Time to be More Serious about Post-Conflict Police Development

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Abstract: As of 2009, over 11,000 international police officers from more than 100 countries were deployed in 18 United Nations peace operations. Crisis management missions of the European Union also rely heavily on international police components. Over the years, the mandates of international police missions have widened from traditional monitoring responsibilities to a broad array of police development and security sector reform tasks. Yet the structures, resources and skill sets of international police missions do not match their mandates. Only fundamental structural changes will enable international support to post-conflict police reform and development to deliver on the promises it has not met so far.

Keywords: Peacebuilding, peacekeeping, police reform, police development, Timor-Leste, United Nations police
Friedenskonsolidierung, Friedenserhaltung, Polizeireform, Polizeientwicklung, Osttimor, VN-Polizei

1. Introduction

The conventional mission of the police is to provide public safety, but they have also come to play an ever increasing role in international peacekeeping and crisis management contexts. The first United Nations (UN) police officers were deployed in 1960 as part of the UN Operation to the Congo (ONUC).[1] The UN Security Council authorized the United Nations to provide military assistance to the Congo in order to restore order and security following the withdrawal of Belgian troops.[2] ONUC was a traditional peacekeeping operation that was essentially military in character and thus the UN police officers were integrated into the UN force, served under military command, and performed typical functions of traditional peacekeeping such as observation, monitoring, reporting, and confidence building through presence.[3] In 1964, the first full UN police component was deployed to the UN Peacekeeping Force in Cyprus (UNFYCIP). But it was only in the mid-1990s that a Police Advisor was appointed at the headquarters of the UN Department of Peacekeeping Operations (DPKO) in New York.

With the end of the Cold War, the context for peacekeeping changed fundamentally. From the early 1990s on, peacekeeping operations were assigned an ever growing range of tasks to assist in the implementation of comprehensive peace agreements in the aftermath of internal armed conflict. Such "multi-dimensional" peace operations usually employ a mix of military, police and civilian capabilities to support national security actors; provide protection of civilians and security at key installations and vital infrastructure; facilitate the political process; guide and coordinate all the activities of the UN system; and are involved in various peacebuilding tasks that aim, in particular, to build the capacity of the state's security and political institutions.[4] In these complex post-conflict contexts, UN police officers are not only mandated to monitor and report but increasingly to support the reform and development of law enforcement institutions.[5] In 2000, the UN Panel on Peace Operations called, among others, for a "doctrinal shift in the use of civilian police in United Nations peace operations, to focus primarily on the reform and restructuring of local police forces in addition to traditional advisory, training and monitoring tasks."[6] In the same year, a separate police division was created in the DPKO. As a result of these changes, mission mandates for UN police components have broadened considerably.

Broader UN police mandates and the increase in peace operations in general have led to a significant increase in UN police deployments in recent years. In 1994, 1,677 police officers were deployed in peace operations; in 2000, the number increased to 5,840 UN police officers; and in 2009, over 11,000 UN police officers from more than 100 countries were deployed in 18 peace operations.[7] Nevertheless, the performance of the UN police in supporting post-conflict police development continues to be criticized.[8] Criticism is also expressed about European Union (EU) crisis management missions with police components.[9] The identified shortcomings include, among

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1 United Nations, *First Report by the Secretary-General on the Implementation of Security Council Resolution S/4387CF 14 July 1960*, UN Doc. S/4389 (18 July 1960): 8.

2 United Nations, *Security Council Resolution of 14 July 1960*, S/4387 (1960), operational paragraph 2: [The Security Council] *decides* to authorize the Secretary-General to take the necessary steps, in consultation with the Government of the Republic of the Congo, to provide the Government with such military assistance as may be necessary until, through the efforts of the Congolese Government with the technical assistance of the United Nations, the national security forces may be able, in the opinion of the Government, to meet fully their tasks.

3 United Nations, *UN Peacekeeping Operations. Principles and Guidelines* (United Nations: New York, 2008): 21.

4 In the context of multi-dimensional missions, I prefer to use the term "peace operations" rather than "peacekeeping operations" because the broad range of peacebuilding tasks carried out by multi-dimensional missions exceeds by far the activities that can be reasonably grouped under an umbrella of "peacekeeping." See also United Nations, *Report of the United Nations Panel on Peace Operations*, UN Doc. A/55/305-S/2000/809 (21 August 2000).

5 See DPKO Policy on *Support for the reform, restructuring and rebuilding of police and law enforcement agencies*, DPKO/PD/2006/00070 (18 December 2006).

6 United Nations, *Report of the United Nations Panel on Peace Operations*, UN Doc. A/55/305-S/2000/809 (21 August 2000), 20.

7 "UN Police", http://www.un.org/en/peacekeeping/sites/police/background.shtml (accessed on 2 December 2009).

8 See, for instance, Crisis Group, *Liberia: Uneven Progress in Security Sector Reform*, Africa Report 148 (13 January 2009); Crisis Group, *Reforming Haiti's Security Sector*, Latin America/Caribbean Report 28 (18 September 2008); European Stability Initiative, *On Mount Olympus: How the UN Violated Human Rights in Bosnia and Herzegovina, and why nothing has been done to correct it* (10 February 2007).

