THE ROLE, PREPARATION AND PERFORMANCE OF CIVILIAN POLICE IN UNITED NATIONS PEACEKEEPING OPERATIONS

by

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INTRODUCTION

A NEW KIND OF PEACEKEEPING

In November 1995, after more than four years, the warring parties in the former Yugoslavia signed the Dayton Accord[1], bringing a bitter internecine conflict to an end and establishing a framework for peace. An integral segment of the Dayton Accord provided for the establishment by the United Nations of a UN International Police Task Force (IPTF) to carry out, throughout Bosnia and Herzegovina, a program of assistance spelt out in that agreement. Initially, a multinational group of 1721 civilian police (CIVPOL) was authorized by the Security Council, to be headed by a Commissioner to be appointed by the UN Secretary General in consultation with the UN Security Council. The establishment of IPTF is the latest example of a growing practice by the UN to involve civilians, as well as the military in its peacekeeping activities. During the Cold War period most peace-keeping operations (PKOs) were largely military in character and were initiated after a cease-fire had occurred but before any negotiated settlement had taken place. With the ending of the Cold War, and the dissolution of the Soviet Union, threats to peace have taken on a new character. The fear of nuclear war, which ironically imposed an awesome stability on the international system, has been replaced by fewer predictable "brushfire"conflicts, which are much more likely to be intrastate than interstate in nature.

Further to this transformation of the international system, a new kind of peace-keeping operation has emerged. The traditional function of "holding the line"between opposing forces, and supervising a truce, has been superseded by more complex and more risky roles.

As emphasized by former UN Secretary General Boutros Boutros Ghali, the new PKOs that have been "established after negotiations [have] succeeded with the mandate of helping the parties implement the comprehensive settlement they had negotiated ... The negotiated settlements involve not only military arrangements but also a wider range of civilian matters. As a result the UN found itself asked to undertake an unprecedented variety of functions: the supervision of cease-fires, the regroupment and demobilization of forces, their reintegration into civilian life and the destruction of their weapons; the design and implementation of de-mining programs; the return of refugees and displaced persons; the provision of humanitarian assistance; the supervision of existing administrative structures; the establishment of new police forces; the verification of respect of human rights; the design and supervision of constitutional, judicial and electoral reforms; the observation, supervision and even organization and conduct of elections; and the coordination of support for economic rehabilitation and reconstruction"[2].

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1 "The General Framework for Peace in Bosnia and Herzegovina", is generally referred to as the Dayton Accord. It was initialed by the Parties in Dayton, Ohio on November 21, 1995 and signed by them in Paris on December 14, 1995. Annex II of the Accord contains the Agreement on the International Police Task Force.

2 Boutros, Ghali B. An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping, New York: UN, 1995, 2nd ed., p11.

These new multi-function PKOs have required the UN to acquire a range of civilian personnel to assist in fulfilling this much expanded peacekeeping mandate. This demand has been especially intense in regard to civilian police whose unique experience and training in the maintenance of internal law and order has been seen as a distinct advantage in contrast to the military.

As stated by Commissioner Klaas Roos, the commander of the CIVPOL component of the UN Transitional Authority in Cambodia (UNTAC), military in general prepare to deal with an "enemy" who is also military. A fundamentally different approach is found in the police. Here the "counterparts" are the citizens of a country, whether people who need help or people who violate society's laws. These different "counterparts" also have an impact on the use of force. In the military, the objective is to maximize force to eliminate " the enemy", in the police it is to minimize force to save human life as much as possible. In the new approach in peacekeeping where rebuilding and reconstruction of societies is the main mandate, especially civilian police will play an increasingly important role, since civilian police are used to work in the midst of society and law enforcement is almost a prerequisite for a successful reconstruction of any society[3].

At the forefront of the challenge to restore and nurture confidence and well-being among people in divided communities are the UN CIVPOLs who are responsible for monitoring, reconstructing and restructuring some of the elements of the criminal justice system. Comprising local police forces, the courts, and even the prison systems, a fair and effective justice sector is at the heart of civil society. As such it should be the focus of United Nations peace-keeping efforts.

Despite these developments the burgeoning professional and academic literature on peacekeeping issues has devoted only limited attention to the role, preparation and performance of CIVPOL in the UN missions in which they have been involved[4]. As will be seen in more detail below, the existing literature has been concerned principally with descriptions of the training and related needs of law enforcement personnel selected to serve on specific missions, with only limited consideration being given to the broader policy questions raised by the involvement of CIVPOL in UN peacekeeping activities. The literature on policing has also tended to neglect this aspect of law enforcement. This prolific area of research and analysis has focused principally on domestic policing issues, mostly directed towards European and North American audiences. Philosophically, this literature has usually been guided by liberal-

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[3] See UNTAC Evaluation Report UN CIVPOL UNTAC Cambodia, Phnom Penh, Cambodia. Unpublished Document, August 1993.

[4] See, for example, Evans, G., Cooperating for Peace. The Global Agenda for the 1990s and Beyond, New South Wales: Allen and Unwin, 1993. The author, a former Australian Foreign Minister, suggested "greater attention should be given to using civil police instead of, or to supplement, military personnel" (above pp 152-153), but does not go on to provide a detailed analysis of the role such police might play. This otherwise excellent book also contains a useful bibliography of the significant peacekeeping literature, current to 1993.

democratic ideals of the role played by police in western societies[5]. According to such ideals the police derive and exercise their extensive powers and functions on behalf of the entire community. Consensus rather than conflict is the preferred mode and style of law enforcement. In contrast, non-democratic societies more frequently use police to impose the dictates of the ruling elite upon the masses. Their function is largely one of exercising control over the population rather than serving the needs of the broader community.

These competing models of policing undoubtedly represent extremes, with the reality of everyday, routine police work in most societies falling somewhere between these boundaries[6]. Nonetheless, among the 180 or more Member States of the UN, a significant number do possess police forces which bolster and maintain in power repressive and arbitrary regimes[7]. In the context of UN peacekeeping missions regimes of this type may be among

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[5] Consider, for example, the following comment: "[A] democracy is heavily dependent upon its police, despite their anomalous position, to maintain the degree of order that makes a free society possible. It looks to its police to prevent people from preying on one another; to provide a sense of security; to facilitate movement; to resolve conflicts; and to protect the very processes and rights—such as free elections, freedom of speech, and freedom of assembly—on which continuation of a free society depends. The strength of a democracy and the quality of life enjoyed by its citizens are determined in large measure by the ability of the police to discharge their duties". From Goldstein, H., Policing a Free Society Cambridge, Mass: Ballinger Publishing Company, 1977, p1.

[6] The controlling function of US police, for example, is acknowledged in the following statement: "Unquestionably, the police must carry out fundamental control functions in American society, not only because such is their legal and political mandate but because there are precious few alternative means by which the construction and maintenance of public order can be accomplished. That the police bear a heavy moral and political freight is undeniable and perhaps in the long run tragic. That is, they have accepted the role of public controllers, partially by historical evolution, partially by the shrinking of autonomous personal and secondary controls in large cities, and partially by their own recent aggressive seeking of public confidence." From Manning PK Police Work: The Social Organization of Policing Cambridge, Mass.: MIT Press, 1977, p17.

[7] The pivotal role played by the police in underpinning the former Soviet bloc, and the need to reform these policing structures has been referred to in the following terms: "No institution is more central to the success of democratic nation-building in formerly-Communist countries than the police. The Soviet KGB is the primary instrument controlling the character of political life, as the dreaded history of the KGB and the Stasi in East Germany clearly show. The police regulate the freedoms that are essential to democracy—immunity from arbitrary arrest, detention, and exile, the ability to speak, write, demonstrate, and form associations. Their clandestine surveillance can 'chill' the impulse to participate in politics. If these institutions are left unreconstructed they will support, even perhaps engineer, a return to a repressive past ... Hated, discredited and dangerous, the police of these countries must be rooted out and replaced with institutions that can maintain stable social order but do so in ways which are humane and democratic." See Bayley, D.H., Policing Democracy, New Brunswick, New Jersey: Rutgers University Press, 1991. p1.

those to which a CIVPOL contingent may be deployed, or has been contributed. Both eventualities are likely to present substantial dilemmas for such missions[8].

[8] In relation to the CIVPOL monitoring, supervision or control of the police belonging to repressive regimes the literature dealing with the policing of divided societies like those of Northern Ireland, South Africa and Zimbabwe contains some helpful analogies. See, for example, Weitzer, R., Transforming Settler States: Communal Conflict and Internal Security in Northern Ireland and Zimbabwe, Berkeley: University of California Press, 1990; Weitzer R Policing Under Fire: Ethnic Conflict and Police Community Relations in Northern Ireland Albany: State University of New York, 1995; Brewer, J.D., Black and Blue: Policing in South Africa Oxford: Clarendon Press, 1994; Mathews, M.L., Heymann, P.B. and Mathews, A.S. (eds.) Policing the Conflict in South Africa Gainesville: University of Florida Press, 1993; Brogden, M., and Shearing, C., Policing for a New South Africa, London: Routledge, 1993.

The need to obtain a better understanding of these dilemmas, as well as a review of the policy questions raised by the involvement of CIVPOL in UN peacekeeping activities, have become apparent amidst the contemporary doubts raised about the overall effectiveness of the UN in maintaining international peace and security. A series of perceived peacekeeping setbacks in places like Somalia and Rwanda has dampened some of the enthusiasm and optimism about the expanding role of the UN in resolving local conflicts, especially when the major powers have lacked consensus in regard to the handling of such crises. These concerns have also arisen at a time of financial crisis within the UN itself, with Member States now insisting that peacekeeping missions and mandates be far more rigorously defined, planned and executed. At the same time, the Security Council and Member States too frequently provide a mandate but not the requisite resources to discharge the assigned responsibilities[9].

[9] For example, 78,000 military personnel were initially thought to be necessary for the protection of the UN declared safe area of Srebrenica in Bosnia- Herzegovina. The Secretary General asked for 38,000; 7,500 were authorized and 1,300 were deployed.

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CHAPTER I

THE EMERGING ROLE OF CIVPOL: AN HISTORICAL OVERVIEW

From the Congo to Bosnia

> *I have no doubt that the world should eventually have an integrated police force which will be accepted as an integral and essential part of life in the same way as national police forces are accepted. Meanwhile, we must be sure that developments are in the right direction and we can also meet critical situations as and when they occur*[10].

This visionary statement about the eventual possibility of establishing a unified UN police force was made by a former UN Secretary General, U Thant, in 1963. At the time the world organization had already begun to involve CIVPOL members in its peacekeeping activities — first in the Congo in 1960[11], and then in West New Guinea (West Irian) in 1962[12]. More than thirty years later a world police force still remains an unattained ideal but there has been a dramatic increase in the use of CIVPOL in recent times.

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[10] U. Thant, UN Secretary General, June 13, 1963.

[11] a general overview of the events leading up to the deployment of ONUC, and The United Nations and the Control of Totowa, New Jersey: Rowman and 1982, pp 148 163. Also see Georges, A.S., Congo 1960 1964

This mission, the UN Security Force in West New Guinea (UNSF) also referred to orce (UNTEA), was the last peacekeeping force

UN civilian administrator, UNSF was formed to oversee the transfer of West Irian (or what West Guinea) from the Netherlands to Indonesia. The

assume the administration of the territory on a temporary basis and then, at an appropriate ritory to Indonesia. The agreement received the approval of the UN

force, backed by a small military contingent of 1600 troops from Pakistan, was deployed.

of UNSF's mission a Papuan police force was in existence in West Irian

country. The UN replaced these officers with CIVPOL members drawn from a number of s, allowing a viable police force to continue to operate and carry out normal

were introduced into the force and by the time UNSF’s mission ended in April 1963 they had

PeaceKeeping Operations: Past and Present** (** up to mid 1997)
(Missions marked with "*" have, or have had, a CIVPOL component

UNTSO	United Nations Truce Supervision Organization	June 1948 - To present**
UNMOGIP	United Military Observer Group in India and Pakistan	January 1949 - To present**
UNEF I	First United Nations Emergency Force	November 1956 - June 1967
UNOGIL	United Nations Observation Group in Lebanon	June 1958 - December 1958
ONUC *	United Nations Operation in the Congo	July 1960 - June 1964
UNSF*	United Nations Security Force in West New Guinea (West Irian)	October 1962 - April 1963
UNYOM	United Nations Yemen Observation Mission	July 1963 - September 1964
UNFICYP*	United Nations Peace-keeping Force in Cyprus	March 1964 - To present**
DOMREP	Mission of the Representative of the Secretary General in the Dominican Republic	May 1965 - October 1966
UNIPOM	United Nations India-Pakistan Observation Mission	September 1965 - March 1966
UNEF II	Second United Nations Emergency Force	October 1973 - July 1979
UNDOF	United Nations Disengagement Observer Force (Golan Heights)	June 1974 - To present**
UNIFIL	United Nations Interim Force in Lebanon	March 1978 - To present**
UNGOMAP	United Nations Good Offices Mission in Afghanistan and Pakistan	April 1988 - March 1990
UNIIMOG	United Nations Iran-Iraq Military Observer Group	August 1988 - February 1991
UNAVEM I*	United Nations Angola Verification Mission I	January 1989 - June 1991
UNTAG*	United Nations Transition Assistance Group	April 1989 - March 1990
ONUCA	United Nations Observer Group in Central America	November 1989 - Jan. 1992

[13] Adapted from United Nations Peace-Keeping Information Notes New York: UN 1995, p 108 and from material drawn from the UN WWW site : Via Internet: http://www.un.org/depts/dpko/llu.htm.

UNIKOM	United Nations Iraq-Kuwait Observation Mission	April 1991 - To present**
UNAVEM II*	United Nations Angola verification Mission II	June 1991 - February 1995
ONUSAL*	United Nations Observer Mission in El Salvador	July 1991 - April 1995
MINURSO*	United Nations Mission for the Referendum in Western Sahara	Sept. 1991 - To present**
UNAMIC	United Nations Advance Mission in Cambodia	October 1991 - March 1992
UNPROFOR*	United Nations Protection Force	March 1992 - December 1995
UNTAC*	United Nations Transitional Authority in Cambodia	March 1992 - September 1993
UNOSOM I*	United Nations Operation in Somalia I	April 1992 - April 1993
ONUMOZ*	United Nations Operation in Mozambique	December 1992 - Dec. 1994
UNOSOM II*	United Nations Operation in Somalia II	May 1993 - March 1995
UNOMUR*	United Nations Observer Mission Uganda-Rwanda	June 1993 - September 1994
UNOMIG	United Nations Observer Mission in Georgia	August 1993 - To present**
UNOMIL	United Nations Observer Mission in Liberia	Sept. 1993 - To present**
UNMIH*	United Nations Mission in Haiti	September 1993 - June 1996
UNAMIR*	United Nations Assistance Mission for Rwanda	October 1993 - March 1996
UNASOG	United Nations Aouzou Strip Observer Group	May 1994 - June 1994
UNMOT	United Nations Mission of Observers in Tajikistan	Dec. 1994 - To present**
UNAVEM III*	United Nations Angola Verification Mission III	February 1995 - Nov. 1997
UNPREDEP*	United Nations Preventative Deployment Force (Former Yugoslav Republic of Macedonia)	March 1995 - To present**
UNCRO*	United Nations Confidence Restoration Organization in Croatia	March 1995 - 15 Jan. 1996
UNMIBH*	United Nations Mission in Bosnia and Herzegovina	Dec. 1995 - To present**
UNMOP*	United Nations Mission of Observers in Provlaka (Croatia) (rev)	January 1996 - January 1998
UNTAES*	United Nations Transitional	January 1996 - Nov. 1997

	Administration for Eastern Slavonia, Boronja and Western Sivinium	
UNSMIH*	United Nations Support Mission in Haiti	July 1996 - To present**

It will be seen that during the first four decades of the UN's existence, three of its peacekeeping missions included a CIVPOL presence. Since the late 1980's, civilian police personnel have been a part of more than twenty UN peacekeeping missions, several of which still remain in operation.

The specific role performed by CIVPOL in these missions has varied quite widely, reflecting the very different peacekeeping mandates given to the UN over this time period. In general this role, like the mandates themselves, has tended to become far more complex over recent years. In earlier missions, such as that first deployed in Cyprus in 1964 (UNFICYP), CIVPOL members were and still are largely required to monitor law enforcement functions carried out by national or local police forces. Now, in what have been termed second generation multinational operations[14], where national and local government administration has either broken down completely or is subject to severe challenge, CIVPOL may be required to provide a full range of independent police services while attempts are made to put a new governmental structure in place.

It is not the purpose of this chapter to review in detail each of the UN peacekeeping missions listed in Table 1[15]. Rather the aim is to provide a broad insight into the policy and allied issues surrounding the involvement of CIVPOL in these missions. While each mission has possessed unique circumstances and challenges, the issues raised often retain strong similarities across the 37 years which have elapsed since ONUC first entered the field in 1960. This point, and the issues themselves, can perhaps best be illustrated through an examination of three missions —ONUC, UNFICYP and UNTAC—which span the entire period[16]. A brief account is also given of the Namibia mission (UNTAG) since its success

[14] See Mackinlay, J., and Chopra, J., A Draft Concept of Second Generation Multinational Operations 1993 Providence, Rhode Island: Thomas J Watson Jr. Institute for International Studies, 1993, pp 34-35.

[15] See "Police Functions in peace Operations: A Historical Overview" by Erwin A. Schmidl in Policing the New World Disorder: Peace Operations and the Public Security Function", Institute for National Strategic Studies, National Defense University, Washington, D.C., 1998. See also United Nations Peace Keeping Information Notes New York: UN, 1994; UN Blue Book Series on Cambodia, El Salvador, Mozambique and Somalia.

[16] This selection of illustrative missions has also been influenced by the availability of documentary information about CIVPOL activities. This information includes what seems to be the only book length study of a CIVPOL mission. See Brown, G., Barker, B. and Burke, T., Police as Peace Keepers: The History of the Australian and New Zealand Police Service with the United Nations Force in Cyprus 1964-1984, Melbourne: UNCIVPOL Victoria, 1984.

influenced subsequent decisions to include CIVPOL components in peacekeeping operations.

ONUC: July 1960 - June 1964

The mission in the Congo was the UN's largest, most costly and controversial peacekeeping activity during the Cold War era. Shortly after gaining independence from Belgium in 1960, the poorly trained and lead Congolese army and local gendarmerie, the Force Publique, mutinied. In a move designed ostensibly to provide protection to their nationals, Belgian troops returned to the former colony. At the same time Katanga Province, a mineral-rich area, attempted to secede from the newly established nation. The Congolese Government, supported by the Soviet block, appealed to the UN for assistance. The Secretary General, invoking Article 99 of the Charter[17], brought the matter before the Security Council which on 14 July 1960 passed a resolution calling upon Belgium to withdraw its troops and authorising the Secretary General to restore order to the Congo.

To fulfill this and a later mandate which authorized the Secretary General to use force in order to prevent civil war[18], the UN committed a military force which at its peak totaled 20,000 troops drawn from 35 nations. To assist in restoring order, and to fill a vacuum left in normal law enforcement by the mutiny of the Force Publique, Ghana agreed to provide a civilian police detachment of 500 officers in addition to contributing troops. This Ghanaian police detachment which was subsequently replaced by a similar group from Nigeria, remained under military command[19].

The principal rationale given at the time for the use of CIVPOL was that they were better trained and suited than the military to deal with day to day law enforcement duties

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[17] This was the first occasion the Secretary General had acted under Article 99. For an extensive discussion of the constitutional basis of the ONUC mission see Higgins, R., United Nations Peacekeeping 1946-1967. Documents and Commentary Vol. III Africa Oxford: Oxford University Press, 1980, Chapter 4. Higgins points out that ONUC was established by the Security Council on a rather unclear legal foundation. In initially convening the Security Council on the basis of Article 99 the UN Secretary General, at the time Dag Hammarskjold, indicated that he regarded the situation in the Congo as likely to threaten international peace and security. Higgins suggests that most commentators now agree that ONUC was therefore established on the basis of Article 40 in Chapter VII of the UN Charter, "notwithstanding the fact that there was no formal determination under Article 39 of a 'threat to the peace, breach of the peace, or act of aggression'." Higgins, R., above, at p 54.

[18] This latter resolution was passed on August 9, 1960.

[19] The command structure of ONUC involved, as its head in the field, a political officer who was the immediate representative of the UN Secretary General. Both military and civilian arms of ONUC were responsible to him. The military contingents (including civilian police) from different countries, while placed under overall UN command, were never fully merged and consolidated. Each contingent maintained their separate identity, arms and had their commanding officers. The authority of the UN Commander of the Force did not extend to the discipline of members. See Higgins, R., note 8 above, Chapter 6.

like traffic control, crime investigation and crime prevention[20]. In carrying out these traditional law enforcement duties the mandate of the police did not extend to the exercise of judicial powers of arrest and detention granted to the local gendarmerie — powers which impinged upon sensitive areas of national sovereignty deemed to be outside the parameters of authority required by CIVPOL. The lack of such authority presented a formidable enforcement dilemma for CIVPOL which, in the absence of an effective local police force, could only exercise limited administrative detention powers over offenders caught in flagrante delicto.

Another function given to ONUC police members was that of assisting the training and development of a new Congolese police force. Joint patrols were initiated with newly recruited members of this force to assist with the training process, and to overcome in a gradual fashion the barriers to effective enforcement created by the limited powers provided to CIVPOL[21].

[20] See International Peace Academy Peacekeeper's Handbook New York: Pergamon Press, 1984, Annex A, UN Civilian Police: Constabulary Duties in the Congo, pp 324-325.

[21] See note 11 above.

More contentious duties performed by CIVPOL members of ONUC involved acting as armed guards at certain key installations, and mounting armed street patrols by day and night in metropolitan areas like Leopoldville, the Congolese capital. This quasi military function resulted in Ghanaian police becoming involved on at least one occasion in armed conflict:

> *In November 1960, a platoon of Congolese troops attacked the Ghana Embassy in Leopoldville because the ambassador had not complied with a government order. The only defence available at the Embassy at that time was a special duty police quarter guard provided from the Ghana police detachment. It was, however, able to hold its own against the attackers for some hours before UN military reinforcements arrived at the scene. In this incident the police were lucky not to suffer any casualties, but the occurrence underlines the fact that policemen on UN duty are no less vulnerable to attack than their military counterparts.*[22]

Incidents like this also raised doubts about the wisdom of policies which allowed police to perform duties more appropriately carried out by the military, and to be armed on a regular basis. Significantly, following this ONUC experience, future UN peacekeeping missions were, with very few exceptions, only to deploy unarmed police[23].

No detailed study exists of the overall performance of CIVPOL in ONUC, but the general consensus appears to be that they did make a positive contribution to a UN mission clouded even today by controversy and debate[24]. – One senior UN official in the Congo in 1960 has provided the following eye witness account of the Ghanaian police contingent's peaceful handling of a crowd control problem which supports this positive assessment:

> *We had a constant problem of mob control in Leopoldville, where riotous crowds could materialize from one moment to the next. The Ghanaian police were an invaluable asset and their commissioner a resourceful man of great common sense. We were particularly concerned at the possibility of massive*

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[22] See note 11 above.

[23] The ONUC military commander issued orders to his troops (including the police) that on no account were weapons to be used "unless in cases of great and sudden emergency and for purposes of self defence". See Higgins, R., note 8 above, p. 103.

[24] Reporting in September 1963 to the Security Council, near the end of the ONUC mission, the then UN Secretary General, U. Thant, noted that there had been marked progress towards restoration of law and order, although local police forces were often unable to protect citizens because they were "badly organized, poorly paid, and highly sensitive to political influence... The Nigerian police serving in the Congo [who replaced the Ghanaians], by the example set by their conduct and effectiveness, have had a very helpful impact on the Congolese police. It is very satisfying, therefore, that the Nigerian Government has now undertaken to help the Congolese Government in the reorganization and modernization of the Congolese police force, which in the long view is also a vital necessity for the country." See Higgins, R., note 8 above, pp 359-363 and especially p 362.

clashes in Leopoldville itself between the rival youth movements of the various leaders. The "Jeunesse Lumumba" were particularly feared because of their leader's demagogic powers. The Ghanaian police commissioner said he had an idea for dealing with this problem without using force.
He let it be known that his police company would give a demonstration of crowd control in the Leopoldville soccer stadium. As there had been no soccer or any other spectacle since independence, this attracted a huge local audience. On the field the Ghana Police Company was divided into two — one end representing the police and the other disguised as rioters. The commissioner controlled the demonstration by whistle and gave a running commentary translated into Lingala. The teams advanced on each other and clashed violently. The police divided the rioters and searched for ringleaders. "They have now identified the ringleader," said the commissioner. At this point a shot rang out and the ringleader fell most convincingly to the ground. The rioters began to disintegrate. In total silence the audience began to make their way out as rapidly and unobtrusively as possible, taking their story to the townships of Leopoldville. The Ghanaian police enjoyed extraordinary respect after this.[25]

UNFICYP: March 1964 to Present**

The UN's peacekeeping mission in Cyprus has now been in place for over three decades. It is by far the longest serving UN mission of its kind. It is also a mission which has had a significant CIVPOL component throughout its lifespan[26]. Cyprus became an independent nation on 16 August 1960 following a savage guerrilla war waged against the occupying British colonial power[27]. Its new Constitution was intended to balance the interests of the island's Greek and Turkish Cypriot communities. A treaty of August 1960 between Cyprus, Greece, Turkey and the United Kingdom guaranteed the essential provisions of the Constitution and the territorial integrity and sovereignty of the new nation.

According to a census taken at the time of independence Cyprus had a population of about 600,000 persons of whom nearly 80 per cent were of Greek extraction, 18 per cent Turkish and the balance made up of various nationalities[28]. The census also showed that more than 40 per cent of the population lived in mixed (Greek and Turkish) villages and towns with the remaining population residing in homogeneous communities (50 per cent of

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[25] Urquhart, B., A Life in Peace and War New York: W.W. Norton and Company, 1987, p 162.

