Muigg, Mario (2012): The Police in International Peace Operations

doi: 10.7396/IE_2012_B

Please cite this article as follows:


Note: A hard copy of the article is available through the printed version of the SIAK-Journal published by NWV (http://nwv.at).

published online: 3/2013
The Police in International Peace Operations

International peace operations are commonly associated with military deployments and the high-profile “blue helmets”, the peacekeeping soldiers of the United Nations (and other organisations). Far less well known are the police and other civil units of such operations. Despite police components having played a role in the first peace operations of the late 19th and early 20th centuries, they have been paid little regard in comparison to the military components. The presence of police units in international peace operations is significantly underrepresented in research and registers extremely low or not at all on the public radar. While this may seem understandable to a certain extent, given that the police play a far lesser role than the military in numerical terms, the lack of recognition is particularly undeserved because police components are a very significant element of international peace missions. The role of the police has gained in importance in recent years, especially in operations following “internal” conflicts (in contrast to “traditional” peace operations following conflicts between states). After the end of the Cold War, the number and significance of police units involved in international peace operations grew considerably.

GENERAL CONDITIONS AND TASKS
In addition to the decades-long engagement of the UN, for some years the EU and OSCE have also increasingly taken part in police missions. While the United Nations first deployed regular police units in 1960 (Congo) in the context of a UN peace mission, the European Union gained its first such experiences from 1994 to 1996 in the Bosnian-Herzegovinian city of Mostar, supported by an international police contingent of the Western European Union (WEU). Not long after, in 1998, police officers first participated in an OSCE field operation in Croatia. The UN, EU and OSCE continue to conduct international police operations with various priorities. Numerically, police staff make up just under 10% of the total staff deployed for peace missions. According to officially published data, currently 35 out of 47 international police operations have police contingents (UN: 10 out of 14; OSCE: 16 out of 19; EU: 9 out of 14), which involve a total of some 15,000 to 20,000 policemen and policewomen. The real need for police staff is higher, but in practice the recruitment of well-trained and qualified policemen and policewomen is repeatedly found to be a very difficult task. While the armed forces and military units from the various dispatching states and member states of international organisations are to
a certain extent “on standby” in peacetime and in principle “available” for international operations, the situation is different in the case of the police. Police staff are “in operation” daily and tend to be urgently needed in their own countries. Their services can therefore only be drawn on for additional tasks in international peace operations to a limited extent and for limited periods. This remains the case despite the fact that the change in conflict scenarios in recent decades – from a decrease in conflicts between states to an increase in internal conflict and civil wars – means that police components play an increasingly important part in international peace operations.

Civil wars in particular (mainly secession and/or anti-regime wars, with underlying political, ethnic, religious or deeper social causes), deserve particular attention, especially as they differ in many respects from conventional hostilities between states. Civil wars tend to be prolonged conflicts, which are also waged extremely brutally against the civil population, without regard for international law. After fighting has ceased, the highly traumatised population, based on the violence that it has endured, has a very high need for security, which is further increased by a general mistrust of state institutions, presuming that they have not broken down altogether, or the disorientation and defencelessness of a violent environment. Moreover, after the end of fighting, states that have experienced civil war are frequently not in a position to ensure public security and order. Criminal structures that have taken root during the war are still in place and refugees and displaced persons can barely be protected or not at all. A gaping hole is left in the whole security field (military, police, judiciary, penal system etc.). The challenges of filling that hole are enormous and cannot be overcome without international assistance in many conflict and crisis regions of the world.

One of the reasons why a threatening situation arises is that in war regions there is generally no functioning police in the sense of a police force that acts impartially according to the principles of the rule of law. Local police officials are frequently corrupt, can no longer be relied upon, or simply abuse their power. Furthermore, after open fighting, local police units are frequently organised in a paramilitary manner and may even have been directly involved in the fighting, with the lack of public trust this entails. This situation needs to be tackled because, in order to achieve a stable post-war order, it is essential to take effective measures to restore and maintain public security and order as quickly as possible. Such measures include the deployment of international police contingents.

