CONSTRUCTION OF CIVIL POLICE INSTITUTIONS IN FAILED STATE ENVIRONMENTS: A CRITICAL ANALYSIS

By

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Introduction

Executive Summary

In 1999, NATO (North Atlantic Treaty Organization) forces drove the Serbian army out of Kosovo. By the end of the operation, the province was in chaos. Kosovo was a society ripped apart by generations of ethnic violence. The minority Serb and majority Albanian populations each had stories of victimization and a desire to seek revenge upon the other. There were few functional political, economic and social institutions. Displaced refugees were flooding back into the region, poverty was rampant and much of the physical infrastructure was destroyed during NATO bombing. To stem the humanitarian disaster, the UN (United Nations) created UNMIK (United Nations Mission in Kosovo) and stepped in to administer and rebuild the province.

A key part of the reconstruction effort was the creation of a domestic police force, the KPS (Kosovo Police Service). The UN agency UNCIVPOL (United Nations Civilian Police) together with the OSCE (Organization for Security and Cooperation in Europe) set out to build the KPS from the ground up. Their stated goal was to construct an independent, impartial, professional police service that was committed to the principles of democratic policing. In other words, a modern police agency trained in the liberal model. The goal set for the KPS was in line with the broader objectives of UNMIK. As part of a systemic approach to state building, the UN and the international community planned to transplant economic, political and social institutions they believed worked well in the North American and Western European contexts into Kosovo: the end goal being to create a stable, peaceful, sustainable society.

To accomplish their goal, UNCIVPOL would train new KPS recruits in the liberal model and mentor them through their early years. UNCIVPOL would also take care of the day-to-day policing of Kosovo until the KPS was ready. The process would transition from training and operations to monitoring and support.

Five years later, have UNCIVPOL and the OSCE achieved their goal? Why have they or have they not? What could be done to improve their efforts and the UNCIVPOL program in general? These are the primary questions investigated through the course of this project. The investigation was conducted via action research. A pool of 13 participants was formed: 11 ex-members of UNCIVPOL who served in Kosovo (those charged with fulfilling the UNMIK mandate) and two members of the academic community who are leading experts on post-conflict reconstruction and the activities of UNMIK. Based largely on the first-hand information they provided, the writer assessed the efforts of UNCIVPOL along with the performance and progress of the KPS and answered the above questions.

The research revealed UNCIVPOL, the OSCE and the KPS had not and on their current course most likely would not achieve their stated goal. Five primary causes, or barriers to success, are cited: 1) the modern liberal model of policing is context dependent and was not intended to function in a post-conflict environment 2) the structural or root causes of the underlying societal conflict are still prevalent 3) the time lines for construction are too short 4) UNCIVPOL itself suffers from inconsistency and poor

standards and 5) the lack of a political will on the part of the organizations involved to confront and meaningfully address organized crime.

This project was undertaken with a strong belief in the need for post-conflict reconstruction and normalization and the hope much more work and research would be done in the field. As such, the end goal was to produce a list of recommendations, arising from an analysis of the data, designed to bolster the UNCIVPOL program and improve its chances of long-term success in Kosovo and elsewhere around the world. The project here-by recommends: 1) the goal and policing model be adjusted through consultation with the local communities to suit the context 2) the time lines for construction be expanded to an entire generation of police (10 to 20 years) 3) the internal standards of UNCIVPOL be raised and made uniform 4) the international coalition recognize that organized crime is a major problem and make concerted efforts to curtail its activities and 5) the bulk of donated financial resources be focused upon economic and community development. While there are no guarantees, the research strongly suggests these initiatives are over-due and worth exploring.

Background

What is UNCIVPOL?

UNCIVPOL is a response to the changing nature of international conflict. Wars are now seldom fought between states but rather within a state: rival political, economic and ethnic factions battling for power, independence, recognition, equality and resources. The greatest threat to the domestic security of any state is no longer the armies of its neighbor amassing along the border, but the troubles of its neighbor boiling over and flowing across the border. Intra-state conflicts have the potential to create failed states, refugee flows, economic collapse, an increase in the trafficking of arms, drugs and humans and a laundry list of other related calamities. In a globalizing world where traditional nation-state boundaries are becoming increasingly blurred, the issues created by intra-state conflict rarely remain confined to the host-state. The United Nations was created to mediate and thus minimize the effects of international conflict. For over 50 years it brought states together to discuss the issues that divided them in the hopes of preventing what was thought to be the greatest threat to global peace and security, inter-state conflict. As the nature of international conflict changed and intra-state violence became the larger danger to regional and global stability, the role of the United Nations in maintaining international security had to evolve.