[26] A comprehensive account of the UNFICYP experience during its first two decades of existence can be found in Brown, G., et al, note 6 above. See also Higgins, R., United Nations Peace Keeping: Documents and Commentary Vol. IV Europe 1946-1979 Oxford: Oxford University Press, 1981, Part 2.

[27] See Brown et al, note 7 above, pp 12-15

[28] Brown et al, above, p 12.

the Greeks and 7 per cent of the Turks). On independence a Greek Cypriot became the first President of the Republic and a Turkish Cypriot Vice President[29]. Prior to independence a 5000 strong Colonial Constabulary had policed the island over a period of 80 years. This force was replaced by the Police Force and Gendarmerie of the Republic of Cyprus (CYPOL), which was to consist of 2000 members of whom 70 per cent were to be Greek Cypriots and 30 per cent Turkish.

[29] The President was Archbishop Makarios who had been exiled from Cyprus by the British for a number of years during the independence struggle because of his revolutionary activities.

These constitutional arrangements lasted only three years. Accumulated tension between the two ethnic communities resulted in the outbreak of widespread violence on the island on 21 December 1963. In the subsequent bitter fighting, hundreds of Greek and Turkish Cypriots were killed with groups on both sides committing a series of genocidal attacks on rival communities.

International efforts to end the fighting finally succeeded in March 1964. On 4 March the United Nations Security Council, affirming the basic principle of Article 2(4) of the UN Charter, authorized the establishment of UNFICYP with a three month mandate[30]. Resolution 186 (1964) of the Security Council made no mention of other Charter provisions but the constitutionality of the Force was found in the consent of the Cyprus Government and Chapter VI of the Charter[31]. The resolution gave UNFICYP the mandate to use its best efforts to prevent a recurrence of fighting and as necessary to contribute to the maintenance and restoration of law and order and a return to normal conditions[32].

The initial deployment of troops by UNFICYP took place within weeks of the passage of Resolution 186. By the end of 1964 a multinational military force of about 6,300 military personnel had been assembled by UNFICYP[33]. To these troops was added a contingent of 174 CIVPOL provided by Australia, Austria, Denmark, New Zealand and Sweden.

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[30] The texts of the various enabling resolutions including Security Council Resolution 6 (UN Doc S/5575) are reproduced in Higgins, R., note 15 above, Chapter 2.

[31] Higgins is "uncomfortable" with this interpretation of the Constitutional basis of UNFICYP, believing that the situation in Cyprus was in many respects similar to the Congo and that therefore the proper legal basis for the establishment of UNFICYP was under Article 40 of Chapter VII of the UN Charter. She points out that: "[In] Cyprus there was clearly a real threat to the peace—indeed the Turkish and Greek involvement was even more direct than the Soviet and American involvement in the Congo. The constitutional authority to establish UNFICYP was, in this writer's view, also to be found in Article 40 of the Charter. The entire context of the debate was that a threat to the peace existed." Higgins R, note 17 above, p.144.

[32] See in general United Nations Peacekeeping Information Notes, note 5 above, pp 8-12.

[33] These military personnel were supplied by Austria, Canada, Denmark, Finland, Iceland and the United Kingdom.

It seems that the idea of joining this CIVPOL component to UNIFICYP originated from a former commander of ONUC, Brigadier Sean McEown, the Chief of Staff of the Irish Army[34]. The primary and immediate task of the military personnel in UNFICYP was to oversee a so-called "green line" which at the end of hostilities separated the now [displaced and] ethnically divided Greek and Turkish Cypriot communities. While effectively segregating the communities from one another and preventing further fighting, the military was not in a position to encourage meaningful negotiation and liaison between them — a task which McEown believed could be better carried out by CIVPOL. He also considered CIVPOL better suited to commence observations of, and cooperation with, [CIVPOL and] the now separated and distinct Turkish Cypriot police force. Civilian police were also more appropriately trained than the military to monitor and assist local police with the investigation of homicides, thefts and other crimes.

The Secretary General, U. Thant, agreed that the fulfillment of UNFICYP's tasks required "an element of police liaison personnel"[35]. Thus, an UNCIVPOL unit came into being and has continued throughout UNFICYP's deployment without any further or express Security Council authorisation. The Secretary General defined the duties of the UNCIVPOL unit in the following terms:

a) Establishing liaison with Cypriot police;

b) Accompanying Cypriot police patrols which are to check vehicles on roads for various traffic and other offences;

c) Manning United Nations police posts in certain sensitive areas, namely, areas where tension exists and might be alleviated by the presence of UNFICYP police elements;

d) Observing searches of vehicles by local police at road blocks;

e) Investigating incidents where Greek or Turkish Cypriots are involved with the opposite community;

f) Special investigations as necessary[36].

To carry out these tasks the CIVPOL component of UNFICYP was not to be given full law enforcement powers, nor was it to be armed. For command purposes a Police Adviser, appointed by the UN Secretary General, was to coordinate all CIVPOL activities under the overall leadership of the UNFICYP Military Force Commander. A Political Division under the UN Secretary General's Special Representative, and a multinational

[34] See Brown et al, note 7 above, p 19.

[35] Higgins, R., note 17 above, pp 131-132.

[36] Report of Secretary General, S/5679, May 2 1964 reproduced in Higgins, R., note 17 above, p 131.

secretariat of 50 or so public servants appointed by UN Headquarters completed UNFICYP's staffing arrangements[37].

Since 1964 the UN Security Council has periodically extended UNFICYP's mandate, usually for periods of six months at a time. Throughout the more than 34 years which have now elapsed since UNFICYP was deployed, successive UN Secretaries General and their Special Representatives have sought, unsuccessfully, to promote an agreed overall peace settlement in Cyprus.

[37] See Brown, et al, note 6 above, p.20; also App. C, H and I; Higgins, R., note 17 above, Chapter 6.

In July 1974 a massive breakdown of the peace occurred, sparked by a coup carried out by the Greek National Guard against the President, Archbishop Makarios. Turkey intervened militarily shortly after the coup and following heavy fighting secured control over the whole of the north of Cyprus[38]. A new cease-fire line was eventually established between the divided communities, supervised by UNFICYP and its CIVPOL component. During this period of aggravated violence and tension CIVPOL played an active part in humanitarian work with other UN agencies, like the High Commissioner for Refugees (UNHCR), and with the International Committee of the Red Cross (ICRC). Officers from CIVPOL provided escorts, visited prisons and refugee camps, and set up a special UNFICYP missing persons bureau[39].

Even in the 1990's tensions remain high between the local Cypriot communities, and between Greece and Turkey who retain military personnel on the island supporting their respective ethnic groups.

Within this tense environment, the CIVPOL component of UNFICYP continued to perform its functions, although with substantially reduced numbers of personnel in recent years. Currently only about 35 police remain in Cyprus, together with approximately 1,200 troops and 360 UN civilian staff. The principal contemporary CIVPOL duties remain very similar to those issued by Secretary General U Thant more than 30 years ago. They include:

a) Providing liaison between UNFICYP and the Greek and Turkish Cypriot police forces;

b) Assisting both police forces where this is appropriate;

c) Investigating criminal offences committed in the Buffer Zone established between the Greek and Turkish military forces;

d) Preventing and investigating breaches of the cease-fire agreement within the Buffer Zone;

e) Facilitating humanitarian contact between displaced persons on both sides of the Buffer Zone;

f) Facilitating the medical treatment of displaced persons;

g) Patrolling the Buffer Zone and responding to incidents[40].

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[38] Higgins R, note 17 above, pp 370-381.

[39] Higgins R, note 17 above, p 142.

[40] For a description of these responsibilities, and the contemporary role played see Rixon, J., "The Role of Australian Police in Peace Support Operations" in Smith, H., (ed.) International Peace Keeping. Building on the Cambodian Experience, Canberra: Australian Defence Force Academy, 1994, pp 115-118.

Further reference will be made in later sections of this document to CIVPOL's extensive and ongoing experience with UNFICYP. In historical terms, however, this involvement belongs largely to an era which predates the end of the Cold War in 1987. It is in the period since the dramatic collapse of the Soviet Union that the nature and scope of UN peacekeeping activities has changed so swiftly and dramatically.

Post Cold War Peacekeeping: Cambodia and UNTAC

The expansion in the UN's peacekeeping efforts since 1987 can be illustrated by some statistics. In its first 43 years of existence the UN created 13 peacekeeping missions, three of which involved a CIVPOL component. Between 1987 and 1993, the UN established 18 new peacekeeping operations of which seven contained a CIVPOL presence[41]. As one commentator has noted:

> *In 1993, the UN spent USD 3.29 billion for 17 missions and 80,000 peacekeepers located on four continents. This was more than twice the 1992 expenditure of USD1.4 billion and nearly a sevenfold increase in the number of peacekeepers from just 11,500 at the beginning of 1992[42]. These substantial increases involved largely two countries, Cambodia and former Yugoslavia.*

UNTAC was established by resolution 745 of the Security Council on 28 February 1992[43]. It followed the signing on 23 October 1991 of a comprehensive peace plan in Paris (the Paris Agreements) by the various Cambodian factions and 18 nations[44]. The uniqueness of the mandate given by the Security Council to UNTAC lay in its multidimensional character, complexity of administration, breadth of authority over the host nation, and cost.

In the operational plan for UNTAC submitted by the UN Secretary General to the Security Council for approval, he proposed, at an estimated cost of USD 1.9 billion, to deploy some 15,900 troops, 3,600 civilian police and 1,000 international staff in Cambodia[45]. In addition 1,400 international election monitors and 56,000 Cambodians

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[41] See Table 1 above.

[42] Heininger, J.E., Peacekeeping in Transition: The United Nations in Cambodia New York: Twentieth Century Fund, 1994, p 3.

[43] See Blue Book Series (Vol. II) The United Nations and Cambodia 1991-1995 New York: UN Department of Public Information, 1995, p. 184.

[44] Blue Book Series Vol. II, above, p 132.

[45] See Blue Book Series Vol. II, above, p 12. In addition to these costs the expense of repatriation and rehabilitation efforts was to be funded separately through voluntary contributions.

recruited locally were to work with polling teams at the time of an election scheduled to occur no later than May 1993[46].

[46] See Articles 12 and 13 of the Paris Agreements, Blue Book Series Vol. II, above, p 136.

Seven distinct elements of UNTAC were outlined in the Secretary General's plan—human rights, electoral, military, civil administration, repatriation, rehabilitation, and police. It is only possible to describe these elements in a summary way here, with a more detailed exposition being limited to the police component and its subsequent performance[47].

Human rights. The Paris Agreements made UNTAC responsible for fostering an environment in which respect for basic human rights would be ensured. This responsibility was to include an extensive human rights education programme, as well as investigating allegations of human rights abuses.

Elections. The conduct of fair and free elections for a national constituent assembly represented a lynch pin of the Paris Agreements. The electoral element of UNTAC was to be made responsible for the design and implementation of an entire electoral system.

Military. During the transitional phase prior to the holding of elections, the military element of UNTAC was to be asked to stabilize the situation and build confidence among the four Cambodian political factions. The military tasks were also to include verifying the withdrawal of all foreign forces; supervising the cease fire, and the disarming and demobilization of the forces of the factions; assist with mine clearance, and with the repatriation of refugees.

Civil administration. The functions envisioned under this head by the Paris Agreements were to give the UN an unprecedented level of involvement during a peacekeeping operation in the civil administration of Cambodia. The UN was to exercise direct supervision or control over all agencies which could influence the outcome of the elections including finance, national defence and public security. The Special Representative of the Secretary General in charge of the UNTAC mission was also to be given the right of unrestricted access to all administrative operations and information as well as to dismiss or assign public officials where appropriate.

Repatriation. UNHCR was designated to lead this element of UNTAC and to provide for the repatriation component of the Paris Agreements.

Rehabilitation. Under this heading a vast programme of social and physical reconstruction was envisaged, including the provision of humanitarian aid; meeting resettlements needs; and the restoration of the basic infrastructure of the country.

Police. In regard to CIVPOL, the Secretary General's plan called for the police component to:

[47] The Secretary-General's plan is reproduced in substantial detail in the Blue Book Series Vol. II, above, at pp 12-14.

> *ensure that law and order among the civilian population [was] maintained effectively and impartially, and that human rights and fundamental freedoms were fully protected. Although responsibility for the management of Cambodia's police forces would continue to rest with the Cambodian factions, they were to operate under UNTAC supervision or control during the transition period. The strength of the police component would give it an estimated ratio of 1 to 15 local civil police, or one for every 3,000 Cambodians*[48].

It will be apparent from these descriptions alone how profoundly different were the peacekeeping functions envisaged for UNTAC in comparison with those referred to earlier in regard to UNFICYP. The mandate given to UNTAC reflected a new optimism and confidence about the ability of the UN to move well beyond its traditional peacekeeping role of conflict management towards conflict resolution. This changed approach has been termed "expanded peace keeping" and described as*:*

> *the considerably broader, more activist, multifunctional character that peace keeping has assumed in recent years, essentially in recognition of the reality that traditional peace keeping was in the past often not enough to achieve a lasting peaceful settlement. Expanded peace keeping seeks to go far beyond traditional peace keeping by assisting the parties in implementing the settlement that they have arrived at in Stage II peace making, assisting them to bring about a genuine and durable solution. It goes well beyond those previous mandates which sometimes had the unfortunate effect of preserving a hot dispute along a cease-fire line*[49].

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[48] Blue Book Series Vol. II, above, pp 13-14.

[49] This statement was made by Gareth Evans, the then Australian Foreign Minister, who was also intimately involved in the initiation of the peace plan for Cambodia. See Evans, G., Co Operating for Peace. The Global Agenda for the 1990's and Beyond, St. Leonards, NSW: Allen and Unwin, 1993, p. 104.

The UNTAC mandate was in certain respects similar to that given to ONUC, the latter mission being the first UN peacekeeping operation to include a civilian component whose task it was to assist with economic rehabilitation and reconstruction and to avoid a recurrence of conflict[50]. This ONUC mandate was, however, imposed under the provisions of Chapter VII of the UN Charter relating to peace enforcement rather than reflecting, as in the case of UN Security Council resolution 745, the terms of an agreed peace formula which came within the embrace of Chapter VI of the UN Charter. The UNTAC mandate also included, unlike that of ONUC, an electoral component —a precedent set just a few years earlier by the UN Transition Assistance Group (UNTAG), established to facilitate the Namibians' independence process and in particular to provide electoral assistance and monitoring.[51] It should be noted that UNTAG also involved the deployment of a significant CIVPOL unit, and that the success of that mission was used in part, as justification for the subsequent CIVPOL role in UNTAC[52]. Indeed, the success of the Namibia experience deserves some emphasis.

Namibia

The UN's involvement in the peace settlement plan for the long-standing independence struggle by resistance groups in Namibia represented a watershed in its peacekeeping activities. The plan called for an end to all fighting between South African forces and the South West African People's Organization (SWAPO), followed by the demobilization, disarmament or withdrawal of the various armed groups; the return of refugees; the release of political prisoners; the repeal of discriminatory laws and the holding of fair and free elections.

It was not until 1989 that a starting date for implementation of the plan was finally agreed and UNTAG came into existence as a transitional body to facilitate the peace process. A key component of that process was the monitoring of the South African controlled South West African Police Forces (SWAPOL), the principal instrument of political and racial

[50] When the Security Council adopted its resolutions regarding the deployment of ONUC it conceived the civilian and military parts of the operations as interrelated and mutually supporting elements of the assistance. The long-term contribution was to be the civilian assistance, but it required the re-establishment of order and stability. In September 1960 the UN Secretary General reported that "the immediate provision of financial assistance on a large scale is required if a stable public administration is to be reconstructed, if business activity is to be revitalised, and if employment is to be found for a substantial part of the scores of thousands of Congolese who have lost their jobs as a direct consequence of events since independence. The attainment of these objectives has a direct and important bearing on the restoration of peace and security." Higgins, R., note 7 above, at pp 306-307. This financial assistance, amounting to US$150-200 million, was to follow together with the provision of a major technical assistance program utilising a wide range of international agencies. See Higgins, R., note 8 above, at pp.77-83.

[51] For a general review of the CIVPOL contribution to UNTAG see Fanning, S., "UN Peace Settlement Plan for Namibia". Singapore Conference.pp 109-116.

[52] See Heininger, J.E., note 34 above, pp. 78-79.

repression in Namibia, and its ally, the much feared Koevoet paramilitary counter insurgency force. The latter force was supposed to have been disbanded prior to the formation of UNTAG but was in fact subsumed by SWAPOL.

A proposal was made in 1978 to use civilian police personnel to monitor SWAPOL. Despite strong South African protestations that proposal was accepted and CIVPOL were deployed in significant numbers as members of the predominantly civilian UNTAG force. The unarmed CIVPOL personnel, whose numbers increased to 1500 by the time of the Namibian election in November 1989, were assigned to a liaison position with SWAPOL throughout the country. Lacking any powers of arrest or investigation, CIVPOL members who observed improper behavior on the part of SWAPOL were required to inform the on site commander or, if that commander failed to behave appropriately, to report the matter to the Special Representative of the UN Secretary General in charge of UNTAG.

The CIVPOL members of UNTAG, who came from 25 countries, assisted with the successful and peaceful transfer of power in Namibia including the safe return of refugees and the release of political prisoners. There is no doubt that their success in this mission was also an influential factor in deciding to use police, in preference to the military, in a growing range of peacekeeping activities during the 1990s. The Namibia experience was in part responsible for the significant CIVPOL component in UNTAC.

UNTAC and the CIVPOL Experience

The entire UNTAC mission has almost certainly been one of the most extensively documented, analyzed and evaluated peacekeeping operations in the history of the UN[53] It was, in the words of one of the principal architects of the Paris Agreements, "a flawed but successful expanded peace keeping operation"[54]. The elections were conducted successfully, providing Cambodia with its first opportunity in more than two decades to escape from civil war and political repression and to begin the task of reconstruction. There were still major deficiencies in the UNTAC operation including CIVPOL which was described as being, "with some conspicuous exceptions, ineffective" while the "prosecution of human rights abuses proved impossible"[55].

What was it about the CIVPOL performance in UNTAC that led to this disappointing conclusion about its effectiveness? The Commissioner in charge of the CIVPOL component, Klass Roos, a senior Dutch police officer with previous experience serving with the CIVPOL contingent in the UNTAG mission, offered a number of explanations during an extensive debriefing session, held in Singapore in late 1995, to review the lessons to be learned from recent CIVPOL operations[56]. Roos suggested that "the largest, most expensive and most complicated CIVPOL mission [to date]" had suffered in particular from very poor preparatory planning; from inadequately prepared and qualified personnel; from insufficient resources and powers to deal with the tasks assigned; and from tensions and problems within and between the various components of UNTAC[57].

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[53] See, for example, Heininger, J.E., note 34 above, and the very extensive bibliographical material cited. Also Doyle, M.W., UN Peacekeeping in Cambodia. UNTAC's Civil Mandate, Boulder, Colorado: International Peace Academy, Occasional Paper Series, 1995; Smith, H., International Peace Keeping: Building on the Cambodian Experience, Canberra: Australian Defence Force Academy, 1994; United Nations Institute for Disarmament Research, Managing Arms in Peace Processes: Cambodia, Geneva: UN, 1996.

[54] See Evans, G., note 41 above, p108.

[55] See above, p108.

[56] See Roos, K.C., "Debriefing of Civilian Police Components. UN Transitional Authority in Cambodia". Paper presented at the Singapore Conference. Also see UNTAC Evaluation Report: UNCIVPOL, Chapter 1, which is a document prepared substantially by Roos.

[57] Roos, K.C., above, p 2. Roos notes in this source that "[In] October 1991, it was generally recognized that a swift UN deployment was of the utmost importance to maintain the momentum of the peace process. It was Prince Sihanouk who pressed that matter, resulting in the deployment of the UN Advanced Mission in Cambodia (UNAMIC) in November 1991. This advanced mission did not include a police element, which could have been most beneficial for the deployment of the main force of the 3600 strong CIVPOL component. Towards the end of 1991 a survey mission was launched into Cambodia. Unfortunately I did not participate in the survey mission for the simple reason that the UN hadn't thought of appointing a police commissioner. The survey report that was delivered by the team served as a basis for the SG report which provided the senior management of

UNTAC with the necessary information to plan their part of the mission. As far as police information in the report was concerned, it was obvious that this part of the report was written by officials without a police background. Needless to say that it hampered my efforts to set up this largest and most complicated police operation within peacekeeping".

On the planning front Roos noted that no police element was included in the UN Advanced Mission in Cambodia (UNAMIC) which was deployed in November 1991 to facilitate the later arrival of the main UNTAC mission. Roos's own official appointment as the UNTAC police commissioner came only one week before he left for Cambodia in March 1992. He met the majority of his fellow component directors on a military aircraft flying from Bangkok to Phnom Penh on March 15 at the start of the mission[58].

A total of 32 nations eventually contributed civilian police officers to UNTAC's CIVPOL component. A list of these countries, and the number of officers they contributed, is shown in Table 2[59].

It took the UN longer to recruit these civilian police than peacekeeping troops or staff for other civilian operations. Only 200 police were in Cambodia in April 1992 and 800 by May. By September when disarmament of the factions was supposed to have been completed, the police strength was still only 2500. A peak staffing level of just over 3300 police was not achieved until June 1993[60].

In seeking civilian police the UN issued guidelines to contributing countries concerning the desired professional qualifications and related requirements for the mission.

TABLE 2*

UN Member States contributing CIVPOL- UNTAC
(number of personnel at peak strength, June 1993)

Civilian Police Component

[58] See Roos, K.C., above, p3.

[59] This information is taken from the Blue Book Series Vol. II note 35 above, p 23.

[60] See Heininger, J.E., note 34 above, pp 79-80; Roos, K.C., note 48 above, p 3. As Roos notes in an understated way, "it took eight months to find and deploy 3600 CIVPOL monitors. For the UN this should be a lesson to speed up this procedure". The lesson may have been learned but acting on it is another matter. The same problem re-emerged three years later in recruiting for CIVPOL in Haiti and again for the IPTF in Bosnia.

Algeria	157	Germany	74
Australia	11	Ghana	218
Austria	19	Hungary	97
Bangladesh	220	India	421
Brunei Darussalam	12	Indonesia	224
Bulgaria	74	Ireland	40
Cameroon	73	Italy	75
Colombia	144	Japan	66
Egypt	100	Jordan	83
Fiji	*50*	Kenya	100
France	141	Malaysia	224
Morocco	98	Singapore	75
Nepal	85	Sweden	36
Netherlands	2	Tunisia	29
Nigeria	*150*		
Norway	20	**Total**	3,359
Pakistan	197		
Philippines	224		

* Adapted from United Nations Peace-Keeping Information Notes New York: UN 1995, p 108.

A significant number of the police officers who were sent to Cambodia failed to meet requirements. Thus many spoke neither English nor French, UNTAC's two official languages; many lacked basic driving skills, or a driving licence, and many did not have a minimum of six years police experience, or in some cases any police experience at all[61]. Those responsible for planning the resources, structure and powers of the CIVPOL component of UNTAC were, it seems, guided principally by the belief that the main task of supervising and controlling the local police would be relatively straightforward. The assumption was apparently made that each of the four political factions possessed operating civilian police forces.

In reality only the Phnom Penh regime had anything approximating a regular police force, which was estimated to have a strength of about 47000. These police were very poorly equipped, largely untrained, often unpaid and lacked any standard operating procedures. The situation in regard to the other factions was even less impressive, the two non-Communist groups possessing only token police forces while the Khmer Rouge force was scarcely distinguishable from its military equivalent[62].

[61] See Heininger, J.E., p 80 above and Roos KC, pp 3-4 above.

[62] See, in general, the contributions of Sanderson, J., "UNTAC: Successes and Failures", and Plunkett, M., "The Establishment of the Rule of Law in Post-Conflict Peacekeeping", in Smith, H., (ed.), note 45 above. Lieutenant General John Sanderson, an Australian, was the Force Commander of UNTAC and Mark Plunkett, also an Australian, was appointed as the UN Special Prosecutor in Cambodia.

Confronted by a situation in which there were really no police to supervise or control outside the territory held by the Phnom Penh regime the UNTAC Police Commissioner sought to institute a basic police training program designed to begin the task of rebuilding a local law enforcement capability. Meanwhile his CIVPOL officers were also obliged to try and carry out normal police duties, even though they lacked any of the usual police powers and the cooperation and assistance of an operating criminal justice system[63]. That system, including the services of prosecutors, courts and prisons, had been destroyed during the long period of civil strife in Cambodia[64] leaving a vacuum in the nation's ability to provide its citizens with the normal civil facilities associated with the maintenance of law and order. Commenting on this dire situation Commissioner Roos has observed that:

> *the lack of cooperation by local authorities, the poor shape of the existing police forces and the fragile peace throughout the mandate period made police powers for CIVPOL necessary. In fact UNCIVPOL had no police powers at all. But with many serious violations of human rights by local authorities and their police and military, with mass murders and increasing insecurity and violence throughout the country, it was finally decided to give CIVPOL the powers of arrest. Also a UN detention centre was set up. In addition to our powers of arrest UNTAC also appointed a special UN prosecutor*[65].