The specific tasks of police units in international peace operations are varied and always dependent on the mandate and the given mission. In addition, police operations are subject to constant change; they are continually refined and adapted to the given conflict scenario. In addition to the original operations of international police observers to monitor and support existing local police forces (as was the case in Cyprus or Namibia, for example), from the 1990s onwards, reform and training of existing police forces and assistance in building new or massively reformed police organisations that operate according to democratic principles and the rule of law have played an ever greater role. While “monitoring” is aimed solely at observing and documenting the work of local police units, “mentoring” involves international policeman and policewomen providing specific guidance to local police units in service. The “training and advising” of existing local units or newly recruited
police staff are designed to increase the effectiveness and efficiency of police work in the operational region overall. “Reform and restructuring”, in addition to having the purpose of increasing effectiveness, are particularly focused on ensuring that local police work is guided by democratic principles and the rule of law. It involves general monitoring, mentoring and training as well as specific tasks such as the revision of local rules of police conduct and the review and reform of various police institutions, police legislation and service regulations. If the local police force no longer exists and, for example, rebuilding the police is planned under an international transitional administration, then international operations deal with tasks including the recruitment and selection of suitable police staff, the establishment of training centres and the drafting of police rules of conduct in accordance with the rule of law. The possibly longer assumption of police powers (“executive policing”) or the transitional exercise of state authority (as in Kosovo and East Timor) by international police which may be required is likely to remain the exception, and is by its nature particularly demanding.  

Source: Austrian Federal Ministry of the Interior

Participating in international peace operations since 1964: the Austrian police

The scope of tasks outlined briefly above can be divided into two broad categories: “police peacekeeping” and “police peacebuilding”. Police peacekeeping includes the monitoring, mentoring and training of local police units, provided the aim is solely that of increasing the effectiveness and efficiency of the police work, and the temporary assumption of police tasks by international police to establish public security and order quickly. Further-reaching measures, such as the reform, restructuring or total rebuilding of local police units and police institutions according to democratic standards and the rule of law in a lasting and sustainable manner, are central elements of police peacebuilding and are designed to contribute to securing peace in the operational area in the long term. Admittedly, the lines between short-term police peacekeeping and the long-term concepts of police peacebuilding cannot always be clearly drawn and ideally there is a seamless transition between the various coordinated phases. Conflicts can certainly arise between the two categories, if, for example, measures that provide for security and order in the short term, have a negative influence on long-term developments designed to secure peace in a sustainable way. For example, it is generally possible for the trust of the local population in the police that has been lost in the course of the hostilities to be restored in the long term by rebuilding the police service and appointing new, well-trained police officers. In the short term, however, it is usually not possible to manage without the professional, socio-cultural and linguistic abilities of experienced local police officers, who are, however, discredited in the eyes of the public. Moreover, in order to quickly stabilise the situation and secure peace, it may be expedient to integrate demobilised soldiers into the police in order to give them financial prospects and to avoid a dangerous power vacuum, as well as to have an appreciable number of local security personnel available as soon as possible.
However, with regard to securing peace in a long-term and sustainable way, the integration of demobilised soldiers into the police can have a negative impact. Soldiers cannot be deployed for police service just like that and in most cases are not sufficiently qualified for such service. Such a short-term solution stands in the way of comprehensive reform or rebuilding of the local police according to international standards.

An unclear division between police and military personnel is also highly problematic if only because of the different operational principles that are conveyed during training, such as the principle of proportionality when using force.12

In the case of international peace operations, it is very important to have an overall concept, which should be coordinated in detail, clearly define short-term, medium-term and long-term goals and take into account the various tasks and goals of military and civil (including police) players. Civil-military cooperation or improving such cooperation plays a key part. The role of the police in that cooperation was largely neglected for a long time.13 Nevertheless, in recent years great efforts have been made, including the creation of platforms such as CIMIC (Civil-Military Cooperation) and CMCO (Civil-Military Coordination), to make the best possible use of synergies and to improve civil-military cooperation.14

POSSIBILITIES AND PROSPECTS OF CIVIL-MILITARY COOPERATION

As a consequence of the significantly more complex demands on international peace operations in the last two decades, international police units have increasingly become a missing link between military stabilisation and civil state-building measures.15 Experiences from the relatively recent past (such as in Kosovo after the NATO strikes of 1999) have shown that military interventions to end fighting need to be followed as soon as possible by civil police measures to confront a dangerous power vacuum effectively.16 However, in practice, cooperation between the military and the police is not always conflict-free, particularly as the fundamental question of “what specific tasks are expected to be performed by police units and military formations when preventing crises and conflicts with the potential for violence?”17 has been paid relatively little attention precisely because of the structural and systemic features of military and police organisations.

The police and military are “polar types of organisations using force”18 with specific capabilities, different organisational cultures and different scopes of tasks. While the military is permitted to use maximum force to come down hard on a (typically external) enemy, with the essential aim of creating a stable situation, the police force, which is likewise authorised to use (proportional) force, subject to strict legal control, acts as a stabilising element (typically against internal threats) in order to create calm and order on a lower level in conjunction with a functioning judicial system.19 That is why we speak of a “macro level” and a “micro level” of stability20, which ideally should complement each other.