The UN began by enlarging the domain of peacekeeping operations. Initially, UN forces were designed to stand on a border between warring states, monitor and/or enforce a cease-fire, and in their mere presence prevent the outbreak of violence. The concept of state sovereignty prevented the UN for interfering in intra-state conflict. Slowly, as the

number of protracted intra-state conflicts mounted, and along with them the enormous

human and economic costs, coupled with the devastating effect the creation of failed-

states had on entire regions, the UN adapted its policies. Over the last 10 years

peacekeeping forces have been sent to quell violence within Haiti, Bosnia-Herzegovina,

East Timor, Afghanistan, Rwanda and Serbia. Human security and the rights of civilians

became legitimate reasons to intrude upon the sovereignty of a state.

Now that the UN was involved in the realm of intra-state violence, the question of 'now

what' was put to the international community. The issues involved in such disputes

generally included race, ethnicity, culture, history, power, economics and religion. The

conflict itself had usually gone on for generations; the intensity varying with the

underlying causes remaining constant. Each side had demands and there was no obvious

resolution. The UN was faced with the prospect of having to remain involved in the area

for an indefinite period of time or be perpetually prepared to re-deploy for the inevitable

return to violence. To address the dilemma the UN, along with other interested

international NGOs (Non-Governmental Organizations), got into the business of state

building. The idea was simple. In a failed-state or conflict plagued province,

peacekeeping forces would enter and secure the area, paving the way for international

civil administrators to undertake the task of institution building. The goal being to

construct political, social and economic institutions that would improve the immediate

situation, provide a basis for long-term conflict resolution and allow the international

community to eventually disengage militarily without fear of future turmoil. Enter

UNCIVPOL. This organization was created to construct stable, sustainable, police agencies as part of the state building process.

UNCIVPOL is comprised of police services found within the member states of the United Nations. These agencies are recognized as legitimate police organizations and generally adhere to the standards set by the modern liberal policing model (this model is described and defined in section five, *Theoretical Critique/Analysis of UNMIK Goal*). The member departments voluntarily supply police members who meet the basic UNCIVPOL standard and these officers form a coalition that enters the conflict zone. The role of UNCIVPOL officers may include monitoring, training, institution building and in some cases, the provision of policing. As experts in investigating criminal occurrences, working within a civilian population and the provision of micro-security, it is expected UNCIVPOL officers will take their experience and knowledge and apply it to the needs of the area subject to intervention.

What is micro-security? Traditional armed forces (armies) provide macro-security. They are well armed, well coordinated and designed to eliminate the security threats posed by other armies, guerrillas and militia groups. They are trained to do this and do it very well. Unfortunately, armed forces are not designed to function within a civilian population once conventional warfare has ceased. In an intra-state conflict, after an area has been secured, the largest security threat to the civilian population shifts from opposing armies to organized crime syndicates, acts of vandalism, theft and reprisals from groups that feel they have been wronged throughout the conflict. The security of

individuals and property in an area void of open armed hostilities is what this paper will refer to as micro-security. The provision of micro-security is well suited to an organization capable of conducting investigations and working within a civilian population. Modern liberal police agencies are structured in such a fashion.

In a conflict zone, before infrastructure can be rebuilt and economic, political and social normalization can begin to take place, the issue of security must be addressed, both macro and micro. People must feel safe in their homes before they will return to them, invest in the economy, go to church or send their kids to school. By attempting to fulfill this basic need, UNCIVPOL has become a vital component of post-conflict reconstruction and institution building.