As if dilemmas of this magnitude were not enough the CIVPOL component of UNTAC also experienced significant internal and external integration problems. These problems were described by Commissioner Roos in the following words:

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[63] To assist in the training programme developed for local police, and to replace the legal vacuum in which both they and CIVPOL were obliged to operate, a text containing Guidelines for the Conduct of Criminal Justice in Cambodia was prepared by UNTAC, largely on the basis of work carried out by the Crime Prevention and Criminal Justice Branch. This timely, innovative document contained some of the key principles and standards from the UN's agreements relevant for persons working in criminal justice. In the Paris Agreements which led to the reaction of UNTAC as the transitional authority in Cambodia, all of the Factions agreed to respect UN standards for universal human rights and for criminal justice. An initial indication of the fulfillment of these good intentions was the ratification by the Supreme National Council (SNC) of Cambodia of the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. On September 10, 1992, the SNC also adopted a new law called "Provisions relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period". This law referred to a number of UN human rights and criminal justice instruments. The Guidelines were designed as an accessible summary reference source for those various UN materials. See, in general, UN Crime Prevention and Criminal Justice Division, Guidelines for the Conduct of Criminal Justice in Cambodia Vienna: UN (undated), pp 1-4.

[64] Roos, K.C., note 48 above, p 4.

[65] Roos, K.C., above, p 5.

Between the components there were tensions for various reasons. Some people felt their component was the most important and therefore CIVPOL should always be ready to assist. These people were not well informed about our mandate. Others held CIVPOL monitors in contempt because of a lack of discipline or professionalism among certain CIVPOL nationalities, which in a number of cases was a correct assumption. I repatriated some 40 monitors on disciplinary grounds.

MSA (Mission Subsistence Allowance) was a major source of trouble, especially with representatives of staff categories who were not eligible for MSA like the military and UNVs (UN volunteers). Apart from the fact that this type of jealousy was very counterproductive for a good atmosphere that should exist amongst peacekeepers, one might question this UN policy to pay MSA in amounts that far exceed the national salaries of police monitors, especially those from third world countries.

But also within the UN police force we had to deal with problems related not only to general discipline matters but to cultural, religious and professional differences. It is not surprising when you realize that 32 countries contributed to CIVPOL. Here a big responsibility exists both for the UN as well as for the countries in preparing and training their policemen for a mission ...

[A] huge problem was the CTO (Compensatory Time Off] system ... developed a long time ago for individually operating UNMOs (UN military observers). This system was absolutely not applicable for large formations like CIVPOL. Abuse of the system was almost inevitable. The UN should seriously consider to abolish CTO for CIVPOL and replace it with a simple straightforward system of leave[66].

Following this frank account of his experiences with CIVPOL Commissioner Roos went on to offer his own assessment of the success or otherwise of the mission, and to make recommendations for change. In regard to the mission's achievements Roos concluded that:

Despite the problems and deficiencies I mentioned ... the mission was a success to the extent possible. Given the natural and unavoidable limitations every international operation shows, I dare say that CIVPOL contributed positively to the success of the overall mission.

One should not only focus on the minority of policemen that didn't meet the required quality, but let's think of all the very good police monitors who made it possible to train 10 000 Cambodian policemen, who worked hard to protect human rights, who contributed to the free and fair elections, who made it possible that 365 000 refugees could peacefully resettle after repatriation and through their day and night patrols gave a feeling of security among the population[67].

In The Wake Of UNTAC: The Singapore Conference

There is no doubt that the UN in general, and the CIVPOL component in particular, has learned a great deal from its recent experience with both UNTAC and a number of other contemporary missions. The lessons to be derived from the "problems and deficiencies" of the type described by Commissioner Roos and other commentators on the mission have since been discussed in several international forums including a major conference held in Singapore in December 1995 on the specific topic of "The Role and Functions of Civilian Police in Peacekeeping Operations: Debriefing and Lessons"[68].

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[66] Roos, K.C., above, pp 5-6.

[67] See note 48 above, Singapore Conference paper.

[68] Also see note 43 above.

The Singapore Conference, in a concluding statement, drew attention to a number of important general factors affecting the role and function of CIVPOL which warrant summarizing here because of their relevance to the three missions described above, and to the discussion which follows in the balance of this document[69].

First, as noted earlier, any considerations of the role and function of CIVPOL must be seen in the broader context of the debate about the general role of the UN in the maintenance of international peace and security. That debate is clearly far from completion and its outcome will obviously influence to a significant degree any future use of CIVPOL[70].

Second, any CIVPOL component in a UN peacekeeping operation must be viewed within the context of the politics which give rise to that operation. Although clearly defined mandates are highly desirable the realities of the political situation may produce unanticipated confusion and operational dilemmas. To minimize these dilemmas CIVPOL representatives should be involved from the outset in any political negotiations about a proposed peacekeeping mandate in order to advise on what is possible and feasible. It is to be noted that no representatives of CIVPOL were involved in this way in ONUC, UNFICYP or UNTAC.

Third, clear guidelines are required from those establishing any UNCIVPOL component regarding how such a component will operate. Despite nearly four decades of experience with CIVPOL, no such guidelines exist.

Fourth, any discussion of CIVPOL raises questions and concerns about national sovereignty. In situations like the Congo, Cambodia (or Somalia) where a complete breakdown in internal law and order has occurred, there are unlikely to be significant protests about the UN intervening in the internal affairs of a state. However, in other conflict situations such as Cyprus, the definition of what lies within the bounds of UN authority, or is an internal matter of a Member State, may at times be difficult to establish.

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[69] Duncan Chappell, one of the authors of this document, attended the Singapore Conference and participated in the drafting of these concluding statements.

[70] For a stimulating and comprehensive overview of much of that ongoing debate about the future of the UN see Righter, R., Utopia Lost. The United Nations and World Order, New York: Twentieth Century Fund Press, 1995.

Fifth, the role and function of CIVPOL must be seen as part of a continuum from preventative diplomacy to post conflict peacebuilding. That continuum may be divided into three stages, beginning with CIVPOL's participation in conflict resolution through helping to build confidence between former combatants. An ongoing example of such a role can be found in CIVPOL's contributions to UNFICYP over more than three decades. A second stage occurs wherever CIVPOL assists in the implementation phase of a peace agreement proper through tasks like the monitoring, verification and training of police forces. In part this was the role assigned to CIVPOL in ONUC, UNTAC and more recently to the IPTF in Bosnia. The third stage, which at present is far from fully discussed or understood, involves CIVPOL assisting with the building and maintenance of institutions in a post conflict situation. Perhaps the best examples of CIVPOL performing this role are to be found in South Africa, the countries of Eastern Europe and the former Soviet Union, where a range of justice orientated projects sponsored by the UN and other interregional bodies like the European Union and the Commonwealth are assisting in the process of democratization[71].

Finally, although each of the UNCIVPOL missions to date has presented unique challenges, each has also encountered similar experiences and problems as the description above of ONUC, UNFICYP and UNTAC have illustrated. Lessons learned from the past should assist policy makers, Member States and the UN to better prepare future CIVPOL missions for their tasks, and enhance their performance in the field. There is already substantial and positive evidence that these lessons are being absorbed and influencing both the preparation and performance of CIVPOL missions, but many challenges still remain. This discussion now turns to a more detailed consideration of some of the principal issues surrounding such preparation and performance.

[71] These aspects of CIVPOL's "third stage" role and functions are discussed in greater depth in the concluding chapter of this document.

CHAPTER II

REQUIREMENTS, RECRUITMENT AND TRAINING OF CIVILIAN POLICE

As we have seen in the preceding chapter the role of CIVPOL in the peace-keeping process has grown exponentially since the late 1980's. That growth was not, however, matched by any immediate or significant changes within the UN in the administrative structure and planning procedures put in place to deal with this development. It was not until May 1993 that a Civilian Police Unit (CIVPOL Unit) was established in the DPKO at the UN's Headquarters in New York[72].

The formation of the unit followed widespread criticism of the lack of adequate preparatory planning for CIVPOL's involvement in a number of missions including UNTAC, as noted in Chapter I. Although achieving an independence from the direct command structure of the military in post Cold War UN peacekeeping operations, CIVPOL components were, prior to May 1993, almost entirely dependent upon the military to provide the basic planning and support for their participation in all missions. This resulted in most CIVPOL commanders having few opportunities, prior to the actual deployment of their respective contingents, to influence the nature or scope of the mandated functions for which they were to be responsible.

With very modest resources, and within a bureaucratic structure which continues to be dominated by the military, the CIVPOL Unit of DPKO has begun to make its presence felt[73]. Its responsibilities include the following matters[74]:

a65535 Providing advice and guidance for the employment of suitable police officers for UN peace-keeping missions.

b) Liaising with permanent missions on agreements with Member States concerning the provision of civilian police for service with the UN.

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[72] See UNCIVPOL Unit Briefing On Civilian Police Unit DPKO And UNCIVPOL In UN Missions, November 17, 1995.

[73] The UNCIVPOL Unit's first commander, appointed as a Police Adviser, was Commissioner Musa Abdulkadir from Nigeria who took up his office on May 18,1993. Followed by a Deputy Adviser from Holland. On November 27, 1995 Deputy Inspector General Shri Om Prakash Rathor from India succeeded Commissioner Abdulkadir as Police Adviser. As at that date the Unit also had four Desk Officers, all on loan from their respective governments (Italy, Norway, Sweden and Spain).

[74] See Note 2 above, p 2.

c) Advising appropriate officers of DPKO and field missions on all issues concerning CIVPOL operations.

d) Providing advice on CIVPOL concepts of operation for current and future missions.

e) Co-ordinating with the training unit in preparation of CIVPOL manuals or handbooks.

f) Advising and/or providing information to Member States, NGOs and other UN entities on issues concerning CIVPOL.

g) Preparing and/or reviewing standard operating procedures (SOP) and other guidelines for CIVPOL on UN missions.

For Member States, the CIVPOL Unit of DPKO is now likely to be the main point of contact for advice and assistance concerning any peacekeeping operations which involves a CIVPOL component. The quality of this advice and assistance may well determine whether or not a Member State is prepared to contribute police officers to a particular mission.

It is not clear to what degree the CIVPOL Unit has been able to make an impact on the setting of mission-specific peacekeeping functions for CIVPOL components since 1993. In general those mandates, and accompanying operational plans, would still seem to be constructed without sufficiently detailed consultation with policing experts until after they have become a *fait accompli*. At the same time there are hopeful signs. Military personnel within the DPKO now both recognize and acknowledge the growing importance of CIVPOL. Thus, Lieutenant General Manfred Eisele, Assistant Secretary-General, Planning and Support, DPKO recently commented:

> *...we would rather it be a joint effort by both elements, the military and CIVPOL. In the past we thought of the military first for security reasons, relying on the military. Now ...for the more far reaching effects of peace keeping operations that turns into peace building, then, it is rather a CIVPOL element that should take the lead and establish a more stable social order and legal and judicial system...*[75]

There would seem, then, to be the will at the top to include civilian policing in the planning process and more fully integrate civilian policing into overall peace keeping operations. At the same time, it should be noted that the CIVPOL Unit still has only one full-time UN budgeted position, that of the Police Adviser. All other personnel are on loan from Member States. Although this situation can lead to fragmentation and inefficiency, the Unit is beginning to make significant progress in those areas of its responsibility concerned with selecting suitable police officers to serve on missions, co-ordination of training, and in the setting of SOPs and other guidelines.

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[75] Personal interview, New York, November 1996.

Employing Suitable Police Officers

No single function of DPKO's UNCIVPOL Unit is of greater importance than the influence it can exert on Member States to ensure that only police officers possessing appropriate qualifications and experience are assigned to UN peacekeeping operations. As in all areas of the UN's work, Member States can only be persuaded rather than coerced in their selection of individuals to serve with a UN mission. The experience so far with these selection procedures has been far from encouraging, as illustrated by UNTAC, and also by UNPROFOR, as will be suggested later in this document[76].

The selection guidelines for CIVPOL members issued by the UN for each of its recent missions have been relatively uniform. Usually, a minimum of five years of regular police service experience is required; CIVPOL members will be: of the rank requested by the United Nations, proficient in map reading; able to speak fluently and to read and write the working language of the mission; experienced vehicle drivers, capable of supervising the daily maintenance of light military vehicles.

In addition to these qualification, CIVPOL officers must be in first-class physical condition as they may have to live and work in conditions of hardship and, sometimes, physical danger.

A key dilemma embedded in these guidelines is the interpretation given to the first requirement —" a minimum of five years of regular police service". What is "regular police service"? The answer to the question is likely to vary widely not only among Member States of the UN but even within individual States. At the individual State level, depending upon the prevailing constitutional and allied structures in place, law enforcement functions may be unified in a single police force, or diversified with specialist national agencies, regional or local police forces all playing a role. These organizational arrangements will also be influenced by the overriding political philosophies adopted within a state.

[76] See Annexes I and II.

Canada and Australia, the two nations most involved in the preparation of this document, provide useful examples of these variations. Both nations are federations possessing liberal democratic systems of government and both share many common cultural and related values including justice systems based primarily on common law traditions mutually inherited from their colonial past[77], although substantial law enforcement differences between the two countries exist. Nonetheless, in both countries, the general high quality of the training received by individual police officers, which tends to emphasize the need to use initiative and resourcefulness in the performance of police duties, together with the specific selection and training procedures each nation has adopted when responding to requests to contribute police officers to a UN peacekeeping operation, should ensure that the CIVPOL recruitment guidelines are fully complied with[78].

In both countries police officers are also legally vested with substantial individual discretion in the way they perform their duties, including the investigation and prosecution of criminal offences. The democratic policing tradition and philosophies they are guided by emphasize consensus rather than conflict approaches to law enforcement with a stated ideal of being as responsive as possible to community interests and concerns. As two developed nations with a strong commitment to the principles of the UN and a long-standing involvement in its peacekeeping activities, each should thus be able to provide best practice models arising from their contributions to various CIVPOL missions.

In other nations "regular police experience" may mean something entirely different. Police responsibilities in general may be little different from those vested in the military, with control functions predominating. Extensive formal training for police officers may be an unaffordable luxury, with 'on the job' experience providing the main source of instruction. Poor conditions of service for police officers in many of these forces, including low pay and inadequate equipment, can lead to low morale and a minimal commitment to provide services to the community. Problems of corruption, human rights abuses and other forms of misconduct also tend to flourish under circumstances like these.

Quite apart from differences in the "regular police experience" among nations, further variations arise from differing justice systems. For example, the procedural and substantive differences among the common law, civil law and Arabic law systems directly

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[77] For a recent comparison of the policing arrangements in these two countries see Murray, T., "A Comparative Examination of Police Reform in Federal Systems: Canada and Australia." in Chappell, D. and Wilson, P.R., (eds.) Australian Policing: Contemporary Issues, 2nd Edition, Sydney: Butterworths, 1996, pp 111-125.

[78] These selection and training procedures were developed in Canada by the RCMP and by the AFP in Australia. The RCMP role is outlined in some depth in Chapter 4. In regard to the AFP's functions, see Joint Committee on Foreign Affairs, Defence and Trade, A Review of Australia's Efforts to Promote and Protect Human Rights, Canberra: Australian Government Publishing Service, November 1994, Chapter 5, pp 83-105; McAulay, P., "Civilian Police and Peacekeeping Challenges in the 1990's" in Smith. H., (ed.) Peacekeeping. Challenges for the Future, Canberra: Australian Defence Force Academy, 1993, pp 33-40.

affect the way police perform their duties under each legal structure. Thus, under civil law, police investigations of crime are conducted largely under judicial supervision and inquisitorial procedures are widely used. Such procedures are virtually unknown in common law jurisdictions where the police retain primary responsibility for criminal investigations. In both common law and civil law jurisdictions the range of activities brought within the framework of the criminal law is usually more constrained than that proscribed under Arabic law where the police may be required to enforce stringent criminal laws based on religious codes of practice and belief.

Given the variations in "regular police experience" listed so far it is scarcely surprising that these same variations have been reflected among the police officers selected to serve as members of recent UNCIVPOL missions. What is disturbing, however, is the failure by some Member States to comply even remotely with the minimum requirements set by the UN, sending on missions individuals who lack the experience, language, driving and allied skills needed to fulfill their anticipated tasks. For example, one country provided 21 police officers, all of them 21 years of age and all with the rank of Lieutenant. They all somehow had the required six years of experience. When the country in question was told that the officers had to have the educational level equal to a Captain in the army they were all promoted overnight by cable. They all were repatriated[79].

It is apparent that the efficiency and effectiveness of any mission will be affected if it lacks well qualified personnel. The problems can be very serious. Consider, for example, the fact that the following set of problems has affected most missions:

1. Police officers are deployed with very limited, or no, operational field experience or training.

2. Civilians who work within the national justice system are provided with police rank and deployed, but have no experience or training in law enforcement.

3. Some monitors :

    - cannot drive a motor vehicle
    - are sent on mission completely illiterate in that they cannot speak, read, write or understand the mission language;
    - have unacceptable attitudes and ethics relating to discipline, bribery and work;
    - commit criminal acts, including sexual assault and fraud;
    - are untrained to take on roles in countries with a judicial structural vacuum (no law, no justice system in place);
    - are unsuited or unwilling to investigate human rights abuses, or to prevent or take remedial action against abuse;
    - are confused about their roles;
    - take sides in the conflict;

[79] Personal interview with a senior UN DPKO officer, November, 1996.

- display racist attitudes towards the cultural habits of other monitors;
- are insensitive to local culture, politics, religion and traditions;
- show disrespect for law and order;
- demonstrate an arrogant attitude to local authorities;
- are unwilling to work with monitors from other countries because of national policy or historical tradition;
- give their loyalty to national police hierarchies, rather than UNCIVPOL command;
- are promoted to inflated rank before departure to the mission in an attempt to secure supervisory positions for which they are unqualified;
- are not comfortable with a UN policy advocating openness, impartiality and minimum use of force[80].

[80] Adapted from materials used by the Lester B. Pearson Peace-keeping Centre, Cornwallis, Nova Scotia, Canada, 1996.

This is a formidable list of problems and addressing them effectively requires selection, training, and leadership excellence from both the UN and Member States.

It is now recognised by the UN, and in particular by the CIVPOL Unit at DPKO, that UN peacekeeping operations can no longer afford to accommodate the products of the deficient or even dishonest selection procedures utilised by some Member States. To remedy the situation in the short term some CIVPOL mission commanders have resorted to the practice of repatriating non-qualified officers back to their home territory, although this can be a costly, time consuming and politically sensitive remedy[81]. A long-term solution to the problem is now being sought which seeks to enhance the quality of the deployment training given to the police officers Member States intend selecting to serve with a CIVPOL mission. A concerted effort is also now being made to better identify the specific characteristics and capabilities required of police officers to carry out their functions on particular missions, and to reflect those characteristics and capabilities in the selection process.

Selection Assistance Teams recently established and deployed by the UN CIVPOL Unit have assisted with these developments. Such teams can visit a country that has agreed to contribute personnel and assist in the selection procedure by, for example, administering driving examinations and language proficiency tests. By providing such assistance in the contributing country a large number of problems are resolved. Fewer police monitors with inadequate skills will be deployed, saving the enormous expense incurred in repatriation and the shame and embarrassment officers experience who have to be repatriated. Selection Assistance Teams can also greatly speed up deployment of effective police monitors, which may be the most important benefit of the operation[82].

Training

Following widespread consultation with Member States, DPKO's CIVPOL Unit has developed a model UN CIVPOL course curriculum for use in peacekeeping[83]. The following excerpt from the preface to the curriculum provides a guide to the purpose of the course:

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[81] This remedy was, for example, adopted in Haiti and Mozambique. During the UNTAC mission the UN Secretary General notified contributing countries in November 1992 that all replacement recruits for the CIVPOL contingent should have their language and driving skills tested before they left their home territory to make sure they met UN requirements. These tests were subsequently conducted by UN personnel, or other contracted organization. See Heininger, J.E., Peacekeeping in Transition. The United Nations in Cambodia, New York: Twentieth Century Fund, 1994, p 80.

[82] Based on interviews with Police Adviser Rathor and Assistant Secretary General Eisele, New York, November 1996.

[83] See Office of Planning and Support/ Training Unit Peace keeping Training: United Nations Civilian Police Course Curriculum, Preliminary Draft, New York: UNDPKO, October 1994; United Nations Civilian Police Handbook, New York: UNDPKO, November 1995.

Training of United Nations Civilian Police

PREFACE

Currently the United Nations operates a large number of peacekeeping missions, many of which employ police officers from the Member States. This international police teamwork requires some directives for standardization in preparation and training in order to gain and maintain a balanced profile of professionalism and operational efficiency. Not all contributing countries conduct specific preparation and training for their police personnel, who are deployed as individuals without a national logistic or operational backup system.

The tasks assigned to United Nations Civilian Police are generally to supervise and/or control local civil police, in order to ensure that law and order are maintained effectively and impartially and that human rights and fundamental freedoms are fully protected. This involves various activities, such as patrolling, liaison, investigation and assistance to the local population.

This curriculum provides guidelines for training courses for Civilian Police Personnel, who are going to participate in Peace-keeping operations, but leaves it up to the instructors to anticipate the volume and time frame needed for the preparation of UN Civilian Police Officers. The proposed content of the modules in this curriculum allows the flexibility to choose the various subjects needed and the break-down of the course. Some subjects may have already been covered in previous police training. These may be disregarded, unless for needed refresher training[84].

The course curriculum is intended to be a flexible one but the general aim is to try and provide a training baseline for Member States wishing to contribute police officers to a CIVPOL mission. The delivery of this training may in itself require the provision of technical assistance which can be supplied through the UN's CIVPOL Unit, or via bilateral or multilateral arrangements with other Member States, or interregional bodies like the European Union[85].

Personnel Characteristics and Capabilities

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[84] See Curriculum above, para 2.

[85] These training arrangements were discussed in some detail at the Singapore Conference in December 1995. See Chapter 1, note 14, and, in particular, the following papers presented at that Conference: Morrison A "Methodology, Contents and Structure of UN Civilian Police Training Programmes"; Guimbert P "Brief Overview Of French Perspective On Developing A Doctrine For Civilian Police In UN Peacekeeping Operations"; Langholtz HJ "Recent Experience With Correspondence Instructions Training For Peacekeeping And Applicability For Civilian Police Training"; Truger, A., "International Civilian Peace-Keeping And Peace-Building, Training Programme".

Past experience with CIVPOL missions has already indicated that generalist policing capabilities and skills of the type described in the UNCIVPOL curriculum and handbook may not be sufficient to fulfill some of the functions contained in a mission mandate, or identified in the field upon deployment. The situation encountered by UNTAC has already been described where, contrary to expectations, the CIVPOL contingent discovered that there were no local police to supervise in many parts of Cambodia, and that the justice system at large had been virtually destroyed. Filling this vacuum was not just a police task but one requiring a combination of skills, legal powers and justice services which were simply not envisaged when UNTAC received its mandate. More will be said in a concluding chapter about situations like these which seem likely to arise with increasing frequency in missions designed to restore good governance in a post conflict situation.

More immediately, UNTAC's CIVPOL members were called upon to provide basic police training to new recruits—a task which had not been properly planned for, nor resourced, in the personnel selection process. Improvised and ingenuous training programs were implemented but in retrospect they would have been far more effective and efficient if appropriate attention had been given to the training need at the time of preparing the UNTAC police component's operational plan.

With the formation of the CIVPOL Unit at DPKO, lapses of this type should not occur in the future. The planning process should now include consideration of the broad policing needs of a particular mission, and these needs should be factored directly into the mission personnel selection criteria. Thus, in some cases, specialist investigative skills may be required to assist with inquiries into human rights abuses, political crises and other serious offences. Member States should be advised directly of any special requirements of this type and selection procedures should be tailored to meet them[86].

Leadership

Linked to the issue of specialist skills and capabilities is the question of the leadership qualities required in CIVPOL missions. When soliciting contributions of police officers from Member States it appears to have been the practice of the Secretary General to indicate both the total number of officers required for the mission and also the rank structure contemplated. It is presumed that in setting these parameters the Secretary General, at least since May 1993, will have sought the professional advice of the CIVPOL Unit in DPKO.

The selection of the Police Commissioner to take command of the mission is likely to involve a range of private consultations with Member States making a significant

[86] This does now seem to be happening. In the mission in Haiti (UNMIH), for example, the selection criteria included a requirement of "a minimum of seven years of regular, active police service experience, if possible as an instructor/trainer". See UNCIVPOL Unit United Nations Mission in Haiti (UNMIH). Notes For The Guidance Of UNCIVPOL On Assignment. New York: DPKO, September 1994. The mandate for that mission called for the provision of extensive law enforcement training to rebuild the capacity of the local police.

personnel contribution, and those with extensive experience with this aspect of peacekeeping. Consider, for example, the comments of a former CIVPOL Commander:

> *This is what I would like to see in any police commissioner if I was working in a mission. First, a police commissioner should be a person with a solid police background, operational background and supervisory or command experience in a police force. He or she has to be well disciplined and ethical. And sensitive to mission conditions. You have to look at the culture and the history and the religion of the mission. You have to be sensitive to and try and understand the culture of the people you are working with. So you cannot afford to bring with you your home baggage, or the way you used to do things, because you have to appreciate conditions under which you serve. It means that you have to be out in the field, you have to work with your people. You cannot stay in the office, you have to get out and know what the conditions are under which they are working.*
>
> *You also must be decisive, but your decisions have to be sound and reasonable and fair and consistent for you not to lose credibility. You have to be clean in your own demeanor and performance and your attitude, your way of thinking. You cannot be racist, you have to accept everyone as an equal human being.*
>
> *So it is a 24 hour a day job and you have to be willing to work 24 hours a day, seven days a week. The safety, both physical and mental, of people falls back on you as commissioner. When you delegate or transfer these people into an area, you have to know the conditions under which they are working.*[87]

The selection process will also be influenced by geo-political considerations depending on the location of the mission and its mandate, as well as upon the availability of specific individuals to serve in such a position[88]. But geopolitical considerations must not override the exceptional personal characteristics required of a CIVPOL commander.

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[87] Personal interview with Michael O'Rielly, former Commander of UNCIVPOL in UNPROFOR. Commissioner O'Rielly is more fully introduced in subsequent chapters.