9 See, for instance, Crisis Group, *Bosnia's Stalled Police Reform: No Progress, no EU*, Europe Report 164 (6 September 2005; Crisis Group, *Security Sector Reform in the Congo*, Africa Report 104 (13 February 2006).

others, incoherent, interventionist, technocratic and piecemeal approaches to police development; inadequate strategic planning; insufficient attention to institution building; and lack of support to the establishment of discipline, management and oversight structures. Are these criticisms justified? If so, what could be done to remedy them? To answer these questions, this paper starts with an analysis of the activities of the UN police in Timor-Leste.[10] The focus on Timor-Leste is, however, somewhat arbitrary. An analysis of other UN or EU efforts to support post-conflict police development would come to similar results because the issues in question are not mission-specific. Timor-Leste provides a case in point that helps to reveal common weaknesses of international support to post-conflict police development.

2. The UN police in Timor-Leste: A case in point

In September 1999, the Australian-led, UN-mandated International Force for East Timor (INTERFET) was deployed to restore order when an overwhelming vote for independence in the self-determination ballot was followed by an orgy of violence against people and property in Timor-Leste.[11] Approximately 70% of public infrastructure and private housing were destroyed, and the public administration including the justice and security sectors ceased to function.[12] INTERFET quickly established security and paved the way for the deployment of the United Nations Transitional Administration in East Timor (UNTAET). UNTAET was mandated with full administrative powers, a robust peacekeeping role, the coordination of humanitarian assistance and economic development, and preparation for self-government.[13] In terms of policing, the Security Council tasked UNTAET with both maintaining law and order and to develop "a credible, professional and impartial police service.[14] UNTAET was to have "an international police element with a strength of up to 1,640 officers" to fulfil these tasks.

In terms of executive policing, the performance of the UN police was affected, among others, by slow deployment and a mixed quality of officers, and a lack of language skills.[15] But the performance of UNTAET was even weaker in terms of developing an East Timorese police service that had to be built from scratch. Early on, UNTAET did not assign any UN staff members to the task of building the police. Throughout its mandate, UNTAET focused on recruiting and training individual police officers while the institutional development of the police service was neglected. The UNTAET staff members assigned to institutional development tasks were UN police officers with largely operational backgrounds, who had little or no administrative skills and experience and who had generally not been involved in police development processes. A comprehensive development plan for the East Timorese police was completed only in late 2001, two years after UNTAET had been established.[16] At the end of UNTAET's mandate in mid-2002, some 1,800 East Timorese police officers had been recruited and trained, but the East Timorese police service had little institutional capacity, its administrative systems and procedures were weak, and it was not ready to take over full responsibility for law enforcement. Moreover, the institutions responsible for civilian governance and management of the police (and the security sector as a whole), in particular the Ministry of Internal Administration (later the Ministry of Interior), the parliamentary committee for security and national defence, and the office of the National Security Advisor, remained underdeveloped, weak, and on occasion dysfunctional.[17]

As a result, the UN Mission of Support in East Timor (UNMISET) that followed UNTAET after independence in 2002 maintained responsibility for executive policing despite significant opposition by the Timorese leadership. The number of UN police in UNMISET remained at a high level of 1,250 officers but was continuously downsized as responsibility was gradually transferred from UN to Timor-Leste police officers. The police development plan drawn up by the UN provided that the transfer of responsibility for a police unit was contingent on the UN certification of all Timor-Leste police officers in that unit and the unit's accreditation of organisational structures by the United Nations.[18] Certification and accreditation were to be based on achieving minimum standards of both capacity and integrity.[19] The last unit was supposed to be transferred in early 2004 when the Timor-Leste Police Commissioner would take over command from the UN Police Commissioner and the strength of the UN police would have been downsized to 100 officers.

The 2001 police development plan provided a useful framework for building the Timor-Leste police. But the plan also had a number of serious flaws including that it was drawn up with little Timor-Leste involvement. In the context of this paper, I want to highlight two issues: a conceptual flaw and an implementation problem. The conceptual flaw was that the plan focused almost exclusively on the police and failed to pay adequate attention

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10 The author has lived and worked in Timor-Leste in different capacities and conducted research on Timor-Leste. See, for instance, Ian Martin and Alexander Mayer-Rieckh, "The United Nations and East Timor: From Self-Determination to State-Building", *International Peacekeeping* Vol.12 No.1 (Spring 2005).

11 United Nations, *Security Council Resolution 1264*, UN Doc. S/RES/1264 (15 September 1999). For details on the self-determination process see Ian Martin, *Self-Determination in East Timor. The United Nations, the Ballot, and International Intervention* (New York: International Peace Academy, 2001).

12 These institutions were largely staffed by Indonesian officials who left the country. Infrastructure and equipment used by these institutions was destroyed or removed. See King's College London, *A Review of Peace Operations: A Case for Change, East Timor Study* (London: King's College, 2003): 229.

13 United Nations, *Security Council Resolution 1272*, UN Doc. S/RES/1272 (25 October 1999).

14 United Nations, *Report of the Secretary-General on the Situation in East Timor*, UN Doc. S/1999/1024 (4 October 1999), para. 59.