The Conflict in Kosovo

For generations, the land of Kosovo has been a disputed territory between ethnic Serbs and Albanians. Albanians claim to be "the original inhabitants of the province, descendants of the ancient Illyrians" (Judah, 1998, para. 3). Serbs claim "Kosovo lies at the heart of their medieval kingdoms": numerous ancient castles and orthodox churches dot the landscape bolstering this assertion (Judah, 1998, para. 4). When the Ottoman Empire conquered the territory, much of the Serb population, largely Orthodox Christian, emigrated north. Albanians, predominantly Muslim, settled into the region. By the 1980s, the population demographic of Kosovo was nine to one Albanian to Serb (Judah, 1998). A central date in the story is June 28th, 1389. On this day, Serb Prince Lazar was defeated by the invading Ottoman Turks at Kosovo Polje (the field of blackbirds) (Judah,

1998). The defeat is celebrated by Serbs as a "glorious sacrifice" (Judah, 1998, para. 8).

Over six centuries later, the myth continues to have a strong grip on the Serb imagination.

The call to "avenge Kosovo", a favored slogan of Milosevic, still serves as a rallying cry

for Serb nationalism (Judah, 1998, para. 11). The very land of Kosovo lies at the core of

the identity of the Serbs and Albanians who inhabit it.

The fight for the territory has brought atrocities to both sides. In 1912, the Serbs drove

the Turks out of the Balkans and the remaining Kosovo Albanians were oppressed and

massacred (Judah, 1998). In 1915, Albanians took revenge, forcing the Serbs out of

Kosovo, punishing them along the way (Judah, 1998). Under communist rule, Kosovo

enjoyed a significant degree of autonomy within Serbia. In 1986, Milosevic seized

power in Yugoslavia. A hard-line nationalist, Milosevic capitalized on Serb complaints

of Albanian harassment and oppression and stripped Kosovo of its autonomy (Judah,

1998). During the early 1990's, Yugoslavia underwent a bloody collapse. Croatia,

Bosnia-Herzegovina, Slovenia, the Republic of Macedonia and Serbia became separate

states. From 1993 – 1998, ethnic violence increased in Kosovo and the Kosovo

Liberation Army (KLA: Albanian militia group) emerged as Albanians in the province

also sought to rid themselves of Serb rule.

Desperate to hold on to power, Milosevic again appealed to Serb nationalism and

clamped down on the province. Early 1999, Milosevic ordered heavy armour and troops

into Kosovo (Ruga & Mertus, 1999). There were rumors of genocide as Albanians were

forced from their homes and allegedly subjected to mass murder and rape. After years of

threatening Milosevic, March 24th, 1999 NATO forces led by the United States launched air strikes against Serb positions in Kosovo. By April 20th, there were over ½ million Kosovo Albanian refugees in Albania and Macedonia (Ruga & Mertus, 1999). In June NATO air strikes ended as Serb troops withdrew from Kosovo and KFOR (Kosovo Force: a NATO military coalition) moved in to secure the province. During this transition, Albanians led by the KLA seized the opportunity and took revenge for the previous six months (Ruga & Mertus, 1999). Many Serbs fled to Belgrade.

UNMIK and some 2 000 NGOs finally entered the area to administer and rebuild. What UNMIK walked into was a humanitarian disaster. All infrastructure and industry were destroyed, there were rumors of genocide and war crimes on both sides and a flood of refugees were returning without food to destroyed homes. Each ethnic group had been victimized. Over the course of generations, each had developed a competing mythology: a narrative of oppression, fear, massacre and abuse. Hatred was entrenched. UNMIK assumed the task of ending the cycle of violent reprisals and building a peaceful society in which each ethnic group could co-exist.

The security needs of the Albanians and Serbs were and are paramount. A lengthy history of violence, demonization and hatred has created a mutual fear. Left unchecked, each is afraid the other will pounce on any opportunity to avenge the wrongs of the past. To secure themselves, the members of each group have turned in-ward, depending upon their own for protection. The Albanians have the KLA, the Serbs the Serb army. This galvanization of the in-groups reinforces an identity of victimization and revenge and

provides a platform not only for security but aggression. The paranoia, fear and racism spirals upward with each act of violence and reprisal. There is little or no established history of a trusted, legitimate, third party capable of defending the economic, political and human rights of each group. (It is debatable how trusted or legitimate the regime of Marshall Tito was.) The Albanians and Serbs have learned over time to trust and depend upon their own to satisfy their security needs.