As a result of the complex demands placed on international peace operations and crisis interventions, the lines between police and military functions under the categories of “internal” and “external” security are becoming noticeably blurred. In other words: police and military challenges began to overlap to a considerable extent from the end of the Cold War or even earlier. This is related to the proliferation of complex conflict scenarios in the aftermath of the Cold War. International mili-
Civil-military cooperation as an important element of international peace operations

Military and police units have to manage an increasing number of tasks in their respective operational areas to counter general instability, unclear power and legal relations, political, ethnic and/or religious tensions, looting, revenge killings, refugee movements, smuggling of arms, people smuggling and (organised) crime of all forms. Such tasks are at the point where police and military challenges overlap. In international peace operations, soldiers are repeatedly assigned tasks that are of a police nature, such as control of demonstrations, road blocks, reinforced patrolling, house searches etc. In such a context, there is frequently talk of the “constabularisation of the military”, i.e. the assumption or adoption of police measures by the military, while some fear the “militarisation of the police” as a result of certain operational and leadership patterns used in crisis interventions and the deployment of police officers in military units.

A particularly sensitive phase during international operations is the much-discussed security gap that occurs when direct fighting is over but public safety cannot yet be ensured because of continuing unrest. Here, a dangerous gap between the military and civil (including police) components of international peace operations can be seen. According to a 2006 report: “It is far from the case that the end of official fighting means that the security situation is stable and it is sufficient to rely solely on civil (...) police work as in consolidated times of peace.”

The presence of powerful military units is crucial in the initial phase of international missions to ensure that there is sufficient security and stability for civil forces to be able to operate at all and to perform meaningful tasks in the period that follows. The situation is rendered more difficult by the frequent problems in this phase of recruiting international police contingents, whose dispatch in sufficient numbers is often a laborious and protracted process. Such delays can have an extremely negative impact on the course of international stabilisation missions, the more so as criminality and violence cannot be confronted effectively in this critical initial phase, thus creating unfavourable conditions for the start of police engagement (as seen, for example, during the UN mission in Cambodia in 1992/93). Before international police contingents reach their actual operational and working capability, military units on the ground need to ensure public security. This in itself comes with problems and risks. Soldiers are not trained to perform police investigations, secure crime scenes and forensic evidence, and combat (organised) crime. Instead, military personnel are trained to disable enemy forces and hostile targets, with the use of lethal force if necessary. Set against this is “the problem of civil police units having insufficient operative capabilities to establish law and order in an environment that is still unstable”. International police forces soon come up against their limits if required to act against sometimes heavily armed former combatants, religious fanatics, terrorists etc., for which in general they are neither trained nor equipped. Against this background, the need to deploy hybrid mili-
tary-police organisations, such as military police forces, gendarmeries or gendarmerie-style contingents, to a greater extent in international crisis management, in order to close the described security gap during immediate post-war periods as effectively as possible, has received greater attention in recent years.

In 1998 a “multinational specialised unit” (MSU) with both military and police capabilities, was established for the first time as part of the NATO-led international stabilisation force (SFOR) for Bosnia-Herzegovina. The MSU reported to the SFOR military command. Its specific personnel, equipment and training allowed it to tackle civil unrest and demonstrations in a manner designed to deescalate such situations, yet it was able to act robustly if required. Despite certain difficulties and misunderstandings arising during cooperation between the international components, the flexibly deployable MSU proved to be an effective instrument to reduce the gap between purely military and clearly police operational tasks in the course of the mission.29 It established its worth as a model for future operations and was adopted by the UN in a modified form from 1999. The concept of a “formed police unit” (FPU), typically consisting of 120 to 140 police officers dispatched by a single state, and designed to be capable of reacting appropriately to civil unrest thanks to joint training and appropriate equipment, has gained in importance at the United Nations. Here too, the aim has been primarily that of closing the existing gap between military and civil components. FPUs now make up more than half of the staff of all UN police missions. However, the lack of well-trained and suitable police personnel as well as standard, clear guidelines continues to pose great challenges.30

On a European level, in 2000, an EU police concept was adopted that divides the police units envisaged for international missions, in addition to individual experts, into Integrated and Formed Police Units (IPUs and FPUs). An “integrated police unit” (IPU) needs to be capable of covering the full range of police operational tasks in international operations – controlling demonstrations, conducting criminal investigations, general intelligence, traffic and border supervision, training of local police forces etc. Integrated police units may report either to a civil or to a military command (for example, in the early phase of a crisis intervention). The latter has, however, caused difficulties because some EU member states, for legal reasons, are not allowed to place their police under military leadership. As a compromise, the “formed police unit” (FPU) was included in the EU police concept. FPUs have a greatly reduced range of tasks – they are only used for demonstration control – and may only report to a civil police command.31 A further European effort to reduce the gap between military and police components of international peace missions is the “European Gendarmerie Force” (EGF) founded in 2004. That is a European form of cooperation between “police forces with military status”. Those forces only partly come under the authority of the interior ministries of the given countries. Mostly, they qualify as belonging to the armed forces and are therefore placed primarily under the authority of the given defence ministries.32 Currently, the EGF is composed of member organisations from six EU member states, namely France, Italy, the Netherlands, Portugal, Romania and Spain. Poland and Lithuania have partner status and Turkey has observer status.33 The EGF is not a standing unit. It is conceived as a quick intervention force, but does, however, have permanent headquarters in the northern Italian city of Vicenza, meaning that it has a permanent structure.
Kempin and Kreuder-Sonnen make the following recommendation: “The EGF should give Europe a capability that can be deployed alone, together with military forces or as part of a larger police mission and that is capable of acting in all phases of a crisis management operation.” The multinational EGF, which has its own legal personality, can, depending on the situation, be placed under military or civil command and put its capacities at the disposal of the EU, the UN, the OSCE, NATO or other regional organisations.