15 King's College London, 236.

16 King's College London, 238.

17 King's College London, 239-241.

18 A copy of the development plan is on file with the author.

19 The criteria for certification of police officers included standards of professional competence such as qualification requirements and years of professional experience, as well as standards of personal integrity such as background checks and a proven record of professional conduct. The criteria for accreditation of police units included standards relating to organisational capacity such as human resources, infrastructure and information systems requirements, as well as standards relating to institutional integrity such as accountability systems and adequate representation of women. These criteria and procedures are based on the "Capacity and Integrity Framework". See OECD DAC, *OECD DAC Handbook on Security System Reform (SSR): Supporting Security and Justice* (Paris: OECD, 2007), 60-61. This framework was developed by Serge Rumin and Alexander Mayer-Rieckh and has been used as a programming tool in several UN peace operations.

on governance and management structures. As a result, the capacities of governance and management structures remained weak during UNMISET's mandate. Rather than providing effective oversight and management support, the existing governance structures were often used to manipulate the police for partisan political purposes.

The implementation problem was that UNMISET was not given adequate resources to implement its mandate. Again, the responsibilities for both executive policing and police development were given to the UN police component, which was almost exclusively composed of police officers. The quality and numbers of these police officers were generally lower than what DPKO had asked for. Language problems and inadequate training about Timor-Leste's society and culture made it even more difficult for the UN police to achieve their mandated objectives. More fundamentally, the overall capacity of international police officers to support building the Timor-Leste police service was limited. Certainly, policing know-how is essential to develop a police service within a functioning governance framework. The skills and techniques of policing must be learned and practiced. But policing know-how alone is insufficient to build a police service and its governance structures. Police officers usually do not have the administrative, legal, human rights, process management and political skills necessary to effectively implement police reform and development in post-conflict contexts.

Not surprisingly, UNMISET's police component was more at home in its executive policing functions than in its development role. Moreover, in its development role, the UN police continued to focus narrowly on transferring skills through training and mentoring individual police officers while neglecting fundamental institution-building needs. It did not come as a surprise, when the Secretary-General noted in April 2004, a few weeks before Timor-Leste assumed full responsibility for policing, that the Timor-Leste police service "continues to suffer from a number of institutional weaknesses. These include limitations in terms of experience, legal and policy frameworks, logistical capability (particularly in the area of communication, where UNMISET support is required), and skills in resource management".[20] It is, however, more difficult to understand that the Secretary-General, in the same report, proposed that the future UN police component should again focus on mentoring, training and advice of individual police officers, while the challenges of institution-building be largely left to voluntary support by bilateral and multilateral donors.[21] This is what the UN police continued to do throughout the remainder of UNMISET and the duration of the UN Office in Timor-Leste (UNOTIL) until 2006: "implementing its exit strategy through training and transfer of knowledge".[22]

During the first half of 2006, Timor-Leste went through a serious crisis that involved the departure from their barracks of nearly 600 members of the 1,400 strong Timor-Leste defence force,

which led to clashes between the remainder of the force, on the one hand, and those who had left the force, members of the police and civilians, on the other hand. As a result, more than 30 people were killed and some 150,000 people were temporarily displaced.[23] The 2006 crisis had its origins in political conflicts in the past, in particular in rivalries between different factions of the resistance. Institutional failures within the Timor-Leste defence force and the Timor-Leste police service made them vulnerable to political manipulation and caused these political conflicts to turn into a serious crisis. The functioning of both institutions suffered severely as a result of these events.[24]

A UN assessment mission sent by the Secretary-General in mid-2006 determined that the Timor-Leste police service continued to be administratively and organisationally weak and that it was subject to repeated inappropriate political interference. Moreover, the Ministry of Interior failed to build its own governance capacity and was unable to provide effective oversight and management support to the police. The assessment mission concluded that the "provision of international assistance to the [National Police of Timor-Leste] since 1999, although substantial, was insufficiently coordinated and not tailored to adequately support its institutional development in the longer term. Further developmental assistance is required in the areas of finance, budget planning and execution, procurement, supply and maintenance, communication systems and fleet management".[25]

This time, the UN was determined to do better in terms of police development. The Secretary-General recommended that the new mission should be mandated to strengthen not only the operational but also the administrative capacity of the Timor-Leste police service. For the mission to be able to do so, the Secretary-General proposed the establishment of a civilian support team of administrative experts within the mission's police component.[26] The Secretary-General also stated that internal accountability mechanisms, as well as external oversight and support structures would need to be strengthened. Moreover, the capacities of the Ministry of Interior, in particular in the areas of policy development, planning, legislative drafting, budgeting and procurement, would have to be enhanced. These support activities were to be largely provided by bilateral and multilateral partners and coordinated by UNMIT.

The identification of institutional weaknesses and governance shortcomings, as well as the proposal to bring in civilian experts to help build the organisational and administrative capacities of the Timor-Leste police service present a step

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20 United Nations, *Report of the Secretary-General on the United Nations Mission of Support in East Timor*, UN Doc. S/2004/333 (29 April 2004): 8.

21 United Nations, *Report of the Secretary-General on the United Nations Mission of Support in East Timor*, UN Doc. S/2004/333 (29 April 2004): 9, 18.

22 United Nations, *Progress Report of the Secretary-General on the United Nations Mission of Support in East Timor*, UN Doc. S/2005/99 (18 February 2005): 10.