The challenge for UNMIK, and through it UNCIVPOL, is to establish a civil policing authority that is trusted and viewed as legitimate by both Serbs and Albanians: to move the communities to a point where they no longer feel the need to turn to paramilitaries and a biased army for protection. UNCIVPOL was charged with creating a sustainable police institution for the whole of Kosovo. One that will be part of a safe and healthy society governed by the rule of law: an organization that will stand as a pillar, helping to guard against a return to ethnic violence.

UNCIVPOL in Kosovo: Construction of A Civil Police Service

Mandate of UNMIK

UNMIK assumed the administration of a beleaguered Kosovo in 1999. There were no absolute timetables, strategies or exit plans. There was however a vision for the future of the province. Under UNMIK guidance, Kosovo was to become secure and put the ethnic violence that has plagued it in the past. To accomplish this, political, economic and social institutions that mirrored those of the members of the EU (European Union), NATO and the OSCE would be constructed. UNMIK partnered with the EU and the OSCE and adopted a four-pillar approach to state building. Pillar One, humanitarian assistance, would be the responsibility of the UNHCR (United Nations High Commission on Human Rights). Pillar Two, economic development, would be taken care of by the EU. Pillar Three, civil administration, fell to the UN and pillar four, institution building, was left in the hands of the OSCE. The construction of the Kosovo Police Service, the focus of this paper, fit into both the categories of civil administration and institution building.

The development of the police agency became a shared responsibility. The OSCE constructed and funded the basic training school. UNCIVPOL, a part of UNMIK and under pillar three, staffed the training school and was responsible for all field training and policing duties within Kosovo.

Goal of the OSCE and UNCIVPOL for the Kosovo Police Service

The goal for the KPS was in line with the mandate for the whole of Kosovo.

UNCIVPOL was to develop a professional, independent and impartial police service

trained in democratic police work. In other words, a police agency consistent with those

found in Western Europe and North America. What is "democratic police work?" Peake

(2004) defines it as "a system of policing that emphasizes respect for human dignity, civil

rights, accountability and the rule of law" (p.12). Within human dignity and the rule of

law is a recognition of basic human and economic rights. Civil rights and accountability

allude to democratic principles: the right of a people to freely chose their political

leadership and hold them responsible for their decisions. In interpreting the goal, one

must also consider the issue of sustainability. It is one thing to be taught the words and

recognize it is one's duty to uphold certain principles. It is another to stand on a line and

actually put these principles into practice. For the goal to have meaning, the KPS must

not only recognize the human rights of all citizens and the democratic principles upon

which their new government will be founded, but work to protect these ideals. If the KPS

only ever functions (as it was designed) with constant UNCIVPOL support and guidance

and falls apart or slides into a role of corrupt enforcer once the international presence

evaporates, then the time, money and effort expended by the OSCE and the UN will have

produced very little. This paper assessed the ability of UNCIVPOL and the OSCE to

achieve their goal in Kosovo. For the purpose of this paper, the goal was interpreted as

follows: UNCIVPOL and the OSCE seek to construct a professional, independent,

impartial, sustainable police service committed to human rights and democratic

principles. The analysis uses this definition as its starting point.

Origin of the Goal

Why have UNMIK and the OSCE chosen this goal for the KPS? It is consistent with their vision for the whole of Kosovo. The four-pillar approach is attempting to build a self-sustaining society that is committed to democratic principles, liberal economics and human rights. The international coalition is hoping to bring lasting peace and stability to a region plagued by generations of ethnic violence. North America and Western Europe are looked upon as model societies characterized by peace, democracy and respect for human rights. The UN, EU and OSCE are trying to achieve their goal by constructing Kosovo in the image of what they hold to be a proven model. Following this design, political, economic and social institutions that function well in the North American and Western European contexts are being built in Kosovo. There is a logical assumption being made. The model societies have elected assemblies, market economies and liberal police agencies and they are peaceful, democratic, prosperous and stable. If one were to build these institutions in Kosovo, should one not expect to achieve the same result?