[88] Previous successful experience serving with a UNCIVPOL mission in a command position will undoubtedly assist an individual's chances of subsequently being selected for a top post of CIVPOL Commissioner, and facilitate the process of establishing a new command team. For example, Commissioner Roos, who was the commander of UNTAC's CIVPOL contingent, had earlier assisted with the establishment of UNTAG in Namibia in 1989. Roos relates that following his UNTAC appointment in early March 1992, "due to my previous missions I knew colleagues all over the world so I managed to get a few of them to New York by the end of March to start operational planning. Once in Cambodia they formed the core of my HQ staff".

Once appointed, the Police Commissioner should have the opportunity to be consulted about the staffing of the principal command posts to be established within the mission. The extent of this consultation in the past, and the influence individual commanders have had on the staffing structure and appointments in CIVPOL missions, remains largely undocumented[89]. So too do the concerns expressed privately by certain of these commanders about the quality of the personnel of "higher rank" assigned to CIVPOL contingents by some Member States[90].

Rank structures in general differ widely among police forces around the globe, making it difficult to assess the comparative level of supervisory responsibilities and skills required by police officers to occupy a particular command post. In many nations the same rank structure is used for both the police and the military, with separate recruitment and training programmes for persons of officer status, or regular line personnel. In other nations, including most common law jurisdictions, the same recruitment and training programmes are used for all police at the point of initial entry into a force. Subsequent promotions to higher ranks are usually made from within the agency based on merit, seniority and related criteria[91]. Under these conditions it has been found that rank titles often provide little guidance to the leadership capacity of individual police officers serving in CIVPOL missions.

This situation can present significant problems in the field when deployment decisions need to be made and command assignments identified. The problems can be compounded by the practice of some Member States deliberately inflating the rank of certain officers contributed by them to a CIVPOL mission in order to secure for those officers more favourable assignments and conditions of service.

To resolve such problems at the policy and planning level a number of options seem available. In the long term the provision of more appropriate pre-deployment management training for all supervisory personnel selected for service on CIVPOL missions would seem to be desirable[92]. As in the case of the basic CIVPOL training programme described above, this management component could be modelled on a core curriculum and handbook developed by DPKO's CIVPOL Unit.

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[89] Some appreciation of the dilemmas which confront a CIVPOL commander in making decisions in this area can be discerned from a personal interview conducted with the Canadian commander of the UNPROFOR CIVPOL contingent and reported upon in Annexes I and II.

[90] See also Annexes I and II where some of these concerns, voiced during personal interviews, are documented.

[91] Among the more professional and well resources police forces this promotion process may involve participation in a range of management training programs and completion of certain levels of tertiary education in addition to gaining various types of policing experience. See Findlay, M., and Zvekic, U., Alternative Policing Styles: Cross-Cultural Perspectives Deventer: Kluwer Publishers, 1993.

[92] Courses of this type are becoming available internationally. See, for example, Truger, A., note 18 above.

Another related option would be to eliminate all references to national rank among CIVPOL mission personnel and to assign generic ranks and titles based on the operational requirements of the mission[93]. In making such assignments the overall commander of a particular mission could examine and take account of the professional profiles of the police officers contributed by Member States. Meanwhile the DPKO CIVPOL Unit could develop a management data bank which would help identify individual officers with command and allied experience serving with UNCIVPOL contingents. Such a data bank would be an invaluable aid in selecting suitable personnel to serve, with the assent of their respective Member States, in command positions on future missions[94].

Planning: Within Member States

Having reviewed a number of key policy and planning issues which require consideration at the level of the UN when preparing for a CIVPOL mission, the next paragraphs focus on some of the related issues which are likely to influence the decision of a Member State to contribute police officers to such a mission, and how that State may prepare for such a possibility. Extensive use is made of Canadian illustrative materials which it is hoped will help other Member States to establish their own policy guidelines and practices when preparing for a CIVPOL mission.

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[93] In more recent missions, such as UNMIH, CIVPOL commanders have been given more flexibility in making management appointments. The UNMIH Notes for the Guidance of UNCIVPOL on Assignment (see note 19 above, pp. 4-5) states the following concerning qualifications: "A comparison of these qualifications with those listed earlier in this chapter will show that the underlined passages have been added under qualifications 22(b) and (g)."

> IV. QUALIFICATIONS
>
> 21. The following qualifications are considered essential for UNCIVPOL assigned to UNMIH.
>
> A. Professional
>
> 22. (a) A minimum of seven years of regular, active police service experience, if possible as an instructor/trainer; (b) Be of the rank requested by the United Nations. If a UNCIVPOL arrives in the mission area with a higher rank than requested or is promoted during his tour of duty, UNMIH will not be obliged to take the higher rank into consideration in determining the UNCIVPOL's assignments. Notwithstanding, the PC reserves the right to assign UNCIVPOL regardless of rank to whatever responsibilities and/or positions within the police component structure as he deems fit. Assignments will be made on the basis of qualifications and experience; (d) Ability to speak French or English fluently and to read and write French the working language of UNMIH. (e) Have good interpersonal skills; (f) Be experienced vehicle drivers, capable of supervising the daily maintenance of light vehicles. UNCIVPOL should have at least two years recent experience in driving standard shift motor vehicles and be in possession of a valid national or international driving licence. Driving in the mission area is on the right-hand side of the road; (g) In addition, officers must have demonstrated experience in personnel management.

[94] A proposal of this type was made, among a number of recommendations for UN administrative reform, by Commissioner Roos at the Singapore Conference.

I can say, I think with some certainty, the RCMP will do everything in its power to meet any requests that come from Foreign Affairs for the deployment of RCMP officers on a CIVPOL mission abroad. We will do whatever we can in order to meet their request, and their needs, bearing in mind that our first priority, is and will always remain the domestic policing needs of the country. The Canadian public comes first. Bearing that in mind, if there is a request for us to send people here, and send people there on a UN mission, I believe the force genuinely wants to do what it can. But we have to remember that we have personnel problems, personnel shortages, and until that particular issue is finally resolved, I don't know what the future is. Somehow the Government of Canada has got to deal with the issue of personnel resources for these UN missions[95].

Responding to a CIVPOL Request

This statement by the officer in charge of a special UNCIVPOL Logistics Unit established with the RCMP, Canada's national police force, voices some of the critical factors involved in deciding whether a Member State of the UN is both willing and able to respond in a positive way to a request to contribute police officers to a UN peace keeping operation.

An initial formal request to make such a contribution will most likely be made by the UN Secretary General through the permanent mission which most Member States maintain at the UN Headquarters in New York. The request will almost certainly have been preceded by both public and private discussions with a wide variety of governments about the specific peace-keeping mandate which has been given to the UN, and that discussion may have already resulted in informal commitments being made by a Member State to contribute police officers. The political process engaged in at the Member State level in deciding upon such a commitment will clearly be influenced by a wide variety of factors, including not only the mandate itself, but regional, cultural, economic, logistical and allied issues.

The ultimate commitment made on behalf of a Member State must come from its government but that commitment will require the prior identification of suitable available personnel to serve on a mission. Requests of this type often come at short notice and under conditions of crisis. Few Member States retain standby military forces to allocate immediately to a UN peace keeping operation[96]. The situation with police personnel is likely to be even less flexible than with the military, since most police officers are engaged in full time operational duties and must usually be immediately replaced if assigned to a

[95] Personal interview, Officer in Charge, RCMP UNCIVPOL Logistics Unit, Ottawa, November 1995.

[96] See report of the Government of Canada Towards a Rapid Reaction Capability for the United Nations Ottawa: Government of Canada, September 1995. The issue of how to provide better rapid reaction capabilities for CIVPOL contingents is also discussed in more detail in Chapter 7.

UNCIVPOL mission[97]. Regular budget allocations seldom make allowance for such replacements and special financial arrangements will be needed. With the agreement and co-operation of a government, challenges like these can be met by many police forces, as the RCMP experience suggests.

[97] This is not always the situation. For example, with the relaxation of East-West tensions following the end of the Cold War, many para-military police, formerly employed on border control duties, have been freed of these responsibilities. Some Member States have been able to redeploy some of these police by assigning them to CIVPOL missions.

This Chapter provides a description of how the RCMP handle CIVPOL recruiting, selection, training, and related issues. This focus on the RCMP has, in part, been influenced by the research budget for this project which did not permit an in-depth examination to be made of the equivalent policies and procedures adopted by police forces in other Member States contributing personnel to UNCIVPOL missions. Nonetheless, this should not in any way detract from what the RCMP has achieved. Their policies and procedures provide, without doubt, examples of the "best practices" available from any Member State involved in this important area of UN peacekeeping.

Assessing the Mandate

As part of Canada's on-going commitment and desire to participate in UN peace keeping operations, the RCMP has been given the principal operational responsibility to prepare for and deploy CIVPOL missions[98]. The RCMP's UNCIVPOL Logistics Unit facilitates this process in a number of ways, beginning with an assessment of the request and the associated mandate.

> *First of all, when a request comes in to the Government of Canada for the deployment of CIVPOL what normally happens is that someone from Foreign Affairs and International Trade responsible for the particular geographic area will contact our Commissioner. They will make our Commissioner aware that there is a need to get CIVPOL to such and such a place.*
>
> *At that point in time the Commissioner normally would give the file, the request, to the Deputy Commissioner for Human Resources. A judgment call is made as to whether or not we are indeed able to meet the request, to meet the demand. Say they ask us, for example, to send, and just to pick a place Guatemala, they want ten Canadian RCMP officers - Spanish speaking - to go on a peace keeping mission in Guatemala. OK, what we would like to know, before we make the final decision is exactly what our people are going to be doing? Where they're going to be living? What are the security arrangements? What are the dangers that they will be facing? What type of medical provisions have been made to look after their health and medical needs? What military presence is there, and what can we count on in the form of support from the military for stores and for medical and for other kinds of things? And, how can we count on the military that's on the ground in case of need for security, for example? We have to know exactly beforehand, and it has to be determined beforehand, what are we going to do? What the mandate is, is that mandate acceptable? Are the rules of engagement acceptable? And often, and it is the case in Haiti, we will have direct input as to what we believe the rules of engagement should be.*

[98] This commitment is reflected in the RCMP's Corporate Plan and Budget. For fiscal year 1995/1996 the RCMP budgeted 8 million CDN for Haiti and 4.3 million CDN for the former Yugoslavia. See RCMP 1995-96 Estimates, Part III Expenditure Plan 1995.

And on top of that, we will have already sent an advance party, as was the case in Haiti, down there to come back and assist us in determining exactly what the rules of engagement should be. What the conditions are, what the mandate should be. So, it's not just left up to outsiders to decide what we're going to do and what we won't do. We do have a say in the matter, and would be very, very anxious to have that say. We will never send people just carte blanche to wherever they ask without knowing ahead of time what we are getting ourselves into. That's not the way it's done.

O: Have you learned the hard way on that?

Well I can't really say that. There are some people who may have the opinion that the former Yugoslavia was a mistake, so we were over there some three years, and we all came back safe and sound. There may have been mistakes made in the theatre, where CIVPOL perhaps should not have been sent to Govazde, Srebrenica, Sarajevo but the members who went to Croatia and remained in Croatia had, I believe, a good experience and I don't think for a second regretted going. But it goes without saying that we have to know ahead of time what we're getting ourselves in for. And we will say if we don't agree with something. There's no doubt about that[99].

Selecting Personnel

If a positive decision is made by the RCMP to become involved in a CIVPOL mission the force's UNCIVPOL Logistics Unit will find the required police officers and prepare them to go on the mission.

So what happens is the UN CIVPOL Logistics Unit, for which I am responsible, will select from a group of volunteers who have already been identified.

We have to determine their releasability, which is a real big problem— but once they've been determined releasable, deemed to be releasable, then we start putting them through a variety of tests to ensure that they meet the standards that are required. Now, more and more, it has become clear that you no longer have enough personnel releasable to go on these missions. We have a serious shortage of personnel across the country. That comes hand in hand of course with the budget cutbacks, that we're all enduring. We're trying to do I guess like everyone else, more with less, and it is become a real problem.

[99] Personal interview.

So, if I can afford any advice to anyone else out there in other countries about to start dealing with this kind of issue, I would suggest that they look at their personnel, and specifically their numbers, in order to determine whether or not their police forces have indeed enough, so called, spare individuals, that expect to be sent abroad on these missions. We are finding it increasingly difficult to find available personnel[100].

It will be noted that the selection of Canadian police officers to serve on an UNCIVPOL mission is made from a group of volunteers, a practice common to most but not necessarily all Member States[101]. In the case of the RCMP there is no shortage of volunteers with a current list of more than 4,000 members expressing an interest in being selected for a UN mission. Even so, the RCMP has still experienced considerable difficulties releasing these members from their various domestic policing responsibilities. The officer in charge of the UNCIVPOL Logistics Unit explains why:

Well, the RCMP force is approximately 21,000, but only 15,000 are actually uniformed sworn police officers. The rest are civilian members, and public servants.

Now, having said that, if I can put it into context, a province in Canada has a contract with the Federal Government to have let's say 2,000 Mounties to do its policing. Within that provincial contract there may be as many as 15 or 20 municipal contracts. Where a municipality has a contract, not only with the province but the Federal Government to supply 'x' number of police officers, it might be 10 in one town, it might be 15 in another, it might be 8 in another, it might be 300 in a city. And so we have contract commitments, with these municipalities and these provinces. We can't just take police officers from these areas and send them abroad, without replacing them. So, as we reduce in size, it has become increasingly difficult to find releasable personnel.

Now, we do have the benefits, because of the nature of the RCMP, of having a large number of personnel strictly dedicated to Federal duties. And because of that it gives us the opportunity to find bodies, so to speak, that can be deployed without affecting the domestic policing programs, to the extent where it becomes a problem. Up until now we have been able to do that, but as we continue to make cuts, to continue to have fewer and fewer people to do literally the same amount, or even more work, it becomes increasingly difficult[102].

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[100] Personal interview.

[101] Those nations contributing officers who are members of paramilitary style police forces appear less likely to rely upon volunteers. Choice of volunteers who meet all of the other selection criteria results in better motivated and performing CIVPOL personnel.

[102] Personal interview. As will be gathered from this description the RCMP provides contractual policing services to provincial (state) and municipal (local) governments in

Canada in addition to performing Federal duties which are largely of an investigative nature. This tripartite arrangement, which is unique to Canada, ensures substantial uniformity in the way policing services are provided across the country. In theory it also allows the RCMP a degree of flexibility in selecting officers to serve on UNCIVPOL missions, although in practice budgetary and related constraints reduce this flexibility considerably.

To meet its personnel needs for more recent UNCIVPOL missions the RCMP has begun to recruit officers from other Canadian police forces[103].

> *Now in response to some very current shortages of personnel we have gone out and solicited the participation of municipal and provincial police forces, and as we speak, we have four police officers from a small police force not far from here, from Ottawa, called Gatineau Metro. We also have 15 police officers from Montreal Urban Community Police. And this coming December (1995) we're going to dispatch police officers from another four or five police departments, including the Ontario Provincial Police, and the Quebec Provincial Police and others. So, in order to shore up our UN mission needs, we have had to go outside of the force. And, we are maintaining the same strict guidelines, and are to date getting excellent cooperation and people from these outside police forces[104].*

Some indication of the level of overall commitment made by Canada to recent UN CIVPOL missions can be obtained from the following description:

> *Now, having said all of that, we have up until now been able to meet our commitments which include of course, the 100 that were sent to Namibia in 1989 and the 45 sent to former Yugoslavia between 1992 and September 1995. That mission has ended, and all our people are home. And we have had 100 in Haiti since October 1994[105].*

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[103] The largest of the police forces are to be found in the metropolitan areas of Toronto, Montreal and Vancouver, and the Canadian Provinces of Ontario and Quebec.

[104] Personal interview.

[105] Personal interview. The Canadian CIVPOL experience in the UNPROFOR mission is described more fully in Annexes I and II.

The budgetary costs of these commitments by Canada, as for any CIVPOL contributory nation, are substantial. Under the terms of the financial arrangements made by the UN with Member States, those contributing police officers to a mission continue to pay for their normal salaries, benefits and personal equipment while the UN meets a range of expenses including travel to and from the mission site, an equipment allowance, a mission subsistence allowance (MSA); and compensation for death, injury and illness[106]. The actual salary and allied costs associated with the employment of a police officer obviously varies widely from nation to nation, but in most countries of the North, police personnel are usually well paid. In contrast, their compatriots in many countries of the South are frequently paid very poorly. Such disparities can, and do, lead to friction in UNCIVPOL missions where for many participating police officers the MSA they accumulate may alone far exceed their annual salaries at home. Not surprisingly this economic benefit may also influence personnel selection practices in some nations and result in other than the best qualified police officers being chosen to serve on a mission[107]. Although, with the establishment of Selection Assistance teams, this problem seems to disappear. The principal onus remains with Member States to prevent such selection abuses.

Selection Criteria, Testing and Training.

Mention has already been made of the basic CIVPOL selection and training details set by the UN. Member States still remain free to set their own guidelines. Canada has pursued this option, modifying its selection and training criteria from time to time to reflect the lessons learned from recent operational experience. The current selection and training process involves the following steps leading to the stage of a pre-mission briefing:

> *OK, first of all, in order to become a member, a volunteer for a UN mission, the member must have a minimum of five years police experience. Five years operational police experience.*
>
> *In addition, the member must have a very good record, a very good personnel file, which demonstrates his or her ability to get along well with others, to be the kind of person that can work on his or her own without a lot of supervision and coaching. In other words someone who is self-reliant*

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[106] The budgeted cost of the RCMP contribution to UNPROFOR and UNMIH are referred to above. Details of the various UN allowances are usually provided by the UNCIVPOL Unit in DPKO as part of Notes for the Guidance of UNCIVPOL on Assignment issued to Member States at the time of the formation of a new mission. The personal equipment allowance is a relatively small amount (at present US $200 for each full year of service) while the MSA, depending on the location of the mission, may be substantial. For example, CIVPOL members of the UNMIH mission were entitled to US $123 per day for the first 30 days and then US $86 thereafter. See UNCIVPOL Unit United Nations Mission in Haiti (UNMIH) notes for the Guidance of UNCIVPOL on Assignment New York: UNDPKO, September 1994, pp. 13 - 14.

[107] A presumed desire to obtain economic benefits from service on UNCIVPOL missions has led, in several extreme cases, to persons with no police qualifications of any type gaining selection on the contingents of certain Member States.

We look for people who have a demonstrated ability to work with the different races, different ethnic backgrounds, and cultures. We look for people who have the support of their family, their spouses, because to send someone over that doesn't have that causes problems. We are looking for people who hopefully speak two or more languages. And depending on the mission, perhaps may have to be bilingual (French and English), as is the case in Haiti.

We're looking for people that can drive a variety of vehicles, especially the four wheel drive types. And people that have a background and/or knowledge of working in areas where there are not a lot of amenities. In other words, people who perhaps have done some camping in their past, and are not ill at ease with being in pretty rough areas. People who are comfortable living without all the niceties of life.

We have found that some of the best people are those that have worked in our small communities up north, or in the smaller communities, you know, in our western provinces. Basically speaking, we're seeking individuals that can go out and get the job done without a lot of supervision.

I think that one of the key words for people that should be looked at for a UN mission is flexibility. People who are flexible, they can roll with punches of administration and all those kinds of frustration. When you're not used to it, it takes some time. That's basically it.

Now what happens is, we'll get our subjects because they have volunteered, and they are interested in the job. We find out that yes, they are releasable. Then we send them on the medical test.

They have to meet certain medical criteria. I don't have the fine points. But basically speaking we're looking for people who are very, very, fit. Who are in excellent health, both physically and emotionally. And people who do not have, in any way shape or form, problems with alcohol, and or other emotional kinds of problems.

They got through a physical, and then they go through a physical abilities requirement examination that we call PARE. And they must pass that test.

And then they go through a psychological examination, and once they pass the psychological examination or test,... Once they've gone through all those tests, and they are determined to be fit for duty, medically fit for duty[108].

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[108] Personal interview. For a description of the psychological tests used in this examination process see Lee DC "Psychological Services for Civilian Police Serving With the UN". Paper presented at the American Psychological Association, Toronto, August 19 1993. Dr. Lee is Chief, Emotional Health Programs, RCMP.

The Canadian selection and training process is clearly both vigorous and demanding. It is a process which has been developed by a well resourced and highly regarded police force whose general standards of recruitment and training are of equal breadth and stringency.

It is not suggested that the process is one that could or should be applied by all Member States of the UN wishing to contribute police officers to a CIVPOL mission. Rather it is a process which affords one possible best practice model which can be adapted to the needs and capabilities of individual police forces.

Another exemplary model is provided by Singapore. Singapore provided a contingent of about 75 police officers to UNTAC. The UN electoral workers thought that these police were the most effective in Cambodia, due in large part to the selection and training procedures adopted by Singapore. The selection criteria included a minimum of ten years police experience, the ability to speak English and to drive. Those selected then took a specially designed eight-week course which focused on mental stress awareness, physical conditioning, inter-cultural communications and leadership. Lectures on Cambodian culture and history were provided by the National Singapore University[109].

Pre-mission Briefing

In addition to this general selection and training process the preparation of Canadian police officers for service with a UN peace keeping operation also includes the following pre-mission activities and briefings:

> *We then bring them all in, just before the mission is about to start, and we give them approximately one week of pre-mission briefing or training. Now, that does not include other mission specific training that might come about. For example, in Haiti the fellows are going to spend three days taking firearms training. That does not include the time spent by the member himself, bringing himself or herself up to date in first aid like CPR training. It is the same thing as well for defence baton training. They need all of these things before they even get here.*
>
> *Now, once they're here, what we like to do is to cover areas such as a mission orientation; a brief explanation as to what the mission is, what its about, what its mandate is, what the goals are, what their responsibilities will be. In a very brief and global kind of way.*
>
> *Once they've been given a mission orientation, they go through an administrative process, talking about compensation, and insurance, and*

[109] See Heininger, J.E., Peacekeeping in Transition: The United Nations in Cambodia New York: Twentieth Century Fund, 1994, p 80. See as well United States General Accounting Office U.N. Peacekeeping: Lessons Learned in Managing Recent Missions Washington, D.C.: GAO, 1993, p. 45.

things like overtime, and expense claims. All the kinds of things related to looking after the administrative needs of pay and what not while they're going to be away.

From there, there's another check of their immunization booklets, things pertaining to their health to ensure that they've had all their shots, and they've had all their medication, for example, malaria pills, and everything that comes with the First Aid Kit. When they take them through our store, and they are given all the equipment that they're going to require on the mission. They're shown how all the equipment works. An example might be the mosquito net, they're military cotton, camp cotton. Their First Aid Kit and other kinds of things that they're going to use on this mission. We go through a lecture pertaining to stress management. They also go through lectures to explain to them peace keeping operations, how they work, how the UN works, where they sit in the scheme of all these things. They're going to be told ahead of time about the frustrations of working with the UN, and UN administration. We then go on to other lectures that deal with specifics of a UN CIVPOL mandate and the ROE, the rules of engagement, their authority, the whole nine yards. So that they are comfortable knowing exactly what their job is and where things sit. Not only as a member of CIVPOL, but how CIVPOL sits as a member of a particular mission....

What we do is we call in people who have been on previous missions. They are so-called experts at this, and they've had more than enough exposure to the UN to be able to explain what's coming.

The military will talk about things like the current security situation; defence forces; for things that they have to offer in terms of perhaps the medical facilities, mechanics, stores. We then go into a general information briefing about the host country. We talk about some of the do's and don'ts about the country, what is acceptable behaviour, what kind of things they should steer away from, what kind of things that they are encouraged to do. These are usually explained by members who have already been on a previous mission.

We then get into a very elaborate medical briefing, where the people are told the facts of life as far as keeping themselves healthy, fit, personal hygiene. At that time there's a further explanation of how to properly use the equipment in the First Aid Kit.

Then we'd get into things like the legal system. Again for Haiti we'll talk about the specific requirements of our people down there and how the Haitian legal system works. And just what role our people are going to play within that legal system.

From there we'll cover a period that encompasses officer survival, the do's and don'ts while on-duty and off-duty. The things to look out for, basic officer survival techniques. We're going to cover things about negotiations,

talk about things that we support, travelling, movements, how to avoid becoming a hostage or what ever is the case.

And then finally we end the week with geo-politics and those things, and we'll bring in somebody, for example, like the Haitian Ambassador to Canada. And he'll talk in great detail about things himself, his people, his culture, politics, the social setting. So that's basically the way that we go about preparing our people for the mission. We give them a time to gel, and give them time to get to know each other, and we'll have, as in the case for Haiti, we'll have a night where we'll bring in members of the Haitian community and we'll have drinks and have a good time, and let them get to know a few people who have moved here to Canada from Haiti. The same can be said if it was anywhere else. We'll try to bring in locals so they can get to know them. Ask them questions about their homeland, and maybe practice their language skills, and that kind of thing. To get a bit of perspective from the horses mouth, so to speak. So, once the training is completed, we literally put them on a plane and send them on their way.

Now, we also have to ensure that the families are looked after in their absence. And so my little section here, all my people, not only are we required to identify the personnel for the mission, select the personnel for the mission, train them for the mission, get them to the mission itself, the theatre, but we're also responsible for looking after the families while they're gone.

One example of what we do is to give them our family handbook. It's very elaborate, and among other things the handbook helps not only the member but his family dealing with the absence, psychologically, as well as the return. And some of the stresses that they're going to have to deal with while the member is away. It tells people how to contact us, and how to get a hold of us. And where we live.

So, those are the kinds of things that we do for the families. There are some little things that come along with this, including a calendar for the kids and what not. We basically want to make sure that the families don't feel abandoned, don't feel all alone. And know exactly how to contact the Force. And keep in touch with the Force during the absence of their spouses. Now, this particular booklet, the Family Handbook, was done in conjunction with our psychological counsellors[110].