23 See, for instance, Crisis Group, *Resolving Timor-Leste's Crisis*, Asia Report N° 120 (10 October 2006), http://www.crisisgroup.org/library/documents/asia/timor/120_resolving_timor_lestes_crisis.pdf (accessed on 2 December 2009).

24 United Nations, *Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste* (Geneva, 2 October 2006): 2 (noting that "the crisis which occurred in Timor-Leste can be explained largely by the frailty of State institutions and the weakness of the rule of law. Governance structures and existing chains of command broke down or were bypassed; roles and responsibilities became blurred; solutions were sought outside the existing legal framework").

25 United Nations, *Report of the Secretary-General on Timor-Leste pursuant to Security Council resolution 1690 (2006)*, UN Doc. S/2006/628 (8 August 2006): 18.

26 United Nations, *Report of the Secretary-General on Timor-Leste pursuant to Security Council resolution 1690 (2006)*, UN Doc. S/2006/628 (8 August 2006): 20.

forward. Unfortunately, the Security Council followed the recommendations of the Secretary-General only in part. The Security Council again entrusted the newly established UN Integrated Mission in Timor-Leste (UNMIT) with a dual mandate of executive policing and police development.[27] The mandated number of UN police to implement these tasks increased to over 1,600 officers, a level that had not been reached since UNTAET in 2002. In terms of development, the Security Council recognised the need to strengthen the institutional capacities of both the Timor-Leste police and the Ministry of Interior. But the Security Council did not authorize the establishment of a civilian support team of administrative experts that had been considered essential by the UN assessment mission to overcome the institutional weaknesses of the police service.[28]

The result was more of the same. In early 2008, the Secretary-General sent an expert mission to Timor-Leste to assess the status of police development and make recommendations about possible adjustments needed to UNMIT police skill sets.[29] The expert mission found that the police continued to face significant challenges in terms of both institutional capacity and institutional integrity. Continued weaknesses were not only identified in core policing functions but particularly in terms of administrative systems and procedures. Moreover, internal discipline mechanisms and external oversight were still not functioning effectively.[30]

In its assessment of the performance of the UN police, the expert mission noted, among others, that UNMIT had so far not provided assistance for reforming and strengthening the Secretariat of State for Security (formerly, the Ministry of the Interior). In terms of its interim law enforcement responsibilities, the UN police did relatively well according to the expert mission, although significant shortcomings were also noted. In its evaluation of the UN police performance in supporting the development of the national police, the expert mission was surprisingly blunt in its criticism: the police reform plan was not usable in its existing format and had been prepared without active participation of local stakeholders; the UN police were using various, on occasion even contradictory policing approaches and standards; and there was a lack of qualified UN police personnel at all levels, in particular technical experts in areas such as personnel, budget and finance. Particular criticism

was also expressed about the certification process that was found to be unsystematic, without a clear strategy and without a defined policy outlining the process. As a result, the expert mission made a broad range of recommendations to the UN Security Council, the UN General Assembly, the Government of Timor-Leste, the DPKO, UNMIT, other multilateral and bilateral actors, and civil society to address these shortcomings in supporting the development of the Timor-Leste police.

But even this report of a mission of UN experts headed by the most senior UN police official does not appear to have had significant impact on how the UN supported police development in Timor-Leste. In late 2009, two external reports issued by renowned and independent analysis and research institutions, one public report by the International Crisis Group[31] and another confidential report by the Conflict Prevention and Peace Forum of the Social Science Research Council,[32] were highly critical about the performance of the UN police in supporting police development in Timor-Leste. In the words of the International Crisis Group, "the UN police helped shore up stability in the country but then fell short when they tried to reform the institution or improve oversight". Why, then, is it that the UN police apparently continue to fall short of expectations? Why are criticisms not taken up and recommendations not implemented? Without a doubt, it is not a matter of good will. Both in the field and at headquarters, UN police officers are generally motivated and hardworking. Equally, it is usually not a matter of policing expertise. Most UN police officers are trained and qualified, and perform well in their regular work in their home countries.[33] The reasons for the shortfalls in UN support to police development are to be found elsewhere.

3. What is wrong: a logic of peacekeeping rather than of peacebuilding

A range of challenges in international policing are often said to be the reasons for its shortcomings in supporting post-conflict police development. They include overly broad and unspecific mission mandates; limited duration of mission mandates; short rotation cycles of international police officers; lack of local language skills; inadequate understanding of local laws and cultures; heterogeneous composition of international police contingents that apply different, sometimes even contradictory, policing approaches and standards to one and the same context; and insufficient standardisation of methods and operating procedures, among a number of problems.[34] In fact, international police would likely do better if they had some local language skills, were to receive cultural induction training, would come from only a few countries, and would

27 The need and usefulness of providing full executive policing authority to the mission remains highly debated but is not the subject of this paper. See, for instance, Crisis Group, *Handing Back Responsibility to Timor Leste's Police*, Asia Report N° 180 (3 December 2009). http://www.crisisgroup.org/library/documents/asia/south_east_asia/180_handing_back_responsibility_to_timor_lestes_police.pdf (accessed on 3 December 2009).

