53.

lated expenditures and to ensure the affordability of police forces. Hence there is often a lack of capacity to receive assistance and to implement operations/programmes. International assistance to overcome these shortcomings must be balanced against the danger of dependency on external funds and expertise. In addition, it is important to ensure that local political commitments to security-sector reform and the establishment of rule of law are an integral part of any obligations imposed by a peace agreement.

4. Concluding Remarks

Reform is both an idea and a set of policies constrained by political and practical considerations. Reform of the security sector is fundamentally political in nature. Any attempts will be subject to a host of potential pitfalls, as the security sector cannot be reformed piecemeal. A strategic, holistic and cohesive approach is required on all levels, and clear objectives and priorities must be defined at the outset. Care will also need to be exercised as to how attempts at security-sector reform may be perceived locally and regionally.

Any mandate or activity involving security-sector reform needs to be holistic and multifaceted. Long-term measures to improve the performance and legitimacy of security institutions are necessary to provide a solid basis for any peace process and prosperous society based on the rule of law. However, redistributing power among the security institutions, between the security institutions and the state, and in the process, questioning each actor's legitimacy, is potentially a highly destabilising endeavour that requires sensitivity and vision. It is essential to have a clear mission goal from the very outset.

Any universal model of policing also has to be sensitive to cultural diversity, differences in values and the sheer complexity of what is to be affected or reformed. Further, it has to be translated into culturally acceptable policies and actions. While mandates should be clear on what their objectives are, it may be useful for a mandate to be flexible enough to allow for evolving approaches on the ground. No peace process is static: it is dynamic and constantly changing.

The implementation of a mission will never be plain sailing and will have to tackle unforeseen consequences throughout. Rather than developing the «perfect» mission blueprint efforts should, as a starting point:

1. Seek to understand the underlying causes and dynamics of the conflict through analysis, improved methods of real-time assessments and better ways to integrate local input and engagement from the outset.
2. Define precisely what is (and what is not) the responsibility of the international actors and representatives of the local community – and make the division of labour explicit.
3. Local political commitment to security-sector reform and the establishment of the rule of law should be secured as an integral part of any obligations imposed by a peace agreement. Simultaneously, any attempt at police reform should ensure compliance with international standards of policing and human rights. Further, such attempts should be tailored in a way that enables the local police services to interact with their regional partners in the future.
4. Pre-deployment training should be broad and interdisciplinary to best reflect the complex task waiting in the field. Further, such training should introduce concepts and practices that may be unconventional in a traditional police setting.