For those about to serve on any peace keeping operation there are many personal matters that should be attended to in order to ensure readiness for a mission. Pre-mission briefing of the type described above can be of great assistance in preparing CIVPOL officers

[110] Personal interview. See UNCIVPOL Logistics Unit Family Handbook, Ottawa: RCMP, 1995.

and their families for the tasks which lie ahead as well as reminding them of the need to consider a range of family welfare, business, finance, health and related issues.

The staff counsellor's office and the training service of the UN's Office of Human Resource Management (UNHRM) has developed a very useful readiness checklist and mission readiness evaluation form for staff about to be deployed abroad[111]. Together with an accompanying booklet the check list is designed to:

> *Prepare for the unexpected. What can a civilian staff member do to be ready for the stress of quasi military situations that may be encountered in mission service?. Mission readiness is seen as a long term process which starts as soon as you consider the possibility of mission service, continues during the assignment and even involves some follow up when you return.*

[111] See UN Office of Human Resource Management, Mission Readiness and Stress Management, New York: UN, March 1995.

The UNHRM's Mission Readiness and Stress Management booklet is also a valuable resource which can readily be adapted for use by CIVPOL officers. As will be seen in the next Chapter, which contains personal descriptions of the experience of a number of Canadian CIVPOL officers deployed on recent UN peace keeping operations, the situations likely to be encountered are often both highly stressful and challenging. Good preparatory planning on the part of the UN, and by Member States contributing CIVPOL officers to such operations, can alleviate much of this stress and provide the human and allied resources required to deal with these challenges. The CIVPOL field experience, described below, points to a number of ways in which this planning process could be improved as well as raising for discussion issues concerned with the command, control, integration and organization of CIVPOL contingents deployed on UN peace keeping operations.

CHAPTER III

FUTURE DIRECTIONS

SOME CONCLUSIONS AND SPECULATION

Peacekeeping: A Time of Appraisal

Faced with the impossibility to stop gross violations of human rights, UN peacekeeping operations in general, including their CIVPOL components, are under critical appraisal. Following the enthusiasm and optimism of the late 1980s and early 1990s in connection with the UN's role in peacekeeping, there is now a mood of international caution and concern prevailing about the UN's involvement in such activity. At the same time there are renewed efforts to learn from the accumulated experience. The UN has, for example, created, in 1995, a Lessons Learned Unit. "The Unit is charged with drawing lessons from past peace-keeping efforts to help in the planning of future operations and the conduct of ongoing ones"[112]. Learning lessons from past experience is one thing; acting on them is another. Within the context of the United Nations and its negotiations with Member States over mandates and resources, acting on the lessons of the past is difficult.

The review conducted in the preceding chapters, as well as the specific accounts in the annex provided by the Canadian CIVPOL members of UNPROFOR about their very recent field experience in the former Yugoslavia, has raised a series of general policy questions about the role, preparation and performance of CIVPOL within the framework of UN peacekeeping operations.

Mandate and Role

In regard to the role of CIVPOL, few commentators would now dispute the important contributions to be made by civilian police to the range of functions performed by the non-military components of UN peacekeeping operations from ONUC onwards. While those functions have tended to expand over recent years, they can be best described, as suggested at the Singapore Conference, as part of a three stage continuum beginning with conflict prevention and ending with post conflict institution building. Field experience in the former Yugoslavia, and in Somalia and Cambodia, strongly suggest that CIVPOL's role along this continuum can only really be effective when some measure of internal stability has been achieved within a mission location. In circumstances where peace enforcement activity is required, civilian police, whether armed or unarmed, have little role to play and the military must assume prime responsibility.

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[112] Via Internet: http://www.un.org/depts/dpko/llu.htm

It is not the brief of this project to speculate on military operations in peacekeeping, but the extreme complexity of the situations the UN now faces following the end of the Cold War must be acknowledged. The conflicts, as we and others have noted[113], are primarily intra-state; there frequently are many factions involved, with ethnic and religious tensions playing their corrosive part; if there is a peace agreement it is frequently fragile, and more fragile in some parts of a particular country or region than in others; and the entire mission environment is frequently fluid. Against this, Member States, understandably, demand clear mandates, clear rules of engagement, specific end times and, in short, more certainty than the complex and changing circumstances often allow. Moreover, there is always urgency surrounding mission deployment and the reality that the UN must depend on Member States for financial resources and most personnel. Given all of these considerations, the particular difficulty for CIVPOL may well be that they are deployed while the issues of peacekeeping involving the military and other personnel are still being resolved.

In the view of some observers, circumstances such as these made the role of CIVPOL problematic in a mission like that conducted by UNPROFOR. Future planners should clearly take account of this UNPROFOR experience when deciding whether or not to deploy civilian police. They should also consider very carefully the scope of the mandate given to CIVPOL in circumstances like those described earlier in the former Yugoslavia where the rule of law had, for all practical purposes, broken down. It would be advisable for the powers given to civilian police to be clearly spelt out in any enabling documents rather than relying solely upon the ingenuity or willpower of an individual commander to find the requisite legal authority.

Indeed, much of the criticism of the UN peace-keeping operations stems from the fact that there is ambiguity about what can be done. There is frequently ambiguity about the rules of engagement for military forces. The changing and fluid nature of the conflicts the UN now commonly faces, makes it likely that the rules of engagement need to change more quickly than the cumbersome UN machinery can handle. Similarly, there is ambiguity about the mandate for CIVPOL. In part, this ambiguity is produced by our common understanding of what police usually do. Police, nearly everywhere, are expected to be able to perform a range of functions: investigate criminal activity, make arrests, detain suspects, intervene in disputes and so on. The fact that police, when acting as neutral and independent agents of the UN, can seldom perform the tasks that citizens and commentators typically expect them to, sets the stage for the erosion of their credibility. The credibility of peacekeeping generally is also severely tested when the police and military combined are unable or unwilling to arrest

[113] See, for example, Righter, R., Utopia Lost: The United Nations and World Order, New York: The Twentieth Century Fund Press, 1995 and the (UK) House of Commons Foreign Affairs Committee, Third Report, The Expanding Role of the United Nations and its Implications for United Kingdom Policy, London: HMSO, 1993.

persons indicted for war crimes[114] or have to work with local police forces which allow indicated war criminals to continue to serve in their midst[115].

[114] See "Watching Karadzic Ride by", The International Herald Tribune, December 12, 1996 and Meyers, S.L., "Rights Groups Says Bosnian Suspects Flaunt Freedom", The New York Times, November 26, 1996, p.11.

[115] A Bosnian Serb indicted for genocide by the United Nations War Crimes Tribunal reportedly served until recently as a deputy commander of a police station in Omarska, Bosnia".

Reference has been made earlier to the legal framework developed for UNTAC which did give comprehensive authority to the UN. The authority provided, however, was used restrictively and did not take account of the specific needs of CIVPOL. The CIVPOL Commissioner was not involved at an early stage in the mission planning and no advance work was conducted to provide a specific legal framework for CIVPOL activities in Cambodia.

In addition, greater use should be made of other United Nations entities. In particular, the Centre for International Crime Prevention in Vienna should be more extensively involved. UNCICP is the only UN body exclusively dedicated to crime and criminal justice and it has developed special expertise in the criminal justice aspects of peacekeeping. Formally the role of UNCICP in peacekeeping has been recognized in a series of General Assembly and ECOSOC resolutions and UNCPCJD has played an important role in a number of missions[116].

Preparation

On the preparation front, the review has pointed to the essential ingredient of planning at both the UN and Member State level. Critics of the UN have long lambasted the organization for its poor record on the planning front, and this criticism most certainly applied in the past to its preparation for the involvement of CIVPOL in missions like UNPROFOR and UNTAC. The review suggests that the formation of the CIVPOL unit has had beneficial results but criticisms remain about the continued dominance of the military in the planning process, and of the failure by the UN administration and the military to make adequate provision for the police in relation to such vital matters as logistics and equipment.

Preparations for the selection and training of personnel for UNCIVPOL missions have also been deficient in the past, both at the UN and Member State level. These deficiencies have severely prejudiced the subsequent performance of CIVPOL components on a number of missions and have created difficult field command and control problems. While there is a realization that these selection and training deficiencies must be remedied as a matter of urgency if integrated multinational police contingents are to continue to be used in the field, much still remains to be done in this area of preparation, both by the UN and by Member States.

[116] For a brief account of UNCPCJD's experience see "The United Nations Crime Prevention and Criminal Justice Programme in the Context of Peace-keeping and Peace-building", E/CN.15/1996/CRP, 22 May 1996.

Within the UN, a significant and early contribution was made by the UNCPCJD through the publication of United Nations Criminal Justice Standards for Peace-keeping Police. The "Blue Book", as it has come to be called, was conceived as a tool to assist the civilian police component of peace-keeping missions to carry out their monitoring responsibilities. Mandates for several United Nations peace-keeping operations have regularly explicitly authorized monitoring by the United Nations as an important method of resolving conflict and curtailing abuses of human rights[117]. Accordingly, a substantial portion of the responsibilities of the civilian police component of operational missions consists of monitoring local officials to ensure that they carry out their tasks with full respect for internationally accepted criminal justice and human rights principles. In order to better equip CIVPOL to fulfill its monitoring role, basic information was required to assist them to assess the human rights performance of local criminal justice personnel. Consequently, the "Blue Book" was structured as a guide containing United Nations criminal justice standards, human rights norms and humanitarian law applicable to law enforcement personnel employed in operational missions[118].

The "Blue Book" includes an overview of international norms and standards regulating the following subjects: (1) arrest; (2) force and firearms; (3) trials; (4) victims; (5) detainees and prisoners; (6) torture and other cruel treatment; (7) illegal execution; (8) genocide; (9) humanitarian rules; and (10) refugee protection.

The United Nations Criminal Justice Standards for Peace-keeping Police has been successfully used in several training courses for civilian police components of United Nations missions, such as the "Human Rights Training Seminar" for UNCIVPOL of the United Nations Operation in Mozambique, organized by the Centre for Human Rights in July 1994.

The publication has provided to be very useful and practical. It is designed to fit into a pocket and to be a ready reference. The "Blue Book", originally drafted in English, has been translated into Arabic, French, Spanish, Serbo-Croat and Macedonian. The recent development and deployment of Selection Assistance Teams by the CIVPOL Unit is a promising and very efficient method of providing assistance to Member States. These teams travel to contributing countries to assist with selection and provide Member States with training material for pre-deployment training. Beyond this, Member States with well resourced selection and training programs and procedures, like Canada and Singapore, have offered to assist the UN in providing models and advice to other nations possessing fewer resources and less developed programmes and procedures. In the meantime, the training unit in DPKO has developed training material in cooperation with the CIVPOL unit. By using this material, at least there will be a standard approach towards pre-deployment training.

[117] Examples include UNTAG, UNTAC, UNAVEM and UNPROFOR.

[118] The full range of UN standards, norms and conventions was used in preparing the "Blue Book".

A significant contribution to refining recruitment and training guidelines was made by a workshop[119] on these topics held in April 1996 at the Pearson Peacekeeping Centre in Canada[120]. The results of this workshop, along with other materials, have assisted the UNDPKO CIVPOL Unit in developing a comprehensive range of guidelines and curriculum materials[121]. These need to be moved from the draft stage to dissemination, however. There are also a range of new resources and organizations making contributions in the area. Reference has already been made to the impressive materials produced by the UNCHR. It is encouraging that UNDPKO and the UNCHR have instituted "train the trainer" programs for IPTF in Bosnia and Herzegovina. Similar courses are also run at the UN Staff College in Turin, Italy. It is also encouraging that the Lester Pearson PeaceKeeping Centre in Canada now has a CIVPOL component in its peacekeeping courses, where appropriate[122]. In addition, the UNCICP is an excellent resource to provide training in international standards and norms and in upgrading local criminal justice practices. UNCICP has provided essential training in a number of missions, including, for example, workshops for UNCIVPOL Station Commanders of the UNPROFOR mission[123].

Performance

At the level of performance, CIVPOL's record to date has been mixed. In this document the principal performance emphasis has been upon the field experience gained and related by certain members of the CIVPOL component of UNPROFOR, together with some analysis of earlier experience of CIVPOL in ONUC, UNIFCYP and UNTAC. Of these missions, UNTAC remains the largest, most costly, and probably most disappointing from a CIVPOL perspective. A combination of poor planning, an unrealistic mandate, unforeseen difficulties in the field, and an ongoing armed conflict all influenced this outcome.

The less ambitious but still expensive venture in the former Yugoslavia was confronted by many of the same problems. The UNPROFOR field experience described in this document has highlighted a number of key and related factors affecting the quality of the performance of a CIVPOL component including the command and control structures put in place, and the leadership provided. Severe disparities in the skill levels of personnel, coupled with other disparities in policing styles and values may, however, make the delivery of a

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[119] Part of a Joint Seminar Series between the Lester B. Pearson Canadian International Peacekeeping Training Centre and the UN DPKO.

[120] The workshop brought together CIVPOL experts from 33 nations, together with UNDPKO and other international organizations active in the area. See Pearson Peacekeeping Centre Recruitment and Training Standards for United Nations Civilian Police, Cornwallis: Lester B. Pearson Canadian International Peacekeeping Training Centre and the UN, 1996.

[121] See "Selection Standards and Training Guidelines for United Nations Civilian Police Monitors", draft document, UN Department of Peace-keeping Operations, 1996.

[122] Personal communication, Michael O'Reilly, January 1997.

[123] The workshops were held in 1994 and 1995 in Wiener Neustadt, Austria with funds provided by the Austrian Government.

good service by an international police force a largely illusory goal. On the job training to make up for these skill deficiencies, and to instill appropriate values in personnel, may be a source of short term redress for these problems but in the longer term they are issues which must be addressed by proper pre-mission selection and training procedures.

An additional difficulty in the selection of large numbers of civilian police has recently surfaced. Since police officers are engaged in on-going police work, they are usually difficult to free up for reassignment to a UN CIVPOL mission. Given this, a number of countries have turned to a pool of experienced personnel who are more available, retired police officers. In some cases this has worked well, but it seems to have worked best where retired officers are of exceptional quality, are highly motivated to serve the international cause, and clearly feel that they are accountable to a national or other force in their home country. The United States contribution of CIVPOL officers to IPTF has made use of retired officers. A private firm was hired to recruit retired police. The early results have not been encouraging:

> *Of roughly 200 police officers, forty individuals, not as a group but forty individuals - have decided to leave the mission area. Some just went away, others went on authorized leave and didn't return ... that leaves us without any possibility to take any action because they have no authority here in the U.S. to whom they are responsible. The Americans are now changing things and making available more active duty officers.*[124]

This is, however, only one experience. It illustrates that, as with all personnel, issues of selection, training and deployment need to be thought through carefully. There is a large pool of retired police officers in many countries. They are a resource that can be used effectively, perhaps in management and training functions. Matching their skills, experience and dedication to suitable tasks requires care.

Sustaining a CIVPOL Commitment

Despite the ongoing critical appraisal of UN peacekeeping operations, there seem to be reasonable grounds for optimism about the continuing involvement of the UN in such activities, and for the inclusion of a CIVPOL component in future missions.

Much of the discussion about the future peacekeeping role of the UN has focused around ways in which that international body can be provided with a rapid reaction capacity to deal with crises, like that in Rwanda, where a delay in responding to a Security Council authorization to intervene may have resulted in the loss of thousands of lives. Past experience has shown that the typical response time between the passage of a Security Council resolution authorizing the establishment of a peacekeeping operation, and the deployment of a force in the field, is measured in months rather than days. As noted earlier, this deployment time may well be greater for any CIVPOL component than it is for the

[124] Personal interview, Lieutenant General Manfred Eisele, New York, November 1996.

military since police personnel are not usually as readily available or prepared for international duties as soldiers.

For those nations willing to contribute civilian police officers to future UN peacekeeping operations, an important policy consideration is likely to be that of deciding how to provide, within a realistic time frame, the financial and logistical means to support such a contribution. In Canada, the RCMP has responded to this challenge by making provision for a potential CIVPOL commitment in its budgetary planning but without specifying a precise sum to be allocated to this commitment. Ideally, as one senior RCMP officer stated:

> *My own opinion is that a reserve will have to be set up, paid for by the Government of Canada, giving us the opportunity to have, say 100 people, that can be sent on a mission at a moments notice. They've had all their shots, they've had all their training and they are ready, willing and able to go on missions just about anywhere. I think if we had that opportunity, and we had that luxury, we will be able to continue on in this business as long as there is a demand for it. But I talked to people from other countries and they have the same problems that we do. The police are all engaged in duties, you can't just drop what you're doing and head off to Africa or Yugoslavia or wherever.*
>
> *Using retired officers can work for certain missions. I believe in the former Yugoslavia we could use retired police officers. They're unarmed in Yugoslavia, they carried out a very limited role in Yugoslavia and I believe it can be done, providing they are fit. In Haiti that's not the case. I believe that there are some specific administrative kinds of duties that our retired officers could do in Haiti. But the average police officer that's required in Haiti must be armed, must be very fit, and must be very recent in his knowledge of police work. So I guess, to answer your question, yes, I believe retired officers could play a role in Haiti but to only a limited degree. I believe we need regular members, active police officers, down in Haiti. Yugoslavia is [perhaps] a different matter*[125].

Canada is certainly not unique in the dilemmas it faces in meeting a commitment to provide suitable police officers for a CIVPOL contingent. It is clear that all nations wishing to support UN peacekeeping operations, including a CIVPOL component, must devote more time and resources to planning and to achieving a state of readiness that could reduce deployment times from the months now required between Security Council resolution and action. Similarly, the UN must better resource its CIVPOL unit. One budgeted position[126]

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[125] Personal interview, RCMP officer, November 1996.

[126] The UN has only one position for its CIVPOL Unit, that of the Police Adviser, in its DPKO regular budget. This fact was confirmed with Police Adviser Rathor and Michael Emery of DPKO in November 1996. Other personnel are on loan from their respective governments.

does not match the importance that senior UN personnel, including Secretaries-General, claim to attach to CIVPOL. Vital components of the operation, such as SOPs that are official and agreed can best be produced with a staff with more permanence than seconded personnel. Moreover, as recent experience has shown, if something lasting is to be left following a peacekeeping mission, it is likely to be in the form of rebuilt justice systems which respect human rights and abide by the rule of law. This will mean that in future missions other criminal justice personnel will be required for service alongside civilian police.

An important precursor for such mission has already been established in South Africa. In Gusut 1992 the UN Security Council, by resolution 772, authorized deployment of UN observers in South Africa to assist in the process of reaching a peaceful settlement of that nation's transition to a non-racial, democratic society[127]. The Security Council invited bodies such as the Organization of African Unity (OAU), the Commonwealth, and the European Community to join the UN in this mission. Each of these international organizations did subsequently deploy teams of observers in South Africa.

[127] See S/Res/772 (1992), August 17, 1992. Also see, in general, the Blue Book series, Volume 1, The United Nations and Apartheid, 1948-1994.

The members of the Commonwealth Observer Mission to South Africa (COMSA) included a number of senior (serving or retired) civilian police, as well as judicial officers, lawyers and other criminal justice specialists[128]. During their tour of duty in South Africa, extending up until the election in April 1994 which brought an end to the apartheid era, the COMSA observers not only monitored the activities of police and other security authorities but also began the process of providing training and guidance for their new post-election roles as law enforcement agents in a fledgling democracy[129]. The COMSA experience of using observers possessing multi-disciplinary backgrounds and skills proved to be both beneficial and effective in gaining the trust and confidence of the various parties involved in the peace process[130]. It also paved the way for subsequent aid programs to police and criminal justice agencies in the wake of the elections[131].

A Justice Package?

Recent field experience with UN peacekeeping in Cambodia, Somalia, Rwanda and the former Yugoslavia has shown how a breakdown of the institutions of government, including the justice system, can seriously hinder or thwart the effectiveness of a mission. In situations like these, even if some short-term success can be achieved in stabilizing a conflict situation by military and CIVPOL efforts, the task of restoring the rule of law and rebuilding institutions requires more. Initial peacekeeping efforts may be too limited in duration or scope to have any long-term effect. Certainly this seems to have been the case in Cambodia where, two commentators have recently stated:

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[128] One of the authors of the present report, Duncan Chappell, served as the Chair of COMSA for a period of eight months during 1992 and 1993, as well as being a member of the Commonwealth Observer Group to the South Africa Elections (COGSA) in April 1994. A full description of COMSA activities and experience in South Africa over this crucial period will be found in a series of reports published by the Commonwealth Secretariat in London. See COMSA Report Phase I: October 1992 - January 1993 Violence in South Africa, 1993; Phase II: February - May 1993 Violence in South Africa, 1993; Phase III: August - December 1993 South Africa in Transition, 1994; COGSA Report, The End of Apartheid, 1994.

[129] For another very positive view of COMSA see Gastrow, P., "The South African Experience: A Case Study", a contribution to a Workshop convened by the United States Institute of Peace, Washington, D.C., May 10, 1996.

[130] The COMSA observers also worked in close collaboration with their UN, OAU and EU counterparts throughout the period of the mission. Significantly, all international observers in South Africa were civilians and unarmed.

[131] The Commonwealth has continued to facilitate the aid process through its Secretariat, and through the assistance of individual members including, in particular, the United Kingdom and Canada.

At the end of the mission, UNTAC concluded that the Cambodian history of involvement in repressive practices and the exercise of arbitrary authority still persisted and Cambodia had extremely weak institutions of law and order. Lawlessness around the country continued to threaten progress for the advancement of the human rights. There was an urgent need to rebuild (or build) those key institutions and structures vital for future human rights protection, including a professional police force, a functioning and independent judiciary and an effective bureaucracy. While there have been some improvements in the criminal justice system since the days of UNTAC, there is much of the appalling circumstances outlined above that still remain today. Cambodian society still needs an independent judiciary, an effective non-political administration, a professional police force and army, a free press, viable state institutions capable of providing basic social services, a broadly educated professional class and indigenous human rights and other non-governmental organizations able and willing to promote and defend popular interests[132].

Providing assistance in post conflict institution building is the third stage of the CIVPOL peacekeeping continuum referred to earlier. It is a stage which has not as yet received full consideration or been implemented to any significant degree in any UN peacekeeping operation. The UN has, however, grasped the importance of rebuilding or creating key institutions if sustainable peace is to be realized. In An Agenda for Peace, issued in June 1992, the Secretary-General defined the concept of post-conflict peace-building as an action "to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict"[133] and illustrated the possible activities of the United Nations in this area. The tasks of UN peacekeepers have also had to be modified in light of the increase in intra-State conflicts. Unlike traditional inter-State conflicts, what often follows in the wake of intra-State conflicts is "... the collapse of State institutions, especially the police and judiciary, with the resulting paralysis of governance, a breakdown of law and order, and general banditry and chaos ..."[134]. The United Nations has increasingly been called upon to perform activities aimed at national reconciliation and rebuilding, like "drafting constitutions, instituting administrative and financial reforms, strengthening domestic human rights laws, enhancing judicial structures, training human rights officials and helping opposition movements transform themselves into democratically competitive political parties."[135]

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[132] Kirk, W. And Plunkett, M., "Justice Package for Planning for Peacekeepers", Singapore Conference, P. 192.

[133] Boutros, Ghali B., An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping, New York, UN, 1995, 2nd ed., p.11.

[134] See above, p.9.

[135] Boutros, Ghali B., An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping, New York, UN, 1995, 2nd ed., p.11.

The criminal justice system is among those institutions that suffer most in a conflict situation. Often, if the system cannot be made subservient to those seizing power, it is destroyed. Post conflict re-establishment of a country's criminal justice system is fundamental for a functioning democracy. Efforts to re-establish a country's criminal justice system need to be coordinated with efforts to develop other democratic institutions. Success in building democratic institutions and in reviving a country's economy depends on the observance of the rule of law and adequate security. Both are essential pre-conditions for democracy and economic development. The criminal justice system should be capable of ensuring the maintenance of law and order and the protection of civil rights and basic freedoms.

The link between the rebuilding of a country (including the re-establishment of the criminal justice system) and a truly lasting peace has become more and more evident. As conflict typically takes a heavy toll on the mechanisms of governance, post-conflict efforts must pay special attention to their repair. Key institutions of civil society, judicial systems, for example, may need to be reinforced or even created anew.

Brave attempts to act on these realizations in Somalia and Cambodia foundered leading to proposals for more radical interventions in any future missions and for the development of what have been termed a "justice package' to form a part of such interventions. In summary form, these proposals have been described in the following way:

> *The building of a functioning criminal justice system is a particularly crucial priority if the gains of a peacekeeping operation are to be consolidated and a relapse into conflict is avoided. We support the idea, advanced by lawyers in Cambodia troubled by their inability to effectively implement UNTAC's human rights mandate, that UN 'Justice Packages' be part of any peacekeeping and post-conflict peacebuilding exercises in countries where the rule of law, and the institutions needed to support it, have manifestly broken down. Elements of such a package would include provision, as appropriate, of a body of criminal law and procedures, drawing on the universal principles; civil police, with training as well as law enforcement responsibilities; a panel of judges, prosecutors, and defenders able to work with available local professionals during the transitional period, again with an obligation to train their local successors; adequate correctional facilities, and personnel to staff them while developing local replacements. Basic as all these requirements may be, no viable government or social order can be built without them, and there will be situations where only the authority of the UN is capable of delivering them*[136].

When the UN does deliver any such justice package it will have to be tailored to meet the specific needs and situations of an authorized mission. Steps are already underway to develop generic justice package models and associated protocols to ensure a rapid adaptation and implementation process in any future peacekeeping activity. Particularly

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[136] Evans, G., Co-operating for Peace: The Global Agenda for the 1990s and Beyond, St. Leonards, New South Wales: Allen and Unwin, 1993, p.56.

useful in this regard is the contribution made by UNCICP in publishing Guidelines for the Conduct of Criminal Justice in Cambodia[137]. This document contains the key principles and standards developed by the UN over the decades for persons working in criminal justice. The document is a useful summary of a wide variety of UN materials and complements the UNCICP's "blue book", the United Nations Criminal Justice Standards for Peace-keeping Police[138].