28 See United Nations, *Security Council Resolution 1704 (2006)*, UN Doc. S/RES/1704 (25 August 2006). The provision of such experts was left to the voluntary assistance of bilateral and other multilateral partners, as was support to enhance the capacities of the Ministry of Interior and other governance structures. As a result, some civilian experts were provided, but in insufficient numbers.

29 This expert policing mission was sent in response to an unprecedented recommendation of a Security Council mission to Timor-Leste in November 2007 to review the roles and responsibilities of the UN police. See United Nations, *Report of the Security Council mission to Timor-Leste, 24-30 November 2007*, UN Doc. S/2007/711 (6 December 2007).

30 The mission was headed by the UN Police Adviser and comprised other representatives of the DPKO, the national police, the Office of the UN High Commissioner for Human Rights, the UN Development Programme, the UN Population Fund, the International Center for Transitional Justice and UNMIT. The report of the expert mission is included in United Nations, *Letter dated 16 May 2008 from the Secretary-General to the President of the Security Council*, UN Doc. S/2008/329 (16 May 2008).

31 Crisis Group, *Handing Back Responsibility to Timor Leste's Police*, Asia Report N° 180 (3 December 2009).

32 Bu V.E. Wilson and Nélson De Sousa C. Belo, *The UNPOL-PNTL "handover" 2009: what exactly is being handed over?* (Conflict Prevention and Peace Forum: New York, 2009).

33 There are of course exceptions both in terms of competence and integrity. But DPKO has and continues to put significant energy and resources to ensure the quality of peacekeepers including through the use of UN selection assistance teams to test and select candidates for UN police assignments in their home countries.

34 See, for instance, Crisis Group, *Handing Back Responsibility*.

apply standardised operating procedures. But most likely, they would still not live up to expectations when it comes to supporting the reform and development of a police service. I suggest that the reasons for the shortcomings of international support to police development are more fundamental.

The first international police officers were deployed in traditional peacekeeping contexts. Traditional peacekeeping was (and is) essentially military in character and applies an operational approach. Typical activities of traditional peacekeeping include observing and monitoring of ceasefire agreements, investigating and reporting on violations and other incidents, and confidence-building both through their presence and through separation of forces. International police officers are generally well suited to support military peacekeepers in such traditional peacekeeping tasks as they correspond somewhat to what police officers are used to doing in their regular work that includes activities such as patrolling, reporting, crime investigation, community policing, traffic policing, and crowd control. But the logic of traditional, military peacekeeping is very different from the logic of peacebuilding that is required in multi-dimensional peace operations with a police development mandate.[35] The logic of traditional peacekeeping is fundamentally operational and technical, and focuses on quick results; requires direct and outside intervention; and is guided by impartiality and equidistance from rival parties. The logic of peacebuilding, on the other hand, aims for systemic change, applies a long-term approach and seeks sustainable outcomes; requires an in-depth understanding of the socio-political situation and develops local capacity; and actively engages local stakeholders. Applying the logic of peacebuilding to international support of post-conflict police development helps to see four substantive and one procedural condition for its effectiveness. Substantively, effective support takes into account that post-conflict police development is (1) not just technical but also political; is (2) not just about transferring skills to individuals but also about building institutions; is (3) not just about building capacity but also about building integrity and legitimacy; and is (4) not just about the police but also about the security sector as a whole. Procedurally, local ownership is not just a matter of outcome but also of process in police development (5).

1) Post-conflict police development is not just technical but also political. Obviously, effective police development involves acquiring a range of general and specialised policing skills, as well as obtaining the means, resources, infrastructure, and logistics necessary to use these skills. These are highly technical development areas. But police development is much more than just a technical process, in particular in post-conflict and other fragile contexts. Police institutions are among the state institutions that are authorised to use force in various forms. Control over police (and other security institutions) represents a significant source of power, in particular in fragile contexts, in which many state institutions have been weakened or ceased to exist, and oversight over the police is dysfunctional. Holding a position in the police can

represent an important source of income in contexts with rare employment opportunities, particularly when it is linked to resource access and privileges. Police development processes involve decisions about the place and status of a society's fundamental norms and values including liberty, security and other human rights. Police development processes also imply basic decisions about a society's institutional architecture and political system. Moreover, police development processes regularly involve personnel decisions such as decisions about the organisational structure, reducing or increasing positions, selection criteria, and ethnic and gender composition of the police service. Such decisions are necessarily sensitive and often controversial. As a result, police development is a highly political process that produces winners and losers, and that usually involves the key political actors, parties and groups of a country.[36] Effective support to police development processes presupposes, therefore, a good understanding of the society, its culture, its history and its politics. In their regular work in their home countries, international police officers are generally not involved in political processes, are rarely trained in political negotiation and do not usually deal with political actors. Hence, international police officers are not always at ease in mission contexts when they have to negotiate police development decisions with ministers and other political actors. As in Timor-Leste, international police officers generally approach police development from a technical perspective and insufficiently deal with its political dimension.