Whether such hybrid military-police organisations are ultimately a workable response to the dilemma of the constabularisation of the military or the militarisation of the police needs to be considered as part of a wider security policy debate. In any case, the capabilities ascribed to and intended for such hybrid organisations are increasingly important in international crisis management. However, in the execution of peace operations, military, police and possible hybrid organisations need to be assigned clear operational fields and responsibilities and have their actual tasks determined so that possible synergies can be made optimal use of and missions can be conducted successfully. Purely military formations should always be deployed if the outbreak of open fighting is anticipated. In addition, in the immediate post-war period, a minimum degree of stability and security can only be ensured by deploying well-equipped and heavily armed military units, if only because of their deterrent effect. In this phase, “in the grey zone between war and peace, in the immediate aftermath of fighting”, hybrid military-police organisations could perform the most urgently needed police measures. As soon as the general security situation permits, a civil police organisation should be entrusted with maintaining and ensuring public security and order. Hybrid military-police organisations could act as an important security policy hinge (under military or police command depending on the situation) between the military and police components of an international peace operation, with the military and the police deployed optimally in accordance with their own tasks.

CURRENT STUDY BY THE AUSTRIAN FEDERAL MINISTRY OF THE INTERIOR

The Austrian Federal Ministry of the Interior has deployed policemen and policewomen as part of UN, EU and OSCE international operations since 1964. A total of over 1,300 Austrian law enforcement officers have taken part in over 30 missions to date. Currently, the Austrian federal government has decided to participate in seven international operations, including those in the Balkans, in the Caucasus and in the Middle East. From 2007 to 2011, the Institute for Science and Research of the Security Academy at the Austrian Federal Ministry of the Interior conducted an extensive study into the foreign deployments of the police in close cooperation with the relevant departments of the interior ministry and in conjunction with external research partners. The study was presented to the general public in March 2011 and has four main emphases, divided into separate chapters:

- Police tasks within international peace operations: Study of the current situation and state of affairs in the field of international peace operations, with consideration given to police-military overlaps and a detailed description of the development of police components in international peace operations from the 19th century to the present.
- The civil crisis management of the European Union – police aspects: study of
police operations within the civil crisis management of the European Union against the background of current developments in European security policy and consideration of the European contribution to the crisis management operations of the EU.

Legal framework: study of the legal framework for the current system of dispatching Austrian policemen and policewomen as part of foreign deployments. On what legal basis are civil police tasks performed by the police abroad? What is the legal framework in general and in particular, with regard to jurisdiction, immunity, exercise of force and use of weapons etc.

Austrian policemen and policewomen in foreign operations: a situation analysis including gender aspects: general surveys on the application and selection process, evaluation of gender-specific motivations of police officers and employees of the Austrian Federal Ministry of the Interior, in applying for foreign deployments. In-depth gender-specific studies of expectations, experiences, general conditions of an international working environment and the particular challenges of professional and private reintegration after the end of a foreign deployment.

The findings of all the evaluations and analyses were included in the study and are designed to give the Federal Ministry of the Interior valuable information to optimise foreign deployments and provide a scientific basis for future challenges in the field of international police missions.


mements/jahrbuch/01/Stodieck.pdf (access date: 04 June 2011).


33 The EGF was founded in 2004 by France (Gendarmerie nationale), Italy (Carabinieri), the Netherlands (Koninklijke Marechaussee), Portugal (Guarda Nacional Republicana) and Spain (Guardia Civil). Romania (Jandarmeria Română) joined as a full member in 2008. Poland (Jandarmeria Wojskowa) and Lithuania (Viešojo Saugumo Tarnyba) have had EGF partner status since since 2007 and 2009, respectively. Turkey (Jandarma) has had observer status since 2009. Cf. further current information on the official EGF website http://www.eurogendfor.eu/ (access date: 27.06.2011).