[137] See Chapter 2, note 55.

[138] See Chapter 1, note 13.

New Challenges for CIVPOL

There is now a recent, relevant and rich accumulation of experience with the use of civilian police in UN peacekeeping operations. Many lessons have been learned from this experience, and important contributions made through the missions in which CIVPOL has been involved to the purposes and principles of the UN. It is time to act on the lessons learned. As envisaged by the UN Secretary-General in his message to the Singapore Conference, "civilian police in our time are as much an investment in society's future as an instrument for the security of the present". The challenge is to manage this investment wisely.

ANNEX I

PERSONAL OBSERVATIONS OF A POLICE COMMISSIONER IN THE FORMER YUGOSLAVIA

The civilian police component of UNPROFOR is composed of voluntary professional police officers from member countries of the United Nations. This international police force is unique by the fact that, upon entering a mission, the police officers relinquish their normal chain of command and practices, to the leadership and police practices found in UNCIVPOL. The police officers in charge may be of higher or lower rank, with different police practices and expectations but the common goal remains above all to work as one police force, within the United Nations. Previous rank and status thus shift from Supervisor to Subordinate and vice versa.

These changes call for patience, understanding, tolerance and courage to work together in order to be productive and grow in the experience.

I expect all monitors in this international police force, to do their utmost to develop good working relationships, to comply with the standards set to perform the CIVPOL mandate, and above all, to help create a credible and legitimate entity, which will be seen as a viable component of the UN Peace Keeping function[139].

UNPROFOR: Mandate and Background

Commissioner M. F. O'Rielly[140], a Canadian and a former senior officer in the RCMP, expressed this vision of CIVPOL in a foreword he wrote for the Standard Operating Procedures (SOPs), issued to police officers under his command in UNPROFOR. There were, as Table 3 shows, more than 700 police officers from 25 nations, including Canada, among the CIVPOL contingent deployed as a part of the UN's peace keeping operation in the former Yugoslavia between March 1992 and December 1995[141].

[139] Foreword, UNPROFOR/UNCIVPOL, Standard Operating Procedures (SOP) Zagreb: UNPROFOR, July 1993, p (i).

[140] Commissioner Michael O'Rielly had previously served on a CIVPOL mission in Namibia.

[141] See UN United Nations Peace-Keeping Information Notes, New York: UN 1995, p 108.

That operation, known as the United Nation Protection Force (UNPROFOR) was authorized on 21 February 1992 by resolution 743 of the UN Security Council for an initial period of 12 months[142]. The operational mandate of UNPROFOR was to extend to five republics of the former Yugoslavia - Croatia, Bosnia and Herzegovina , Macedonia, Montenegro and Serbia - with a liaison presence in the sixth, Slovenia[143]. In accordance with the resolution of the Security Council the primary responsibility for maintaining law and order in the mission area was to continue to rest with the existing police forces. The CIVPOL contingent in UNPROFOR was to have no executive powers or responsibilities for the maintenance of public order unless directed by the Security Council[144].

TABLE 3* — CIVPOL Contingent Deployed As A Part Of The UN Peace Keeping Operation in The Former Yugoslavia Between March 1992 And December 1995

COUNTRY	POLICE
Argentina	23
Bangladesh	40
Brazil	6
Canada	45
Columbia	12
Denmark	45
Finland	10

[142] See above, pp 66 - 109 and particularly at pp 67 - 68.

[143] The military and police personnel required for the operation were contributed on a voluntary basis, in response to a request from the Secretary General by the Governments of the Member States of the UN. The contributing states were also to be approved by the Security Council, on the recommendation of the Secretary General, after consultation with the Yugoslav parties. See Field Operations Division, United Nations Protection Force (UNPROFOR), Notes for the Convenience of Military Observers and Police Monitors, New York: UN, March 1992, p 1.

[144] In 1994 the United Nations enlarged its CIVPOL activities in Bosnia by opening a detachment in Tuzla, adding to its existing activities in Sarajevo, Mostar and Srebrenica (16 CIVPOL personnel were assigned to Srebrenica to restrict abusive behaviour by local police and regulate the influx of refugees and relief supplies). As a result of the Dayton Agreement, the United Nations deployed the UN Mission in Bosnia and Herzegovina, comprising 1720 police officers (the military tasks of UNPROFOR were taken over by IFOR, then later SFOR). The numbers and tasks of the International Police Task Force (IPTF) were expanded due to the situation in Brcko and Mostar. The final numbers reached 22,000 police officers. The primary task was monitoring the local police, then broadened to include the complete restructuring and vetting of the police on both sides, Federation and Republika Srpska. The new tasks also included special training to local police to combat organized crime and drugs and to monitor the judicial system. In Croatia, new mission was deployed in Eastern Slavonia (UNTAES) in March 1996, which was responsible of integration of the Serbian and police in this area. This mission was taken over by the OSCE in January 1998.

France	41
Indonesia	15
Ireland	20
Jordan	71
Kenya	50
Malaysia	26
Nepal	49
Netherlands	10
Nigeria	48
Norway	31
Pakistan	19
Poland	29
Portugal	39
Russian Federation	36
Sweden	35
Switzerland	6
Tunisia	12
Ukraine	9
TOTAL	**727**

Adapted from United Nations Protection Force (UNPROFOR) Notes for the Convenience of Military Observers and Police Monitors New York: UN, March 1992, p 1.

The broad duties of CIVPOL were to be two fold:

- To monitor the local police, to ensure that they carried out their tasks without discrimination on any grounds of ethnic origin, culture, religion, sex or nationality and with full respect for the human rights of all residents in the mission area.

- To provide appropriate assistance to the United Nations High Commissioner for Refugees (UNHCR). International Committee of the Red Cross (ICRC) and other UNPROFOR recognized humanitarian agencies, in support of their work to facilitate the return, in conditions of safety and security, of civilians displaced by the conflict[145].

In the SOP a much fuller description was provided for the monitoring and allied duties:

Closely monitor the work of the local police force to help ensure non-discrimination and protection of human rights by:

[145] See SOP, note 1 above, pp 1 - 2.

a) observing the conduct and performance of the local police and judicial investigative authorities in the arrest, detention, interrogation of persons charged with a crime, general handling of prisoners, and the searching of residences.

b) accompanying police on patrol.

c) attending scenes of crime with local police.

d) conducting investigations, in exceptional cases, as directed by Sector Chief where the investigation by the local investigative body is seen to be inadequate due to bias, carelessness or deliberate intent to mislead the course of justice.

e) conducting independent patrols and observing the absence or presence of local police.

f) observing and monitoring the movement of refugees, displaced persons, returnees, and the simultaneous release of prisoners of war and the bodies of those killed in conflict.

g) observing gatherings, rallies and demonstrations.

h) visiting prisons, to observe the treatment of prisoners of minority groups.

i) following, where possible, investigations against minorities and underprivileged, through the judicial system and to monitor the final result.

j) assisting the efforts of humanitarian aid agencies such as United Nations High Commissioner for Refugees (UNHCR), International Committee of the Red Cross (ICRC), and any agencies recognized and acknowledged by UNPROFOR.

k) helping to diffuse inter-communal tension.

l) acting as a mediator between conflicting groups on issues relating to CIVPOL monitoring duties.

m) performing other CIVPOL duties within the mission areas, when directed by the Commissioner or Sector Chief as dictated by changing political events and circumstances.

n) recording and reporting all incidents as directed[146].

[146] See SOP, note 1 above, pp 3 - 4.

Written in 1993, these SOPs were, at that time, by far the most detailed drawn up for any CIVPOL mission and have since formed the nucleus of similar guidelines used by CIVPOL contingents in later UN peace keeping operations, including in Haiti. They were also guidelines developed well before any beneficial impact was felt from the formation of the CIVPOL Unit in DPKO[147]. Commissioner O'Rielly and his command team were in many senses pioneers in the approach they took to fulfilling a mandate under conditions which were often extremely hazardous and arduous. Before describing these conditions, and the way in which UNPROFOR's CIVPOL contingent performed their duties, the organizational structure of the mission requires elaboration. Reflecting the various sectors and protected areas established by the military component of UNPROFOR, CIVPOL was organized with a headquarters based in Zagreb, and a range of sectors and stations throughout the former Yugoslavia. These arrangements are displayed in figures 1 and 2. The UNPROFOR CIVPOL Police Commissioner reported to the Force Commander through the Deputy Chief of the mission, the Director of Civil Affairs.

[147] As noted earlier this CIVPOL Unit was only formed in May 1993.

The following discussion of the performance of CIVPOL in the former Yugoslavia is based principally on a series of interviews, conducted in late 1995, with a number of the Canadians who served with this mission, including former Commissioner O'Rielly[148]. To the greatest degree possible the exact words of those interviewed have been reproduced here in an attempt to provide a personalized account of their rich and varied experience. In this chapter the experience is presented under five main headings: integration within CIVPOL; mission environment; command and control systems; a code of conduct and casualties. In the succeeding annex an examination is made of the way in which UNPROFOR performed its principal tasks of monitoring local police, protecting human rights and assisting with the provision of humanitarian aid.

Mission Environment

A quick glance at figure 2 above shows the list of CIVPOL stations established throughout the former Yugoslavia, and reveals immediately the names of a number of towns which have achieved international notoriety as significant sites in the brutal war that was waged in the Balkans throughout most of the life span of UNPROFOR[149]. Scenes of death and destruction in places like Srebrenica, Mostar, Vukovar and other parts of the former Yugoslavia became almost common place during the conflict. The bloody aftermath of this war still continues with the ongoing discovery and exhumation of the mass graves of many

[148] These interviews were conducted by Duncan Chappell. All of the interviews were tape recorded with the permission of those involved. Interview transcripts were made from which excerpts have been taken for inclusion in this document. In most cases where interview material has been used the identity of the individual(s) has not been revealed. While anonymity was not sought by those interviewed, most were serving members of the RCMP and conscious of their obligation to avoid any confounding of official policy with personal views. It is not thought that they contradicted policy but frank and open comments are nonetheless not always appreciated in police forces. It has therefore been decided to maintain anonymity. The officers are identified only by number, i.e., Officer 1.

[149] For more detailed descriptions and analysis of this conflict see, for example, MacKenzie, L., PeaceKeeper: The Road to Sarajevo, Toronto: Harper Collins, 1993; Woodward, S.L., Balkan Tragedy: Chaos and Dissolution After the Cold War, Washington, D.C.: The Brookings Institution, 1995. The latter book contains further and extensive references relating to the conflict and its political context. The former book, written by Major General Lewis MacKenzie, a Canadian appointed as the first Chief of Staff of UNPROFOR, provides a graphic personal account of a senior military commander.

of the victims of genocidal killings[150] and the indictment and prosecution of some of those believed to be responsible for these murders[151].

[150] See, for example Walsh, J., "Unearthing Evil", Time, January 29, 1996, pp 24-26; Pomfret, J., "Mass Grave Site Indicates Victims were Civilians - War Crimes Team Unearths Signs of Srebrenica Massacre" International Herald Tribune July 11, 1996, p 1, 5; James, B., "The Grim Forensic Work in Srebrenica", International Herald Tribune, July 18, 1996, p.6.

[151] See, for example, Cowell, A., "UN Tribunal Indicts 4 in Killing of Serbs. War Crimes Panel Charges Bosnian Muslims and Croats with Atrocities", International Herald Tribune June 28, 1996, p 1,8. In June 1996 the first defendant charged by the UN War Crimes Tribunal for the Former Yugoslavia to plead guilty, Drazen Erdemovic, 24, admitted he had participated in the massacre of Muslim civilians following the fall of Srebrenica to Serb forces in July 1995. See "Croat Soldier Tells Tribunal of Massacre at Srebrenica", International Herald Tribune, June 12, 1996, p 1, 4.

While by no means all members of the CIVPOL contingent attached to UNPROFOR were located directly in an immediate war zone, the effects of the conflict were manifest throughout the mission area with large flows of refugees and massive requirements for humanitarian aid and assistance. In the sectors where armed conflict continued, the unarmed and largely unprotected CIVPOL members were confronted with the same dangers and privations which affected the lives of so many civilians caught up in the war. An appreciation of these conditions can be obtained from the following "brief insight into the world" one RCMP officer functioned in as the Station Commander of Benkovac in Sector South during the period from May to December 1993:

> *With a permanent population of approximately 6000 persons in Benkovac, there were also approximately 12,000 displaced persons and refugees residing in the vicinity. There were, as well, approximately 45 smaller villages and hamlets located within 250 square kilometres of the station area. Those who comprised the list of displaced persons and refugees had been the victims of abrupt and often violent expropriation of property and effects. Community social service facilities were taxed well beyond capacity. Even the resident population of the community was dependent on what little welfare could be provided by civic authorities.*
>
> *The economic sanctions against Serbia, as a result of this conflict, had a devastating effect on community life. Basic food staples, medication, fuel, and humanitarian supplies such as candles, matches, washing powder, and blankets were almost impossible to obtain in sufficient quantity. Local and regional commerce had generally ceased to function due to the preoccupation with war.*
>
> *The war itself had an insidious effect on the quality of community life. Benkovac is situated a few kilometres from the confrontation line. The men of this community were pressed into service on the line and were, in effect, fighting with their backs to their homes and families. The line itself was relatively static, with low-level probes and incursions on both sides. Few families in Benkovac had not been directly touched by the suffering and dying associated with the war. The closeness of the conflict was manifested in the shelling of civilian targets. Mortar, rocket, tank, and artillery fire had become a daily fact of life in Benkovac and many of the surrounding villages. Daily routine was interrupted regularly by shelling sirens and the need to seek shelter. Death and injury of women and children, and destruction of property associated with the shelling was a brutal and recurring feature of the war.*
>
> *Incidents of threats, armed robbery, and vehicle high-jacking occurred in the station area with disturbing regularity and UNPROFOR was often targeted. The streets were congested with heavily armed soldiers and military vehicles. The community was militarily and politically unstable, with much potential for criminal predation. An open and reciprocal relationship between the CIVPOL and the local police, as envisaged at the outset of the mission, has yet to occur.*

For their part, the local police, or milicija, remain principally preoccupied with the war[152].

When that war came directly to a location where a CIVPOL member was stationed, "all the rules went out the window. Everything just disappears and now all you're doing is getting out of the way"[153] Even searching for accommodation could become hazardous:

Well we were standing looking down in this little place near the Stavro River, and G said. "here's where you're going ... you may be able to get accommodations in this little town down there". So we ended up down there, in three vehicles. Anyway ... we're down in the village walking around, and sort of looking at all the big, huge big telephone poles and trees that are up against the buildings. So people start sneaking behind them, underneath them. And we see sandbags up against a lot of those buildings and stuff like that. And all of a sudden we hear the town siren ... Next thing you know you hear kaboom, kaboom. And they're just shots landing in the fields just out below the town. They're throwing them from the other side of the river. They're just mortar shells coming in just to keep the town on edge, and its just part of the daily routine. A lot of people just sort of kept on going, until one came very close and landed right over by the church, and then everybody chhooom. Underneath the barricades, and we're still standing there looking around. Only ones, eh? That was the only time that we ever did that. Most of the time we used to beat them underneath those things. But its part of going to a place like this, where you know its dangerous but you don't respond, you don't react properly until you get used to how serious it really is. That it isn't a game ...

The ultimate realisation that it was "not a game" for one CIVPOL member came when he found himself in the path of an advancing attack by armoured vehicles and infantry:

One of the most shocking things that I've ever seen is when a whole bunch of Croatian tanks come right down the main highway. And I look and all four lanes are occupied by tanks and they're just roaring down the road. You can see the diesel smoke, and everything else coming out of there. And them not half a kilometre down the road. That sort of convinced me that that was no place for me at the time.

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[152] This description is taken from an internal RCMP memorandum dated 21 February 1994, prepared by Staff Sergeant R G Muir, in response to a request from the Secretary General for observations and suggestions about the peace keeping operations in the former Yugoslavia.

[153] Personal interview, RCMP officer, Ottawa, November 1995.

It remains a debatable question whether in conditions like these it makes any sense at all to deploy unarmed civilian police. Quite apart from the personal risks involved to their general safety and well being, their ability to perform the types of monitoring and allied tasks assigned by the UNPROFOR mandate was clearly severely compromised by the continued fighting. As is well known and documented, the much larger and armed military contingents attached to UNPROFOR were largely powerless and ineffective in their efforts to alleviate the conflicts in the former Yugoslavia. Only when that conflict ended with the Peace Accord brokered at Dayton in late 1995 were the conditions appropriate, in the view of those critical of the earlier CIVPOL deployment, for the injection of a civilian police presence.

Integration within CIVPOL

Although confronted by these most testing of conditions the multinational CIVPOL contingent did pursue its mandated tasks within the visionary approach and framework outlined by Commissioner O'Rielly. That approach and framework began with the integration of the 25 national contingents into a unified force, as Commissioner O'Rielly explained:

> *A thing that I am against, I would never agree on is having national contingents working one area. To be an international organization they have to be split up. My approach with this is when you get off at the airport, you become a monitor responsible to the Commissioner. And that the Commissioner will delegate, will dictate your duties according to your abilities and where you go.*
>
> *That is the beauty of bringing police officers into a mission where you have 25 or 30 different nations working together. They all consider themselves as police officers, helpers of the people, problem solvers for the people, not for the state or the Prime Minister or the President ... And this is the beauty of having an international police organization ... police officers working together in stations, in the field, and divided up. Not working as a contingent, but 3 or 4 people in the station from each contingent. I set it up where you had 4, no more than 4, from these contingents in any station of 25 or 30 people because they learn from each other. The ones who could not drive were taught to drive, the ones who could not speak English learned to speak English, the ones who could not work a computer learned to work a computer because there were people who were competent in it and could teach them. And they helped each other and they worked as police brothers. This was their attitude. It worked because as I said a long time ago, it was this cross-pollination of ideas and training and techniques that they were learning from each other. Because when you get too many people in one area, they take their home baggage, and their home attitude and that's the way it works. The mission [UNPROFOR] had just started in March and I went in April. And about June we went to a sector, and the Commander said "I can't get anyone to work." I found out that there were 14 from one contingent in the station. They'd all go out and get in one truck, car, and go on patrol, 14 of them ... and then go home, to their home, to the house, and report in the different*

areas [of their responsibility] with the radio. So, we went and we caught them. And after that then I made sure that they were separated[154].

Commissioner O'Rielly's approach to the integration of his force did not meet with universal approval. Critics suggested that under the difficult field conditions faced by CIVPOL members it was unreasonable to add the provision of training to unqualified fellow officers to the list of mission tasks. Those critics suggested that any such training should have been conducted at a pre-deployment stage as part of the preparation of national contingents for involvement in UN peace keeping operations. As it was, the UN set guidelines for the selection of personnel for these missions which were clearly being ignored by many Member States. The result was that, in integrated units of the type stipulated under the O'Rielly approach, a disproportionate burden was placed upon members who came from nations which did properly prepare their police officers for their mission responsibilities.

The following insiders view, expressed by a Station Commander in charge of one of the UNPROFOR units, presents some of the difficulties and challenges posed by this integrative approach:

The standards required of police monitors are clearly articulated in Section 36 of the UNPROFOR 'Notes for the Guidance of Military Observers/Police Monitors on Assignment' (March 1992). These standards include:

- *a minimum of five years of regular police service experience;*

- *ability to speak English fluently and to read and write English, the working language of UNPROFOR and to write or type reports and to communicate in clear English on voice radio sets;*

- *be experienced vehicle drivers and have at least two years recent experience in driving standard shift motor vehicles and be in possession of a valid national or international driving licence.*

During my tenure, the Station was comprised of fourteen monitors from eight nations. I will not belabour specific cases, nor do I believe that it is appropriate to draw attention to any particular contingent. The following points, however, should suffice to underscore the stark contrast between the 'standards' as they are written above and the manner in which they have come to be applied. It is safe to say that the circumstances which I describe may be generalized throughout the mission area. Perhaps a better appreciation will be gained of the unique challenges associated with delivering a multi-national police monitoring service.

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[154] Personal interview, Commissioner O'Rielly, Victoria, B.C. December 1995.

In terms of 'regular police service', there were four of us who met the criterion. I do not interpret this standard to include experience in para-military border patrol, riot control, firearms instruction, undercover investigation of political extremism, and so on. Our role was to deliver a uniformed police service, to monitor local police, to identify and resolve local community problems, and to facilitate the humanitarian aid agenda of the United Nations. The majority of our monitors were inexperienced and ill-equipped to serve in this capacity.

With regard to communication skills, two monitors were barely able to form a complete sentence, nor were they able to acknowledge or respond to elementary questions or direction. Of the remaining twelve monitors, five experienced serious difficulty in conversational English and were only able to understand, or make themselves understood, after considerable repetition. They were profoundly ill-prepared to contribute to basic problem-solving tasks in the course of their patrol duties. Communication problems were compounded by the necessity to communicate operationally by radio. In terms of reading skills, I am confident that only six of our fourteen monitors had read and could actually comprehend the UNCIVPOL 'Standard Operating Procedures' which prescribed our operational and administrative protocols. The written work of the station, by necessity, was the domain of three monitors.

In terms of driving ability, three monitors could not drive unsupervised. This in spite of the fact that two of them were issued UN drivers licenses in Zagreb before their arrival in the Sector. Under the circumstances, they were a danger to themselves, fellow monitors, our interpreters, and the general public. Two monitors could lay claim to one month of preparatory driver training in their home country as the sum total of their practical driving experience before arriving in the mission.

Four of the monitors at the station were ordered into the mission by their governments as a condition of their employment. They did not volunteer to serve. I was in the company of others whose principal motivation for being in the mission was to benefit themselves financially. Those who were ordered into the mission, or who were there for personal gain were not predisposed towards giving of themselves to assist with the problems of others. Nor were they comfortable with the level of risk we assume, delivering an (unarmed) police service in a militarily unstable environment.

There is little doubt that many of the monitors, during the course of their stay, will develop personally and professionally. This, of course, is a testament to their willingness to learn and a credit to the efforts of those around them who teach and coach these fundamental skills. The mission, however, is not an international preparatory practicum for peace officers. The inordinate time and effort taken to develop even basic skills is offered at the expense of those we have been sent to serve. Nor was it ever intended that this mission should be a financial haven for police monitors from economically disadvantaged

countries. It is an insult to those who serve 'for the right reasons'. Again, this occurs with the knowledge of and at the expense of those we were sent to serve.
I persevered over many months in the company of those who had the desire to work but lacked the requisite skills, those who had little heart for the work, those who were frightened of the work, and those who constantly chafed and simpered about the conditions of work. I worked gladly in the company of some and in spite of others. I had the luxury of counting on precious few for my own well-being. I was placed at risk on occasion simply because I have lacked a competent counterpart to depend on.

I would hasten to add that my remarks are not intended to disparage the individual efforts of the many colleagues from other countries with whom I served. They were, by and large, good and decent men and I count many of them as my friends. Many, however, were simply not accomplished peace officers. The situation I have described is not of their making, nor of mine. By saying nothing and doing nothing, however, there is a tacit acceptance of the status quo which, in my personal opinion, is cause for alarm.

Problems of the type described by this Station Commander have been encountered on other UNCIVPOL missions as noted earlier in this document[155]. They were also among the issues discussed at the Singapore Conference in late 1995. In a keynote address during the opening session of that conference the Singapore Minister for Home Affairs raised questions about the continued wisdom of the CIVPOL practice of deploying officers from different national contingents in each locality[156]. He suggested that it would be useful to consider whether there were advantages in deploying officers from the same national contingent at a particular locality. Officers from the same national contingent would obviously possess the same policing style, culture and values and would be able to proceed immediately to their peace keeping tasks on arrival at a mission site. The point was also addressed by Oh Kar Chye, head of the Singapore Police Force's Operations Planning Unit. He proposed that in future CIVPOL missions the UN should:

[155] See, for example, the description of the UNTAC mission in Chapter 2.

[156] Mr. Wong Kan Seng Keynote Address, Singapore Conference.

- deploy officers from the same national contingent to a particular locality (a district or a province) so that the contingent leader can take ownership and accountability for that area and his men. There are obvious advantages in this arrangement. Officers from the same contingent selected and trained together before their deployment to the mission area, would have already known each other well enough. They would also know each other very well in terms of policing style, culture and values. Officers can then immediately get down to their peacekeeping role upon their arrival at the mission area. They need not spend considerable time trying to adjust and adapt to one another before they can effectively fulfill their role. Each national contingent will also be able to select their best team in terms of skills and rank composition beforehand, and prepare and train them adequately to perform the roles and functions expected of them in their deployed area. However, for this proposal to work, all contingents should be requested to report at the mission areas at about the same time so that they could all be deployed to the ground together at the commencement of the mission.

- In implementing this proposal, the United Nations may also require all contingents to be self-sufficient in terms of basic communications equipment and essential logistic items. The United Nations should pre-determine this list of items. Despite this requirement, the United Nations may still provide for those contingents who need the support. It would be helpful if the United Nations could consider inviting all participating contingents to attend an advance site reconnaissance and joint planning before the commencement of the mission. This is to enable participating countries to appreciate the area of operations and better prepare their personnel for the role[157].

Participants at the Singapore Conference reached no consensus about this sensitive and contentious issue although it was agreed that the extensive measures currently being taken to enhance the quality and availability of preparatory training for UNCIVPOL missions, and tighten selection procedures, should in the longer term alleviate many of the force integration dilemmas now being encountered in the field.

Command and Control Systems

Another related and equally difficult issue raised at the Singapore conference concerned the rank structure within CIVPOL and the implications it had on the quality of the command and control systems put in place in particular missions. Singapore's Minister for Home Affairs suggested that a separate and distinct CIVPOL rank structure should be devised and implemented to replace the national contingent ranking scheme being used at present[158].