2) Post-conflict police development is not just about transferring skills to individuals but also about building institutions. Training police officers is the preferred option of international support to post-conflict police development. As in Timor-Leste, establishing a police academy, bringing in foreign trainers, selecting cadets and organising basic training courses on policing of a short duration of three to six months is generally how police development starts in post-conflict settings. Not uncommonly, the goal of police development is defined in terms of numbers of police officers with basic training. The next step is frequently providing the trained officers with new uniforms and basic equipment such as firearms and handcuffs.[37] In many instances, specialised training courses to respond to urgent needs such as crowd control, close protection or traffic control are added and special equipment for these urgent needs is acquired. That police development is also – and primarily – about building an institution comes often only as a second thought. But for a police service to exist and function, it has to be established as an institution comprising, among other things, a material infrastructure, an organisational structure, a budget, information and communication systems, means of transportation, and rules and procedures in all these areas. As a result, for police development to produce effective and sustainable results, the police service as an institution with all its elements, structures, systems and processes has to be built. Various administrative skills are necessary to set up personnel management systems, build logistical capacities and infrastructure, prepare a budget and financial systems,

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35 See Ian Martin and Alexander Mayer-Rieckh, "The United Nations and East Timor: From Self-Determination to State-Building", *International Peacekeeping* Vol.12 No.1 (Spring 2005): 142.

36 On the political nature of Security Sector Reform (SSR) in general see *OECD DAC Handbook*, 28-40.
37 The provision of equipment is usually made possible with voluntary financial support of bilateral actors.

and develop communications and information systems. Legal skills are necessary to establish the requisite legal frameworks, rules and regulations. Process management skills, including programming, change management and fund-raising know-how, are needed to move development programmes forward. These are only some of the skills required for effective support to building police institutions, skill that have little to do with policing, and international police officers are usually not trained in them.[38]

3) Post-conflict police development is not just about building capacity but also about building integrity and legitimacy. Overcoming capacity deficits is a critical function of post-conflict police development. Frequently, post-conflict police institutions are not functional because their trained personnel have left or unqualified personnel have been taken in, and, as in Timor-Leste, infrastructure has often been destroyed and equipment has been taken away. Re-establishing or newly establishing these capacities is a condition for the functioning of police institutions. Nevertheless, an exclusive focus on overcoming capacity deficits is usually not enough. Moreover, strengthening the organisational and operational capacities of an abusive police institution is not only insufficient but can even represent a risk in terms of more effectively carrying out abuses. In fact, abusive police institutions are often remarkably "efficient" in using their skills and resources for such purposes. The Yugoslav police, for instance, was a founding member of Interpol; nevertheless, these police forces were arguably efficient not only in imposing "ethnic cleansing" during the internal Yugoslav conflicts but also in undermining the return of refugees and displaced persons after the armed conflicts had ended.[39] Capacity-building efforts need to be carefully balanced with measures to strengthen the integrity of police institutions. Such measures cover a broad range of activities including the development of codes of conduct and related legislation, human rights training, vetting to exclude abusive officers, the establishment of effective internal accountability mechanisms, the promotion of gender and minority representation, mechanisms and procedures to ensure financial accountability and prevent corruption, etc.[40] But as the case of Timor-Leste shows, measures to strengthen the integrity of police institutions are regularly neglected. In particular, insufficient attention is often paid to establishing internal discipline and external oversight mechanisms.

Police institutions depend in many ways for their effective functioning on the trust of citizens. Without such trust, citizens are unlikely to report crimes, are not likely to turn to the police to resolve their conflicts, and will hardly seek police assistance for their security. People trust the police because they view them as a legitimate authority.[41] Police involvement in conflict and abuse, on the other hand, undermines their legitimacy, and post-conflict police institutions are often not trusted.[42] Establishing or re-establishing police legitimacy is, therefore, a critical function of post-conflict police development. Participatory approaches to police development, as well as efforts to strengthen the capacity and integrity of the police, contribute to building its legitimacy. But such measures may not be sufficient and further targeted legitimacy-building measures might be necessary to overcome profound trust deficits. Such measures reaffirm a commitment to fundamental norms and values and include, for instance, apologies by representatives of police institutions that were involved in serious abuses; memorials, commemorative days, and museums that remember victims and acknowledge the police involvement in abuses; the renaming of streets and public places that bear the names of police officials or institutions with histories of abuse; the changing of coats of arms, insignia, and uniforms that are associated with an abusive past; and institution-based truth-seeking efforts.[43] Such targeted legitimacy-building measures are also cost-effective because they are not expensive and produce long-term results.

The operational skills and backgrounds of international police officers naturally draw them towards supporting efforts of building the capacity and competence of police officers. Rarely do they have expertise or have been involved in integrity- or legitimacy-enhancing activities and are, therefore, often not confident in supporting them. On occasion, international police are even adverse to integrity- and legitimacy-building efforts because they distract from and may even get in the way of core policing tasks.

4) Post-conflict police development is not just about the police but also about the security sector as a whole. Police development is a tremendous challenge that requires attention, focus and sustained support. But the police do not and cannot function in a vacuum. For one, there may be other institutions that exercise law enforcement functions but are not called police.[44] In addition, institutions that provide management support (such as ministries of the interior and finance), oversight (such as parliaments, ombudspersons and independent oversight

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38 This is why the Secretary-General proposed, in 2008, the establishment of a civilian support team of administrative experts within the police component of the UN Integrated Mission in Timor-Leste. See above footnote 26.

39 For an account of police practices in Bosnia and Herzegovina, see Alexander Mayer-Rieckh, "Vetting to Prevent Future Abuses: Reforming the Police, Courts, and Prosecutor's Offices in Bosnia and Herzegovina," in *Justice as Prevention. Vetting Public Employees in Transitional Societies*, ed. Alexander Mayer-Rieckh and Pablo de Greiff (New York: Social Science Research Council, 2007).

40 The concepts of capacity and integrity largely correspond to the two commonly agreed fundamental principles of SSR, effectiveness and accountability (the terminology used in United Nations, *Securing Peace and Development. The Role of the United Nations in Supporting Security Sector Reform. Report of the Secretary-General*, UN Doc. A/62/659-S/2008/39 (23 January 2008)) or governance and service delivery (the terminology used in the OECD DAC Handbook on SSR). See also above footnote 19. For an attempt to develop a holistic approach to institutional reform in transitional contexts see Alexander Mayer-Rieckh, "On Preventing Abuse. Vetting and other Transitional Reforms," in *Justice as Prevention. Vetting Public Employees in Transitional Societies*, ed. Alexander Mayer-Rieckh and Pablo de Greiff (New York: Social Science Research Council, 2007).

41 Tom Tyler, *Why People Obey the Law* (Princeton: Princeton University Press, 2006), 84.

42 For instance, the inclusion in the Timor-Leste police of Timorese police officers who had previously worked in the Indonesian police undermined the legitimacy of the new police service.

43 For a comprehensive analysis of the function of apologies in transition, in particular their norm-affirming function, and how apologies can complement other transitional justice mechanisms, see Pablo de Greiff, "The Role of Apologies in National Reconciliation Processes: On Making Trustworthy Institutions Trusted," in *The Age of Apology: Facing Up to the Past*, ed. Mark Gibney et al. (Philadelphia: University of Pennsylvania Press, 2008).

44 For instance, post-conflict Liberia after the 2003 Accra Peace Agreement inherited a complex law enforcement sector with six law enforcement agencies with national jurisdiction in addition to the national police, additional municipal and other local agencies, and security units attached to Government ministries and public corporations. Outside Monrovia, most law enforcement functions were performed by non-state security actors. Yet the UN police initially focused all its attention on the national police.

commissions) and policy guidance (such as national security councils) are critical for the functioning of the police. UNTAET's insufficient support to the development of institutions responsible for civilian governance and management of the police in Timor-Leste, in particular the Ministry of Internal Administration (later the Ministry of Interior), the parliamentary committee for security and national defence, and the office of the National Security Advisor, is a case in point.[45] Also, the police are linked with and depend for their effective functioning on the various other elements that underpin the rule of law, including the courts, prosecutors and prisons. Finally, the entire security sector should be understood holistically and its reform and development should be approached comprehensively. For instance, the definition of the respective roles of the police and the defence force, as well as of the relationships between them, impacts on the scope of police development. Non-state security actors that provide law enforcement functions should be taken into account in police development.[46] Any effective police development plan should factor in such critical linkages and be situated in a comprehensive security sector reform (SSR) framework. Yet international police officers rarely bring expertise in SSR, because it has little to do with the operational policing tasks they carry out in their home countries. In the case of Timor-Leste, the establishment of an SSR unit within UNMIT represented a step forward and provided an opportunity to situate police development into a broader SSR framework. The activities of the SSR unit were, however, not adequately coordinated with the work of the mission's police component.[47]

5) Local ownership in police development is not just a matter of outcome but also of process. In post-conflict peacekeeping and crisis management settings, local ownership of police development has yet to be taken seriously.[48] Internationals cannot do post-conflict police development; they can only support it. This involves basic concerns such as knowing how to work with interpreters and using the local language in oral and written interactions with local officials; developing a basic understanding of local legal systems, traditions and cultures; not drafting documents for local counterparts but supporting them in drafting documents; starting with the priorities of local actors rather than with what internationals believe the priorities of local actors should be; making serious efforts to assess the security needs of the people; etc. International police officers largely have an operational mindset and are easily drawn to the interventionist logic of traditional peacekeeping. They often find it difficult to take local ownership serious and support rather than "do" police development themselves. Not uncommonly, international police officers uncritically transfer procedures and systems from their home countries. In Timor-Leste, various police reform and development plans were prepared by the UN police without active participation of local stakeholders. These plans were usually drafted in English

and not translated into Timor-Leste's official languages, Tetum or Portuguese. Not surprisingly, local buy-in was low.[49]

4. Improve international support to police development

The UN Security Council as well as the EU Council and other intergovernmental bodies understand the critical role that the police play in providing security, establishing the rule of law, and laying the foundations for sustainable development in post-conflict countries. As a result, they often task peace operations and crisis management missions with supporting the development of national police services and authorise the deployment of international police officers to do so. The bigger the reform challenge, the more international police officers are deployed to address the myriad issues of police development. But sending higher numbers of police rarely offers better solutions to police development challenges.