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[157] Oh, K.C., "Singapore Civilian Police Contingent in UNTAC: Observations and Lesson Learned", Singapore Conference.

[158] See note 19 above.

The command and control dilemmas posed by that existing ranking scheme, and by the international character of CIVPOL contingents, as well as some practical and imaginative ways of dealing with these dilemmas, are well illustrated by the UNPROFOR mission experience described by Commissioner O'Rielly:

> *They think their rank helps them to gain status positions in the mission. This comes from the military. I mean when the military is sent in, the contributing country will say, 'We will send in so many people, if we can have a position in headquarters, with certain rank.' Well the police in my estimation do not work that way. And, so, I received calls from countries, contributing countries, saying 'How come I don't have my senior person in headquarters?' and I said 'There's no job for them. And when your person, senior officer, in my estimation is competent to perform his duties at headquarters, he will be considered with other worthy candidates.' That was my policy ... and I stuck with it. And, it worked. And, no one argued.*
>
> *In UNPROFOR I had a very small headquarters because I believe in very small command headquarters. Police Officers should be out in the field where they do their work, and I civilianized the headquarters and we had 18 people in the headquarters with me to support 760 police officers out in the field. And yes it worked well.*
>
> *This was in Zagreb. You have to remember that the UNPROFOR headquarters started out in Sarajevo and was driven out by the Serbs. Then we went to Belgrade and were driven out by the Serbs again. It was obvious they didn't want us there. Then we went to Zagreb in Croatia. But now throughout former Yugoslavia I had 41 police stations. I had 6 sectors commanded by a senior police officer from a contingent, usually the contingent commanders. I selected the most competent and most capable person with supervisor experience and sent them out as sector chief. Then they had their own support group, a very small group, and I dictated that. And every month I would call for a report on progress. I delegated the authority down so that they could either name or transfer their own people around, from station to station and name their own station commanders, but I wanted equal representation of the 21 nations in supervisor positions. And if a person couldn't supervise I said you put him in, and you give him a chance and help him supervise. So it was training in the field, and it worked well and a lot of them were quite happy.*
>
> *So it's a learning experience. I asked a superintendent from one country why he didn't know how to drive. He said you probably don't understand, I have a 20 person detachment station. My means of transport are rickshaw, bicycles and truck. OK. And, as a station commander I have a driver, and you may not agree with it, but I also have a valet or an aid. I do not move until a complaint comes in because I just can't have police officers wandering around. We sit and we wait, and when a call comes in, they go out to the call by truck, by rickshaw, or by bicycle. But most of our work, we're looking*

after floods, we're looking at the rivers, how they rise and fall. It's caring for people, but in a different way.

And that's why it's difficult for them to understand why I got after them to drive. To learn to drive. I said to the Superintendent "You're a superintendent, learn to drive. You're a leader, you're a supervisor. You go out and do these things. I don't want you doing the work. I want you to make sure that police officers do the work."

As the Commissioner I drove myself. I didn't have a driver, even though I had the rank of Lieutenant General. They couldn't understand why I didn't have a driver, and I said, you know I can drive. I do a pretty good job myself. So these are the kind of things that happen in a mission, and that's why the police commissioner had to be dedicated to his policing organization. He has to understand how his monitors think, why they do what they do. He has to be able to understand the problems ... you have to know their religion, what kind of religious traditions they have.

So that's why the police commissioner has to be a negotiator, a politician and you have to be aware of the culture, the religion, not only of the local people but the culture and religion and traditions of the people you are commanding. Then you have to do it in such a way that you do not allow these cultures to conflict.
For instance, in Yugoslavia, they offer you a drink mostly a brandy. They're very insulted if you don't accept it. It's like being in the Ukraine, when they offer you vodka, they're insulted if you don't take a drink. Now, a lot of police officers from Muslim countries do not drink. So I would say to them, you explain to the people that you will have a drink, but you'll have a drink of mineral water or soda. And these people normally are very understanding because it's against your religion.

As a Commissioner, I found that I had to be aware of what monitors were actually doing. I had to be aware of the people who were aggressive police officers. The RCMP are very aggressive police officers, by training and experience. They're doers. They take responsibility; they get up and they do the necessary. And they'll run it into the ground. Most of them. And in the eyes of other contingents, they are arrogant. They were known as the ugly Canadians, because they're result orientated. Their approach is, you and I are getting the same daily allowance, you're coming with me. You're not sitting in the office reading a book while I'm at work because that's the way they do it back home.

When I was in Namibia I had 300 police officers from 23 nations and they were fighting among themselves because of some old traditional feud. There were a lot of countries, and old political differences they were still fighting over. They were told by the contingent commander and by their home government, don't you associate with this country because 300 years ago they took someone as a slave. I had them come to me and fight, physically fight,

over something that happened long ago. You'd like to fire the whole lot of them, but you can't do it because they are doing things in the way that they believe they should be doing it, and I am thinking I shouldn't impose the O'Rielly, western, RCMP way of doing things or I can't do it all the time because compliance would only have been done out of fear, and I wanted them to react because they saw something good in it rather than from fear of me. So it isn't just setting up an organization and letting it run. It doesn't work that way.

Q: Then it must have been one of the biggest challenges you probably had to face.

A: Yes it was, yes it was. And that's why I stayed an extra year as commissioner. I stayed because I saw a lot of work to be done and could have stayed longer, and there's still work to be done[159].

The "O'Rielly, western, RCMP way of doing things" at the overall command level of UNPROFOR's CIVPOL contingent, undoubtedly permeated the mission during his 24 month term of office as the Commissioner. It was an approach which worked with, and around the national contingent's rank structures and skills, as two Sector Commanders explained:

Officer 1: Whether as a Unit Commander, or Station Commander, or ... at headquarters, I couldn't bring in the best people. I couldn't do that. I had to bring people in according to a mix, I had to have a mix of different backgrounds.

Officer 2: That was done by order of the Commissioner himself. He says that this is the way things are and I couldn't bring in another good [police officer from country x], because they were already there. So, I had to go looking for the best of the rest. And not ... because of race, colour or anything. It has nothing to do with that. I needed people who had the skills, I would take anybody. I had a [country y national] who's a doctor, who actually makes more money as a police officer. He was excellent. I tried to get him but his Contingent Commander, who outranked him but didn't have the skills, was allowed to move in. Well, you know, that's the kind of nonsense that you're dealing with, that just prevents you from providing a good service.

Officer 1: Conversely, the same decisions work in reverse. Where you couldn't necessarily bring in the best people, you also had to be seen to place the minimum of best people of certain nationalities in positions of responsibility, because the contingent policies demanded it. So in a certain sector there categorically had to be a Station Commander, or somebody who was of a particular nationality. And what they would do is place that person there and then they would support that person with a NCO, or a well trained

[159] Personal interview, Commissioner O'Rielly.

constable. An absolute sham, just a sham. But it needed to get done, because of the political nuances of that style of UN service work.

On occasions that "constable" could be a female which created its own dilemmas, as one RCMP officer described:

In my first mission I was the only female at the station. France and Ireland had females in headquarters. There was a [country z national] in charge who had never worked with females... A lot of them don't have any females on their police force... But they usually learn. They just didn't want any complication. I was basically running it anyway. The guy in charge would sign anything. I'd write everything. I'd do all the operational plans, all the scheduling, all the patrol scheduling, everything, and he'd just sign it. So, he didn't even read anything, he'd just sign. A lot of the [officers of a certain national police force] are so young and had five times as much rank as I did. You'd see all kinds of ranks... and they would ask me 'How long have you been in the police'. 'Oh, six years.' They'd say 'Well, what rank are you'. And I'd say, 'Constable' because I didn't have anything on my shoulder ... 'So, yeah, but what rank are you'. 'I'm not, I don't have a rank, I'm at the bottom.' And they couldn't believe it. They had a big problem with that... We tried to get rid of the ranks. Like all the guys [from one country] were Major Generals and ..... [another country's nationals] were Sergeants. But really they were only constables. Their country gave them a rank. So we said 'Why don't we just get rid of it ...', and create a UN rank. It caused a lot of problems, because you had a guy who's got all this rank, and some of them won't even talk to you because of that rank. But ... by our work examples they realized that we knew what we were doing.

The station to which this female RCMP officer was attached also had two male Canadian RCMP officers as part of the detachment, a factor which helped her with the adjustment process.

At the first mission there were three of us. Two of us were together in a house. We didn't have any problems, but the people assumed we were married. You have the same problems. Cars, you never had enough vehicles, most of the places I worked.

I was in charge of shift scheduling. Literally we would have all shifts scheduled by dividing into people who could speak English ... and people who could drive. So, we had to make sure that you had at least two drivers per shift. So you had all these sub-lists on the scheduling to make sure. And a lot of times what we would do is on the night shift was put people who couldn't drive, and literally drop them off at the station and tell them to call us. We couldn't use them in the day because they couldn't speak English, and couldn't drive a car, but they could watch things at night.

The frustrations produced by experiences like this for seasoned police managers serving on the mission, as well as those less qualified, was often keenly felt:

Officer 3: A lot of it's frustrating for those people who come over with very high rank. People carry their rank in their country over with them. They have expectations. And then they're in there, and they're sitting on the front perimeter, not knowing, or not having the skills to work, even though they are very powerful in their own country. It becomes very frustrating for them as well.

Officer 4: There's so much of that, the baggage that gets dropped in your lap. So you'll have a senior officer working on your station, who, where he comes from was used to having a man come in to polish his boots.

Officer 3: A chauffeur and a personal guard.

Officer 4: And, they were autocratic to the point of being pathological, working for a Canadian NCO. It took some of them a long time to adjust. Many of them never reconciled themselves to that model of service. Which begs the questions all right, is that the best way to go?

Q: Well, how do you get around that one?

Officer 4: Well, the way you get round it, to me, its right back to first principles. If you want to deliver the best possible job, at incredible savings to the world community and the UN, from just a pecuniary point of view, it doesn't take a rocket scientist to figure this out. You can take a geographical chunk of a mission, and you can deploy 400 civilian policemen, given the present model of service delivery, in multinational stations ... Or, you can take not 400 but 40 well trained officers and send them into the same area, and get the job done, very, very well. That begs the question,are the rest of them that bad, and the answer is, yeah. They're that bad. So, we had those kind of conversations with fellows in positions like Michael O'Rielly. He'd legitimately look at you and shake his head, and say its just not do-able.

Which begs the questions then, why are they there? [The Commissioner] would rather put the practitioners in the position of having to deal with guys. They would rather put us in positions of having to work through the subtle nuances of telling a police officer from a certain country that his personal hygiene was unacceptable and telling another monitor that 'no' you can't sexually have your way with the interpreter just on account of that's what you're used to at home. They would much rather we go through that, and not have the time to get out and actually deal with the general public. To not have to take those decisions at the executive level, where they need to get made first. So, if you couldn't have one nation for one area. But you can take 'like' contributing nations, and 'like' styles and service delivery, premised on a broad United Nations style of doing business. You can have coalitions of countries that would work incredibly well together at a fraction of the expense to the United Nations. And actually deliver a quality service to the people.

What is the matter with that picture? I can't figure it out.. Ask O'Rielly why that is?

The trained and experienced officers have the skills. They have strengths to deal with the people, to deal with the issues. They are very quick to catch on to what the mission is all about. There are others continuing to simply come in there and they're just simply bodies. There is no other way to describe it. I think now if the UN really wants to get some credibility they've got to have these people trained before they get there. You know, driving skills. A tremendous number of people were rejected because they couldn't drive even in daylight with good conditions. They don't have the language skills, they don't. In some countries their style of

policing is to sit on a bench out in front of the office and chit chat with each other all day.

Officer 4: Or take patrols. One guy would patrol certain villages and do it in fifth gear. He would scream through a town. And he'd come back and do a patrol report. And a rudimentary concept such as stopping and walking and talking to people in small villages was not consistent with any of their professional experience, nor the cultural, background they brought to the mission.

Officer 3: I think that the UNCIVPOL should have a test for <u>all</u> police officers, and training if you will, for everybody going into a mission. They would have to have a standard in-house course. In a country that doesn't have the skills the UN should be going to that country, and saying, OK you typically give 90 - 100 people to different missions. Those people are going to have to have this training package, if they go. The UN would demand that those people would have to graduate from that course before you even get to go on mission, period. Because, there's so many skills that they don't have, and you as a manager you're stuck there, what do you do with them? They get frustrated, its frustrating for them. Its even more frustrating for the person who's trying to run a shift schedule with 24 hour service.

Officer 4: The way it looked on the ground to guys like us running operational units, where it was clear and plain for everyone to see that a station of 20 or 25 men was essentially a working group of three to five, carrying the rest because they don't have the skills.

I'm not talking about police investigative skills which were evidently lacking. The language of work is English, to be passingly familiar with the language. To be able to drive a standard motor vehicle. From a Unit Commander's point of view, all I really wanted was a couple of teams of guys, who could take a truck, an interpreter, a notebook and a pen, go to a six figure grid reference on a map, take a statement, ask the form questions and report back. Absolutely, categorically, impossible to accomplish. Because the people that were there, by and large, and it didn't matter you could pick any one, but most didn't have the trade craft, and essentially lacked the very basic skills.

Officer 4: Now, the basic questions is, is the UN running a field practicum for neophyte peace officers? Because the truth of the matter is, and Michael O'Rielly will tell you chapter and verse that one of the more important by products of that environment was to teach and develop UN civilian police officers. True enough. After a year, a lot of these people came along to the point where they developed a craft in their own right. So what you do is put this commissioner in the unenviable position of having to make a very difficult call. Do you take a plane full of police monitors and turn them all into trained officers or put them back on the plane, because they can't speak the language, they can't drive, and none of them have civilian policing background? Or do you take a big deep breath, accept them, and then

disperse them the very best way you can, and leave them to on the job training, which is what we do.

Not all UNCIVPOL monitors did in fact get dispersed in this way. On occasions Commissioner O'Rielly did put some monitors back on a plane for home.

Well the first time we had one contingent come in, and 15 of them out of 30 could not drive a stick handle. They were not qualified, and didn't meet the minimum criteria. I refused to deploy them, because they were a liability, and what I did was, with the people I had at headquarters, we devised training for them in the city before they were deployed. At their own expense, they had to learn to drive in the city. They took local instructors, and then they were given English training at night, or during the day whenever they could. And after one week they would come back and were tested, independently, not by any of our officers, but by someone in the headquarters building that I knew. After two weeks their money was running out because when they went into the mission they were given US $1,000.00 for expenses. When their money began to run out, and if they didn't pass and they weren't qualified then I sent them home. I went to New York and I explained why. I explained what we had done, tried to help them and a professional driving examiner said they were a liability, they should not get behind the wheel of a car. New York went for it, and that was that[160].

A Code of Conduct

Commissioner O'Rielly also had to deal with discipline issues within UNPROFOR's CIVPOL contingent. During the course of his earlier service with UNTAG in Namibia, O'Rielly had been responsible for the drafting of a Code of Conduct for that mission. The Code was based on an amalgamation of models drawn from Scotland Yard in the United Kingdom, the RCMP, Ireland, Sweden and Kenya. O'Rielly adopted the same Code for use by UNPROFOR and it was incorporated in the mission's SOPs. He also sent the Code to UNCIVPOL Unit at DPKO when it came into existence, suggesting that it could form the basis for a general statement surrounding any UNCIVPOL mission:

It would be a universal statement. And you would know what when you're coming to the mission if you do this or that which breaches those ethics or values, you know you're going to be repatriated, you're going to be sent home, and when they looked at Cambodia there was no code of discipline for UNTAG in Cambodia. That's why it fell apart.

[160] Personal interview, Commissioner O'Rielly.

A: *So I sent it to New York and I didn't hear anything about it. I don't know whether the legal branch in New York ever looked at it. I did not follow it up. I did not follow it up because when I came home I sort of stayed away from it all. They were still not showing any interest. We had a civilian police advisor in New York. He was appointed in 1993. He stayed and only went home this summer (1995). And he came out to the mission once but I could never get him interested. He was a police officer in his home country but he was never in a UN mission. He didn't like coming out to the missions. He made one trip and he went home after five days. So I had no one to talk to in New York. I ran my own show. I knew what I was doing was right, because no one complained. And the reason I did was because the contingents would come in, and support what I was doing. And the contingents began to talk, to report on their own members and say 'We are embarrassed because this person is giving us a bad name and should not be a monitor'. So it was that sense of togetherness... police brotherhood. And I know, it sounds, 'pie in the sky' but it was real. I saw it, it was so simple*[161].

One major form of misconduct uncovered by O'Rielly and his management team was fraud:

I had people who defrauded the UN. They were stealing, they were defrauding their government and the UN. They were falsifying records; they were falsifying their leave records and their work records. They would go home for six days, and stay for two weeks. They would fly back home on military aircraft, and then fly back to the mission on civilian aircraft. And get people to falsify their tickets. Until I began to catch on, and then I had my people meet them at the airport. And the airlines began to give us copies of their tickets. I had some proper internal investigations conducted. And all this uncovered the paper trail, the paper evidence. Then they were disciplined, and the ones who we could build up a track record against that they had done it several times, we'd get this through to their own contingency. Oh, yes, he's never around, he's always home, he's always telling lies, we dislike him because he's giving us a bad name. Then we would repatriate them.

At first I would take them in and I would say 'You're going home, one of two ways. You can go home by volunteering to leave the mission for personal reasons. There'd be no record anywhere about what you've done except here. Or, I'll go to New York and your permanent mission, and ask for permission to repatriate you for fraud or whatever. And no one could deny that the fact that its fraud, regardless of where its committed. It's a crime, it's unethical, and it's wrong for a police officer. And you're not trustworthy.

[161] Personal interview, Commissioner O'Rielly.

But built into that, before all this took place we had an appeals period. The Deputy Commissioner would say, 'Here's what we're deciding to do, you can appeal within ten days'. I did not get involved in the investigations. I stayed away from it. The Deputy did that. He would make recommendations to me, and if I agreed then I had an outside Appeal Board made up of one of my own representatives, and a lawyer from Civil Affairs, and a Military lawyer. They would examine it, and could talk to that person but it never got to that because, they were so embarrassed.

Q: How many approximately?

A: I sent home 42 for discipline reasons.

Q: Out of a total force of?

A: Out of a force of 760 to 800. But because they were coming and going over a two year period ... we're looking at about 3,500 individual police officers who had worked in the mission. Some came for 6 months, others came for a year[162].

Casualties

There were also other mission casualties, produced in part by the war-time conditions experienced by the CIVPOL force. During the two year period of their deployment eight police officers suffered physical injuries, mostly from motor vehicle accidents or from mines or mortar shelling:

Over two years, two went home in a coma and one died, I think, as a result. But that was because they couldn't read the signs. They would step into a minefield, because they couldn't read the sign of mines ... and couldn't understand the language. And if they were yelled at they became confused. But they volunteered, like in Sarajevo. They volunteered to go to Sarajevo where there's a war, being shelled every day. And I did not stop them from volunteering, because we asked for volunteers. And my approach was you volunteered to go in, and you can volunteer to come out. And, I found that you had to be fair, and firm, and give good sound directions and live with it. When you've made a decision you live with it[163].

Various forms of psychological and allied stress were also exhibited by some members of the mission, either while serving in the field or after returning home. The need to make available good psychological counselling facilities to CIVPOL members during a mission was made very apparent by the UNPROFOR experience:

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[162] See above.

[163] see above.

You have to be able to assess their mental attitude and what effect it's going to have on them. The two places I've been in command I always made sure that if there was a medical unit with a psychologist it was available to monitors if they need them. I had situations where they needed help. The selection criteria should eliminate it, but it doesn't. Like, in Canada you shouldn't have a health problem, domestic problems like marital problems, alcohol problems - you shouldn't have that among monitors who go.

But what happens when they get to an area, you have no food, or very little food. You have no light, you have no heat - you're living in primitive conditions. Then you begin to think, because it's so quiet and not very busy, the whole world is against you.

A police commissioner should not have to depend on someone going out and talking to your people and then detecting that this person's not right. You must do something to ensure this person gets help if they have a drinking or other problem. So that's why you talk to your section commanders, and station commanders, and you have meetings with them, and you tell them to be on the lookout for this. And you should have resources available to help them. That's most important. Like when the American MASH unit came in to Sarajevo. I went out there and arranged with the psychologist and the medical doctors. The medical is not a problem, if you had a splinter, or a broken leg they're going to fix it. It's a psychological problem - being under fire, and under shelling, these kinds of things. This is what a police commander has to have - you have to be sensitive to people's needs, fair firm and consistent. Give lots of direction. Make decisions, stick to them[164].

Access to similar types of psychological counselling and other services are an equal necessity for CIVPOL members in the post mission period. Some nations now provide post trauma stress counselling as a normal part of their mission de-briefing program.

In Canada, in the RCMP, we have our own psychologists so they send them over to the mission. When they used to come over from Canada if I had people from other contingents who I thought needed a little talking to, I would give their name to the psychologist and he would stay extra days. He would interview not only the Canadians but people whom I would identify. And I had the same agreement with a British psychologist. Any time I heard there were people coming in from the military units. And they were quite willing to help.

It's important after they return home to follow up. What I would do if the person had some problems in the mission, I would call, I would speak to the home police body, or the person, you know, like the Lieutenant General or someone like that, anyway - high up... and explain to them that this person

[164] See above.

had some kind of a trauma, and although they look good, probably you should have a talk to them.
Normally they would but you can't force that, because a lot of people don't want to look at that too deeply.

I have had people leave the mission after one year and go directly to the front line in their home country. An Officer we were working with had been on the front line in his home country for a year when he got a call and he was directed that day to be at the airport for the UN mission and he didn't even get a chance to see his wife. Spent a year here and then went home. When he went home, he was going right back to the front line again. So I called his Director General and said this is inhuman. Well , he said, I don't tell you how to do things in Canada. I said, I'm just telling you. It's inhuman to treat him like that. Well, he said what does he want? And I said give him a least a month at home. He said OK. So you have to be able to stand up for your own principles as a police commissioner. If not you'll be walked on and driven over and everything else. And ridiculed[165].

[165] See above.

ANNEX II

THE FORMER YUGOSLAVIA: HUMAN RIGHTS MONITORING AND INTERPRETING THE MANDATE

> *The mandate was very general and I liked that. What it allowed me to do, it gave me a broad fence line. I could move the fence lines out. I asked myself three questions always. Is what I am doing legal? Is it ethical? Is it acceptable to the people? I always ask myself these questions. It was legal in the fact that first, we were mandated to be there to monitor human rights abuse, to prevent human abuse. It didn't say investigate. But I accepted investigation as part of the monitoring. I took a broad brush stoke to monitoring. Providing assistance. That didn't state to whom. Assistance to the people, who was going to argue with that? And then of course I'd do any other things that were dictated by the conditions in the mission. That gave me a broad approach and I could take it and go anywhere with it, and I did*[166].

Interpreting the Mandate

The statement above represented the approach taken by Commissioner O'Rielly to the mandate given to UNCIVPOL[167]. As can be seen, it was a liberal interpretation of resolution 743 of the Security Council. It was also an interpretation which represented the values expressed in the Code of Conduct drawn up by Commissioner O'Rielly for UNPROFOR. That Code provided in part, that:

> *Police Monitors are drawn from many countries with varying cultures, legal procedures and levels of training. They are, however, serving police officers in their home countries, where they are accustomed and psychologically oriented to the every day problems of policing under a certain code of conduct. To carry out the tasks satisfactorily police monitors will at all times exercise patience, tolerance, tact, diplomacy, good judgment and common sense, but where the occasion demands, they will act with the necessary firmness in the discharge of their tasks and always with complete impartiality toward all communities in the UN Protected Areas (UNPAs)*[168].

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[166] Personal interview, Commissioner O'Rielly, Victoria, B.C. December 1995.

[167] See also earlier references to this mandate in Annex I.

[168] See SOP, note 1, Annex I.

The communities in the UNPAs served by the UNPROFOR were living in what was largely a war zone. The rule of law had been virtually supplanted by a rule of terror organized by marauding military and para-military groups. The local criminal justice system was in disarray with the police, at best, preoccupied with the effects of the war and at worst participating in the ethnic cleansing and killing. Judges and prosecutors were often too frightened to interfere[169].

With the fragmentation of the former Yugoslavia into its current parts the police, like the other components of the past regime, split up into ethnic groupings attached to their respective new or still emerging states. Under the former communist regime, the police in Yugoslavia were in general well trained and not unfamiliar with the broad concept of community orientated or managed policing services[170]. The officer cadre was university educated and spent three years in an academy before being posted to the field. Although graduating as supervisors, they still had little practical experience of policing prior to their deployment[171].

Monitoring and Human Rights

The task of monitoring these various ethnically dominated police forces, and protecting human rights within the parameters set by UNPROFOR's mandate, posed some very challenging problems for CIVPOL contingents deployed throughout the UNPAs. Some examples:

> *Officer 5: Before I even went on the mission I asked one of the guys who came to brief us about the capacity that we were going to have to investigate human rights abuses. I put my hand up, and I said I have a question. And my question to him was, 'Sir, how do you reconcile the job that we have to do as monitors, and the extent to which we're likely going to compromise our own personal safety or that of the people around us, by pursuing to any extent crimes against humanity. I want to know in terms of handling sources and informants, taking of statements, with all the stuff associated with building a case. How it is that we can essentially monitor local police, and still be expected in conscience to be accountable or responsible for the reporting of*

[169] Commissioner O'Rielly, in the course of the interview, referred to a number of cases in which local judicial officers and prosecutors indicated that they had been threatened with personal violence if they investigated such incidents.

[170] Rank and file police officers were usually recruited directly from school at age 14 and received a number of years of further education under police auspices before becoming fully fledged law enforcement officers. This "in house" education and training included political indoctrination. Although separate from the armed forces, the civilian police were still strongly influenced by para-military models of policing.

[171] This information regarding policing in the former Yugoslavia was kindly supplied by Dr. Ugi Zvekic, the Research Director of the UN Interregional Crime and Justice Research Institute (UNICRI).

abuses of human rights in any form.' And the officer was very honest. 'I don't have an answer to that question. I honestly don't have an answer to that question.'

And that was several years ago. It is now 1995. It's just something that needs to be tended to. Because if you want to get into some of these small places, and take on a job like that, you have to keep it in mind.

And I can give you chapter and verse. I inherited a station right off, on day one, that had 15 homicides. I open the 15 homicides files, empty. The local police had not one shard of paper to track any of those investigations, and the station commander that had preceded me had dealt with barking dog complaints with more detail than he pursued those homicide investigations. And that's not to denigrate the work that was done by the guys before me. They had no latitude to pursue those investigations. Well I think that's a moral conundrum, that our senior people should be considering at length before they send our people abroad.

Officer 6: Some civilian police would look at a defacto serious human rights violation and not even see it that way

Officer 5: A good example was near Sector West, when on the east side about five cars of a convoy of Serbs got caught because they blocked the highway off. These people in those cars got a hell of a going over [by the Croatian police]. Our guys reported it. The others never reported it. And there was one other police officer but he didn't see anything. He didn't see it. I'm saying, I asked the Canadian 'Did he see it?' "Well, he says ...'he didn't think it was any big deal because all they did was get handcuffed and thrown into the ditch'. Physically thrown into the ditch. And then you could hear some moaning and groaning, and some screaming and crying because one of the Croatian police officers would go in the ditch and obviously kicking and beating him, and then he'll walk back out. But this guy couldn't put two and two together, he couldn't put the screaming and this Croatian policeman being in the ditch together. Or wouldn't put them together. And that's the kind of thing you run up against.

One of my most able guys was from [country x]. He was a Sergeant, very experienced. And in so many ways an absolutely fearless and courageous man. I could count on him to do anything, except make inquiries into anything that required any amount of ethics. It could have much to do with the fact that he spent all his professional life, in an undercover capacity, policing political dissidents in a major city. And he'd rip out people's finger nails with a Black and Decker if you needed, if that was part of his job description. People were dying on account of that - yeah so what? 'So, where's the beer'. It didn't even occur to him that that stuff was a problem[172].

[172] Personal interviews, RCMP officers, Ottawa, November 1995.

Some of the monitors are not willing to take action or prevent abuse, they take sides. We call it the Stockholm Syndrome. They displayed disdain towards the culture of their fellow monitors. And they are insensitive to the local culture, political and religious traditions. They showed disrespect for law and order. They look down on the local police officers. These are the little things that can make or break a mission. You are not a sensitive, fully trained professional peace officer because of your attitude. That's what they're saying. I really hate this. And a Canadian police officer took us through a prison, so I walked through the prison, 3 or 4 of us walked through the prison in groups, we went through the cells on either side, it was long and narrow. On one side just bars, no cells, no privacy. Four women on this side, the men on the other side. They can reach and talk to each other. There's a woman on the can. I walked further up and here were 6 people who'd been just picked up for drugs - drug trafficking. Two ten year old kids sitting on the bottom bunk in with them.

So I didn't say anything until we got out and he said "We're really proud of this, we come visit everyday ..." And I said "Do you see anything wrong with this?" And I said "In your own country, would you allow males and females and little children to be together?" Well, he said we give allowances.

So then I referred him to the protection of juveniles, under the international law. I had never met him before. Now, here is a police officer from Canada, from the RCMP, who didn't recognize it. I was embarrassed and I didn't tell him who I was, that I was a retired RCMP officer[173].

Responding to Human Rights Violations

Problems of this nature were dealt with in a number of ways from the overall command perspective. Commissioner O'Rielly recognised early on in the mission a range of CIVPOL training needs, including familiarizing many national contingents with the basic UN standards relating to the protection of human rights and the conduct of law enforcement activities. He commenced that training with the assistance of the UN Crime Prevention and Criminal Justice Branch in Vienna, by bringing together his Station Commanders to discuss the Code of Conduct and to explore the monitoring problems they were encountering in the field[174]. One very important product of this meeting was the endorsement of the UN Criminal Justice Standards for Peace-Keeping Police (the Blue Book)[175].

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[173] Commissioner O'Rielly, see note 1.

[174] See "Report of UNCIVPOL Station Commanders' Workshop, Wiener Neustadt, 28-30 January 1994" Vienna: United Nations Crime Prevention and Criminal Justice Branch, 1994.

[175] Originally the idea of a Canadian police monitor in Sector West, this simplified listing of international principles relevant to police work was prepared by Marcia Kran, reviewed by a group of jurists and police officers at a review session at the Austrian Center

for Peace and Conflict Resolution, and published by the United Nations Centre for International Crime Prevention, United Nations Criminal Justice Standards for Peace-Keeping Police Vienna: UN. 1994. This "Blue Book", as the document has been colloquially labelled, has since been incorporated in a new publication produced by the DPKO for CIVPOL. See UN DPKO United Nations Civilian Police Handbook, New York: UN, 1995.

O'Rielly had hoped that this little hand book would be available to all of his monitors to:

> *... carry around in their pocket. Then I wanted it translated into Serbian-Croatian, so we could say to the Serbian police and the Croatian police, here is a book of standards accepted and practiced by most progressive police forces throughout the world. And here are the standards that you are being monitored against, and they're not something that we dreamt up. That was the idea of the whole thing. This is what I had in mind*[176].

Regrettably the handbook was not published in time to be used for this particular purpose but it has since received an extremely wide circulation and been translated into most of the official languages of the UN. An extensive human rights training program for police has also been initiated by the UN Centre for Human Rights (UNCHR), based in Geneva[177].

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[176] O'Rielly's wish was not to be fulfilled during his term of office with UNPROFOR but a Serbian-Croatian language version of the Blue Book has now been produced and made available for use by IPTF. See Chapter 7.

[177] See the extensive general material produced by UHCHR for use is such courses, including HR Centre's Professional Training Series handbooks and the recent field guide produced for IPTF titled Human Rights and Law Enforcement: International Standards and Guidelines for Monitoring, Training and Advice Geneva: UN (undated). In the foreword to the field guide it is stated that:

... the guide is based upon the full range of international standards relevant to the work of IPTF and UN Civpol officers in the countries of the former Yugoslavia, and draws from two other forthcoming manuals of the Centre for Human Rights - Human Rights and Police: a manual on human rights training for law enforcement officials, and Human Rights Monitoring: a manual for field operations. Information has been drawn from the Centre's course materials developed for monitor training courses provided in Zagreb in July of 1995, and from the Orientation Manual and Guidelines for Observers of the International Civil Mission in Haiti.

"Part one of this guide gives an overview of international sources, systems and standards for human rights in law enforcement, and is designed to orient users to their place in the larger international system for protecting human rights.

Part two sets forth, in point form, relevant international standards which should form the basis of advisory, monitoring and training activities undertaken by IPTF and Civpol monitors. For ease of reference and maximum practical utility, the section is organized according to police duties and functions, rather than by international source or instrument.

Part three, translating the standards into practical recommendations, is meant to assist IPTF and Civpol monitors in their advisory functions, by providing guidance on how national law enforcement agencies and officers can take steps for improving implementation. It includes suggestions to be made to local officers by international monitors as appropriate.

Part four outlines some basic principles on effective monitoring and reporting. It is intended to complement, rather than replace specific operational and reporting procedures of the mission."

Within the field operations under his command, Commissioner O'Rielly also took a proactive stance in handling human rights violations. Recognizing that a virtual vacuum existed in the willingness or ability of the local police to deal with these violations he urged his own officers to go out and investigate them, arguing that the power to do this lay within the framework of the UNPROFOR mandate:

> *This was my own interpretation. I had no one to say I was wrong. I look at the international standards and agreements that were in place. The Universal Declaration of Human Rights, that's the one I fell back on. And I said, as a police officer, as a monitor in the UN mission, I have a mandate to be here, first to monitor the activities of the police, and second, to make sure that people's rights were not abused and not only by the police but by any person in authority, including the military and the judiciary, it didn't say just police. The judiciary and the military because they are exercising civilian power, they are enforcing the laws. The police and the military are interchangeable and you didn't know who was who at the time because they all wore police uniforms or military uniforms...*
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> *So I said to my monitors you have the right to investigate violations of human rights. For example, you had one lady who was 83 years old, and they had been shooting at her house to get her to move. She wouldn't go. And one morning, the civilian police, they knew about her so this guy went down, checked her out and they found her hung, embedded in the headboard of her bed with a meat hook through her neck. And her left hand was meat hooked to the floor, and she had been raped.*
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> *Now they (the monitors) went to the chief of police and he said "What can I do? She was told, go get out, but she wouldn't move, she was stubborn." Because they wanted her house, and they were ethnic cleansing.*
>
> *So I said to the station commander, "What are you doing, about it?" He said, "Well I'm monitoring the police. The police aren't doing anything," and I said "because you're not going out to do a thing. You get out and do it, and I want a full investigation done. I want photographs and the whole thing as you'd do it at home."*
>
> *He went out and he did a beautiful job. And I said, "Now you take it to the chief of police and say to the chief of police, 'Here's what you do now. You find out who did it, because we have an idea. We have the description of two people who were seen running away. They're from the town because a lady, who's afraid to say her name, says she can identify them. Here they are, and now you go and pick them up.'*
>
> *I also said to the sector commander, who I was visiting at the time, "Now you meet with the police chief everyday until he shows you he's done something and you tell him that if he doesn't do it, and you let me know, and I'm going to give it to the CNN". They got the message and then the next time I went back the chief of police wanted to see me, and he said "I wasn't impressed or*

happy with your threat." And I said, "You were lucky I didn't come here the first day."
Q. But you had a vacuum there, you stepped into it?

Yes, we stepped in...

Q. You did it on the basis of the UN Charter of Rights.

The UN Charter of Rights ... And I read somewhere that it was internationally accepted. I don't think you can stand up and argue these rights in a court. Lawyers have told me they wouldn't argue it, you know, but it does say that it is binding on states, on member states. How I don't know. I wasn't worried about that.

A lawyer called me and said they had heard what I had done. And I said, someone has to care for the dead, someone has to speak for the dead, and we are civilian police, and our main goal in life is to care for the people, living or dead. And I said this CIVPOL speaks for the dead and that's what we did. And no one argued, and I said five years down the road, if you want to bring that as an [improper action], you go for it. But by that time who's going to care. You know. I'm talking about right now, to care for that poor lady before she went into the ground.

Another case we had, I remember it was Christmas Eve 1993. I was on my way down from Sector East to another station. I spoke to one of my police officers and he was telling me how he cared for this lady. It was the 23rd of December, on the way up to Sector East I drove through his station again and I met his police chief. Anyway, he introduced me to this lady that he had been looking after. She was living by herself, and they were trying to kick her out, even shut her door up. She would not move, she was stubborn. She had about a thousand cats, and was hungry and everything, so he was feeding her. He used to buy her food and take it to her. And he'd go and light her fire in the morning for her, you know.

So Christmas Eve, on the way back he called me and he said "Could you come here?" He said "We found the old lady and she's dead." And I said, "Investigate. I want to know who saw her last. Why she didn't have food. Were there any soldiers around shooting at her. I want to know." I said, "Not me, YOU. You want to know." And I said "Give me a full report."

Now, I had a set up with Civil Affairs, with a lawyer in Civil Affairs. Ms..... She was really good. And she said "Michael, you give me the report and I'll send it to New York." but well first, what she used to do is send it to the government, to Croatia or the Kraina government, or Milosevic. She would write a full report in the letter, and say this is what our CIVPOL have found. Your people, your police are not doing their job; they're violating human rights. And she was good that way. She'd write letters, and after a while I used to prepare the letters for her. You know, and she'd send it out

because she had a lot more clout coming from the political side than from the police, I mean I had recognized that too.

So anyway, we did step in. But I found that a lot of [the local police officers] were not trained to take on the role of law enforcement officers. My attitude was this, so long as there was a law enforcement body in place, recognized by the people whether it was civilian or military, these people are doing law enforcement work. And as a CIVPOL monitor, we had to accept that, and we work with that. These people had the executive powers of arrest. As monitors, we were not enforcement officers. All we were doing was recording according to our investigative skills, what we found. Then we would take it to the police chief and say "You have the executive powers to stop the pain or suffering so you go out and do it. Okay."

I had one force commander came in and he said, "You should be armed and you should have been given executive powers." I said, "No sir, not while I'm here. There'll be no arms, we don't need arms, and we don't need executive powers. We have a police force in place, and they are the ones responsible. We will hold them responsible, but we will help them by doing the investigation. We did the same with the mass graves, mass executions, abuse in prison. I had a system where they used to go through the prison and visit and take photographs if we found some one abused. And it worked quite well, but you had to be forceful. But at the same time, you had to show the local police officers you knew what you were doing, that you knew the law, that you knew when you went into a prison and you saw something that was in violation of the international accepted code under the UN norms and standards. I stuck by that like my bible, because no one could argue against it. Not at that time. Now they could argue in a court of law probably somewhere, but not at that time. And I was only interested in CIVPOL at that time. I wasn't thinking five years down the road[178].

War Crimes

At the start of the UNPROFOR mission, no War Crimes Tribunal had as yet been established[179]. Commissioner O'Rielly and his CIVPOL monitors were to encounter suspected war crimes among the litany of human rights violations subjected to their scrutiny. Wherever possible they sought to document these events for possible future prosecution although their efforts to investigate were often frustrated by the war time conditions under which they were working:

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[178] Personal interview, Commissioner O'Rielly.

[179] The International Tribunal for Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991. The Tribunal was established in 1994.

Officer 7: [The Croatian military] was attacking one of the towns in Sector West. That's where our CIVPOL monitors were caught in the school ... Their flack jackets and vehicles were all taken. They were just left with their uniforms on and that was it. And if they got hit by a shell, that was tough. Cause all the kevlar protection was taken away to the local police. Then they were walking out, and when you go down a street and you see people lying in the road, and every body's got a head shot, you don't have to be a rocket scientist to realize that these unarmed people were executed. I mean you just look at them and you say "Yeah, they didn't have any weapons." They're old people, the chickens, the dogs, everything was killed. And then you look at it, and yeah, that requires some investigation. But you don't because you're just so interested in getting our own hides out of there.

When we go back in, after this is all over, you've got the shock troops going through first, the heavy artillery, the combat troops, and then the police and the clean-up detail. And those trucks are in there, and they just clean the streets, and sweep everything up. Everything. And for a certain period of time you're not allowed into certain areas because they say there's sniper activity. Well, it doesn't take you very long to realize that, do I really care, you know at this stage of the game now. They've been throwing artillery shells in there for 36 hours or so, and there's still sniper activity. Do I really have to go down that road? Do I want to go down?

Officer 8: How would you like to end up in a position like that? And you could say to the guy "I want to go down there and have a look at that", because you know there's dead people down there, and if you had a guy with a Pentax, you would be able to document it. And you're looking at some of these guys.... You know, they're political military zealots. And you're cannon fodder right from the word go. And you say, "Well, I want to go down there and do such and such", "Well it's too dangerous, there's sniper fire". Or you find out that the sniper fire stopped and you want to go and have a look. "No the sanitation teams have already been there". "What is the sanitation team?" "Well, you have to understand, these are the battlefields and we've got to bury these people. You start thinking, a good green approach to life in general. "I suppose of course that you did mark the graves?" And then you get this look, "You fuck with me, I'll kill you". And that's exactly what they mean.

Officer 7: They weren't after us, we weren't the bad guys in terms of their operation. But they still restricted our movement to certain areas, and one section of road that they would not allow us on. And they said "No, too much sniper activity". We complained about it, through Civil Affairs and a day or so later we were allowed, though after the clean up. And when you went by you saw mass graves. You know, fresh, this thing is bigger than the whole top floor, it's huge. And its freshly turned down and everything else. And I'm sure with satellite pictures and everything else they know exactly what went on. Why would they send down street cleaners? Why do they send in refrigerated trucks? Are those bodies going to be scattered throughout the

country, so that you only find a handful? Because in the confusion of war, people are leaving rapidly. They are not playing around here. There were places we went into where their food was actually left on the table. Like knives, forks dropped. It was half eaten breakfasts, and stuff like that. And everyone is gone, left everything. Just jumped in their little John Deere, or whatever tractor they had, and they head south. They just got out of there as fast as they could. They did leave. But now you go in as an investigator for human rights and war crimes. Who do you know? How do you know who's there? How many do you know live there? How many do you know actually went South to get out of there? And how many are in a mass grave? You've no idea, nobody does.

Commissioner O'Rielly directed that all alleged war crimes be investigated:

We found mass graves in Sector East and also Sector West. I was taken out and shown depressions and then people who were forensic scientists actually probed for dead bodies. We conducted the investigations into that, and reported it, and recorded and sent it to Civil Affairs because they were the continuity in the mission and had the political responsibility for it. And this is why I emphasize training for civilian police, to be trained legally in how to do special investigations. There is nothing special about it actually. It's just a matter of making sure you do things right. Whether it's one body or twenty, it doesn't matter. You have to do it properly and record it properly. And always with the intent that five years down the road, you may be called upon to give evidence. And the evidence that you gather at that time has to stand the test of time. That's what I preach, because the War Crimes Tribunal people always come in after the fact. Like the massacre, when the Croatians went through Serbian towns. Wiped out many villages. I directed that investigation. Well, I went down, and looked at it, and then I gave it to my Field Commander. And he directed it. It was done by CIVPOL, with the help of the military and other people, and human rights monitors. And that report is there, and they have it. The War Crimes Tribunal has that report. But they haven't acted on it because of political timing. But we have the general's name who engineered the raids, directed the raids, the strategist, the planner, the whole thing. We know who they are and the names are there.

Providing Humanitarian Assistance

In addition to monitoring and related human rights tasks, the CIVPOL mandate also called for the monitors to assist with the extensive humanitarian aid and relief program being conducted in the former Yugoslavia by other UN and non-governmental organisations (NGOs). This aspect of CIVPOL's work embraced a wide range of activities.

The civilian police used to do foot patrol in the villages. I set up a village program where CIVPOL monitors were to be divided up in the area. I sent directives to all of the Station Commanders and had at least four monitors responsible for about eight or nine villages; maybe 700 or 800 people. And that's all they would do. They wouldn't go anywhere else. Everyday they

were working, 30 days a month they were working because they worked 30 days on and six off. And for 30 days they would go out to these villages and say good morning. And as a result, they found out who was dying of diseases, any new diseases. They visited the hospital. They would go into a women's house, they knew she might need a quilt, they made sure she got a quilt. They made sure that she had wood, they made sure that the husband had fuel for the farm because UNHCR were distributing fuel for the farm and seeds and all that. CIVPOL checked all that. And as a result of that, the World Health Organization came to me and said, will you help us by reporting certain things. Rat infestations, infectious diseases, things like that.

I had a school program going where they would go and visit the kids in school. We found out they had no heat, no light, they had no school supplies. CIVPOL monitors had arranged back home to send some supplies. So then I had to go to UNICEF, and say would you be kind enough to allow us to put your address on the packages. Thank goodness that was done. I spoke to a guy from Norway, he was in the mission for about six months, and went home for six days and he said, "I couldn't wait to get back" because he had a school of 40 kids, and he said they were playing soccer, and he said we had to come back. He told his wife and said "I'll be home later." And he brought back pencils and paper and everything. And they didn't have to worry about fights about the stuff because the people came in and took ownership of it. A Canadian sergeant from Manitoba had 400 parkas sent to him in boxes. He just went and said to his wife, there are kids over here with no parkas[180].

Activities like these, conducted by unarmed civilian police in areas awash with weapons, had an important stabilizing and calming influence on the local population.

One woman explained to me, it is so nice to see civilian police walking around, she said, because they don't seem to be afraid, they're not armed and she said, they're just wearing a shirt. They're not wearing helmets, and she said, it means that there must be safety out there. She said it in her own way, there must be safety out there. So she said I go out and feed my hen. Simple little thing, but there was that sense of calm because of the unarmed police patrol[181].

Commissioner O'Rielly remained strongly committed to a 'no weapon policy' following his experience in both UNTAG and UNPROFOR.

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[180] See above.

[181] See above.

They brought their arms to Namibia, but we locked them up in the beginning because they were still fighting. And we were going to issue them in certain areas. I disagreed, even in my area, because I had the worst part, I was on the Angolan border, I didn't want them armed. Because again there's an excuse to shoot when a police officer is armed. Very few civilians will attack an unarmed police officer. When they realize you're unarmed, first its cowardly, you know, and a lot of these macho people don't like doing cowardly things. Because they had a French police officer killed in Haiti they are arming members of UNMIH. But he was shot by one of his own people because they were fighting. As soon as I heard that I knew damn well we had been there before. Because any problems I had in Namibia or UNPROFOR were like that. I had a hand grenade thrown into a kitchen one night in Namibia and it didn't go off. And when I heard about it, my deputy came in and said "You know they're beginning to turn on us", I simply said "You go down and investigate." Sure enough, there was a guy screwing around with another guys wife while he was out on the front line, and the soldier came back and got drunk, looking for his wife and found her at a park. He went in, had an argument and on his way out he opened a door and threw a hand grenade, it didn't go off. He would have killed about 13 people[182].

The UNPROFOR CIVPOL members remained unarmed throughout the entire mission. The question of arming CIVPOL contingents will, however, have to be answered for each mission. In Haiti, the UN deployed police were the police force; there was no local force to monitor.

[182] See above.

ACRONYMS AND ABBREVIATIONS

AFP	Australian Federal Police
CIVPOL	Civilian Police
COGSA	Commonwealth Observer Group to South Africa Elections
COMSA	Commonwealth Observer Mission to South Africa
CTO	Compensatory Time Off
DFAIT	Department of Foreign Affiars and International Trade
DOMREP	Mission of the Representative of the Secretary General in the Dominican Republic
DPKO	Department of Peace Keeping Operations
EU	European Union
HMSO	Her Majesty's Stationery Office
HRM	Human Resource Management
ICCLRCJP	International Centre for Criminal Law Reform and Criminal Justice Policy
ICRC	International Committee of the Red Cross
IPS	Institute of Policy Studies
IPTF	International Police Task Force
MASH	Mobile Army Surgical Hospital
MINURSO	United Nations Mission for the Referendum in Western Sahara
MSA	Mission Subsistence Allowance
NATO	North Atlantic Treaty Organization
NGO	Non-governmental Organization
OAU	Organization of African Unity
ONUC	United Nations Operation in the Congo
ONUCA	United Nations Observer Group in Central America
ONUMOZ	United Nations Operation in Mozambique
ONUSAL	United Nations Observer Mission in El Salvador

PARE	Physical Abilities Requirement Examination
PKO	Peace Keeping Operation
RCMP	Royal Canadian Mounted Police
ROE	Rule of Engagement
SNC	Supreme National Council
SOP	Standard Operating Procedures
SWAPO	South West African People's Organization
SWAPOL	South West African Police Forces
UN	United Nations
UNAMIC	United Nations Advance Mission in Cambodia
UNAMIR	United Nations Assistance Mission for Rwanda
UNASOG	United Nations Aouzou Strip Observer Group
UNAVEM I	United Nations Angola Verification Mission I
UNAVEM II	United Nations Angola verification Mission II
UNAVEM III	United Nations Angola Verification Mission III
UNCHR	United Nations Centre for Human Rights
UNCIVPOL	United Nations Civilian Police
UNCPCJD	United Nations Crime Prevention and Criminal Justice Division
UNCRO	United Nations Confidence Restoration Organization in Croatia
UNDOF	United Nations Disengagement Observer Force (Golan Heights)
UNDPKO	United Nations Department of Peace Keeping Operations
UNEF I	First United Nations Emergency Force
UNEF II	Second United Nations Emergency Force
UNFICYP	United Nations Peace Keeping Force in Cyprus
UNGOMAP	United Nations Good Offices Mission in Afghanistan and Pakistan
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNICRI	United Nations Interregional Crime and Research Institute

UNIFIL	United Nations Interim Force in Lebanon
UNIIMOG	United Nations Iran-Iraq Military Observer Group
UNIKOM	United Nations Iraq-Kuwait Observation Mission
UNIPOM	United Nations India-Pakistan Observation Mission
UNITAR	United Nations Institute for Training and Research
UNMIBH	United Nations Mission in Bosnia and Herzegovina
UNMIH	United Nations Mission in Haiti
UNMO	United Nations Military Observers
UNMOGIP	United Nations Military Observer Group in India and Pakistan
UNMOP	United Nations Mission of Observers in Provlaka (Croatia)
UNMOT	United Nations Mission of Observers in Tajikistan
UNOGIL	United Nations Observation Group in Lebanon
UNOMIG	United Nations Observer Mission in Georgia
UNOMIL	United Nations Observer Mission in Liberia
UNOMUR	United Nations Observer Mission Uganda-Rwanda
UNOSOM I	United Nations Operation in Somalia I
UNOSOM II	United Nations Operation in Somalia II
UNOV	United Nations Office in Vienna
UNPA	United Nations Protected Area
UNPREDEP	United Nations Preventative Deployment Force (Former Yugoslav Republic of Macedonia)
UNPROFOR	United Nations Protection Force
UNSF	United Nations Security Force in West New Guinea (West Irian)
UNSMIH	United Nations Support Mission in Haiti
UNTAC	United Nations Transitional Authority in Cambodia
UNTAES	United Nations Transitional Administration for Eastern Slavonia, Boronja and Western Sivinium
UNTAG	United Nations Transition Assistance Group
UNTEA	United Nations Temporary Executive Authority Force
UNTSO	United Nations Truce Supervision Organization
UNV	United Nations Volunteer

UNYOM	United Nations Yemen Observation Mission

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