International police officers make a critical contribution to post-conflict police development and are indispensible for its effective implementation. In particular, they can provide training, mentoring, monitoring and advice on the broad range of core policing functions such as crime prevention and detection, traffic policing, crowd control, close protection, community policing, and many others. Yet burdening international police officers with the comprehensive responsibility of supporting the development of entire police services and related oversight and management functions is neither reasonable nor fair. International police officers often do not bring the political experience needed to navigate police development processes in complex post-conflict contexts. Usually, they are not trained in areas such as budget and finance, legal drafting, logistics, communications and information systems, personnel management and other functions that are critical for institution building. Similarly, international police officers rarely have expertise in areas that are necessary to build the integrity and legitimacy of police institutions. Helping to build related oversight and management functions and linking police development to broader SSR questions involve a range of skills that international police officers usually do not have. Finally, international police officers frequently do not bring project management skills, including programming know-how, change management expertise and competence in fund-raising, that are important to move police development forward. Why would international police officers have the ability to accomplish tasks they are usually not trained in and are not often involved in during their regular work?

For the bodies mandating peace operations and crisis management missions, for the member states providing resources to these operations and missions and for the international organisations managing them, it is time to be more serious about supporting post-conflict police development. The answer to expanding police development mandates is not to increase the number of international police officers to implement them. Post-conflict police development

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45 See above footnote 17.
46 United Nations, *Securing Peace and Development*, 6.
47 On UNMIT's mandate see above footnote 28.
48 On local ownership in SSR in general see Laurie Nathan, *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform* (Birmingham: University of Birmingham, 2007), and Tim Donais (ed.), *Local Ownership and Security Sector Reform* (Münster: LIT, 2008).

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49 See, for instance, Crisis Group, *Handing Back Responsibility*, 6-7.

is a systemic challenge that has to be situated in a wider SSR context. International police officers will of course be necessary, but most likely in smaller numbers. In addition, a range of diverse skills and resources is needed for a sustained period of time to effectively support post-conflict police development.[50] Such experts, together with international police officers, should be integrated in multi-dimensional peace operations and crisis management missions, and organised around clearly defined objectives of police development within a framework

of SSR.[51] Post-conflict police development is too important, and supporting it is too costly, to not learn lessons from past efforts.

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50 Already in 2000, the UN Panel on Peace Operations called for a "doctrinal shift in the use of civilian police and related rule of law elements in peace operations that emphasizes a *team approach* to upholding the rule of law and respect for human rights and helping communities coming out of a conflict to achieve national reconciliation (emphasis added) (United Nations, *Report of the United Nations Panel on Peace Operations*, UN Doc. A/55/305-S/2000/809 (21 August 2000), ix). This change in approach would probably also help to bring down the overall number of international mission personnel and reduce mission costs. Already, international police officers are not available in sufficient numbers.

51 See also United Nations Department of Peacekeeping Operations and Department of Field Support, *A New Partnership Agenda. Charting a New Horizon for UN Peacekeeping* (New York: United Nations, 2009) that calls for mission mandates with clearly achievable objectives. An alternative to mandating multi-dimensional peacekeeping operations and crisis management missions with police development would be to restrict their mandates to core policing tasks and to provide other support by means of voluntary bilateral or multilateral assistance. The unevenness and haphazardness of such assistance represents, however, a significant risk.

Wearing the Outside In: Internal Deployment of the Armed Forces in Germany and Italy

Derek Lutterbeck*

Abstract: Since the end of the Cold War, many if not all, European or Western countries have increasingly used their armed forces for missions within the borders of the state. The aim of this article is to compare the internal deployment of the military in two European countries: Germany and Italy, both of which experienced authoritarian rule and militarism in the 20th century. However, despite similar historical experiences, there have been considerable differences between the two countries in terms of the roles their armed forces have come to play in addressing domestic challenges in recent years. Indeed, they may represent opposite extremes on a spectrum ranging from very limited to very far-reaching involvement of military forces in internal (security) matters.

Keywords: External security, internal security, military, police, Germany, Italy
Äußere Sicherheit, Innere Sicherheit, Militär, Polizei, Deutschland, Italien

1. Introduction

The distinction between internal and external security, and between police and military functions, traditionally considered a core principle of the liberal-democratic state, has become increasingly blurred. This development has been manifest in a number of ways, such as the growing internationalization of policing, or the convergence between law enforcement and foreign intelligence, but the most visible–and arguably also the most problematic–aspect of the convergence between internal and external security functions has been the increasing use of military forces within

the boundaries of the state.[1] While often associated with authoritarian regimes and repressive practices, in recent years, many if not all, liberal-democratic states have increasingly used their armed forces on national territory. Somewhat surprisingly though, this development has thus far not received much attention in academic literature. Whereas a number of studies exist on the changing role of military force in the post-Cold War era, the focus has almost exclusively been on the new tasks and functions military forces have come to assume in the context of international peace operations. The growing involvement of

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1 For a general discussion of the merger of internal and external security in the European context, see e.g. Didier Bigo, 'When two become one: internal and external securitisations in Europe', in Morten Kelstrup, Michael C. Williams, eds, International Relations Theory and the Politics of European Integration, Power, Security and Community (London: Routledge, 2000), 171-205; Derek Lutterbeck, 'Blurring the Dividing Line: The Convergence of Internal and External Security in Western Europe', *European Security*, Vol. 14, No. 2 (June 2005), 231-253.