A key social institution in North America and Western Europe is the police service. Police, in these contexts, provide micro security to citizens. They are accountable to the public they serve, independent from government (do not enforce the law based on the personal directives of political leaders), respect the legal and human rights of all persons and are bound to apply the law equally to all citizens, regardless of gender, ethnicity or social status. In short, modern liberal police agencies are professional, independent, impartial, sustainable and committed to democratic principles and human rights. The goal set for Kosovo is for it to become a modern liberal society. The goal set for the KPS

is thus for it to become a modern liberal police service. UNMIK, the EU and OSCE are of the view North American and Western European police departments effectively keep the peace, uphold the rule of law and maintain the safety and security of all citizens. It is their logical assumption that a police service constructed in this image, in accordance with the same principles, will serve the same function in Kosovo. The operating theory is rather simple; a modern liberal police agency will satisfy the security needs of all citizens, work to establish the rule of law and demonstrate to everyone that ethnic violence will not be tolerated. The police would serve as a visible daily reminder of the administration's commitment to the principles of equality, democracy and human rights.

Process for Achieving This Goal

In 1999 the UN Security Council issued resolution 1244, authorizing military intervention in Kosovo. Once the Serb forces were driven out, the task of institution building began. The plan to construct the Kosovo Police Service was broken down into three phases. Phase one called upon KFOR to ensure public safety and border control until UNMIK and UNCIVPOL could be established. Under phase two, UNCIVPOL would provide armed civil policing and border control. UNCIVPOL and the OSCE would simultaneously recruit, train and build the KPS from the ground up. In phase three, as the KPS officers became ready, they would begin to take over the duties of UNCIVPOL. Eventually, all policing duties would be handled by the KPS with UNCIVPOL withdrawing to a monitoring and support role. Over time, this role would also diminish to the point where the international support was no longer required. As of March 2004 the mission was in phase two/three. Recruiting and training at the OSCE

school continued and UNCIVPOL still provided street level policing and supervision, but many positions had already been transferred to the KPS and this process was ongoing. There is no hard date for a full transition to phase three.

Phase two began with a recruiting campaign and the establishment of the OSCE funded basic training academy in Vucitrn. The school opened in September 1999. The first class graduated a month later. According to the United States Department of Justice, as the end of June 2003, 6 400 cadets had completed the program. Over the last five years, instruction at the school has steadily evolved and improved. Approximately 150 UNCIVPOL members now provide 12 weeks of basic training. Recruits are taught the fundamentals of officer safety, arrest control, investigative techniques and report writing. There are also several lectures on ethics, professional codes of conduct and human rights. The level of instruction is comparable to that received by a police recruit in North America or Western Europe (agencies employing the modern liberal model).

From here, KPS candidates move to UNCIVPOL supervised field training. This step in the process is divided into four levels. Level one is field training. For 17 weeks the KPS candidates works along side and under the strict guidance of a UNCIVPOL member. The lessons from basic training are reinforced as the recruits learn to apply their knowledge on the streets of Kosovo. In theory, the UNCIVPOL member acts as both teacher and mentor, modeling the expected behavior and ethics while demonstrating the practical skills required. Level two is service area rotations. Policing is a diverse profession with many specialized areas ranging from traffic control, forensic investigations, K-9 units and

border security. At this stage, the KPS candidate spends six months being exposed to the various facets of modern police work. At level three, the recruit is assigned a post and put on probation for a year. At the end of this year, the candidate is eligible to become a certified police officer. As the recruit progresses, the degree of supervision and evaluation decreases. Prior to advancing to the next level, each candidate must be deemed ready by an international monitor. Over the course of the training program, it is hoped those recruits who are ill suited to the career will have been weeded out and the KPS will be left with trained, motivated, professional, ethical, modern police members.

The OSCE School also offers leadership training. The construction of an entire police service requires the imposition of local leaders and administrators. Over the past five years, many KPS officers have been rushed up through the ranks to fill these positions. There is no minimum service requirement for promotion or set competency standard.

In the modern liberal model, the hiring and training of over 6 000 police members, for a single agency, in a little over four years, is exceptionally high. Such a task would be extraordinary and extremely difficult to achieve in any context. The nature of police work (in the liberal model) requires officers who are ethical, educated and well trained. Ethics and education are most often tested during rigorous and lengthy recruiting processes. In Canada for example (a state employing the liberal model), an approximate average for most of its police services is 3 to 12 months from application to employment. Policing involves dealing with difficult people and complex circumstances. While the basic rules and procedures can be taught, their implementation is learned by doing. It

generally takes two to five years before an officer becomes fully trained and ready to handle the diverse demands of the profession. It can take an additional three to five years before this officer is ready to supervise others and assume a leadership role. As of 2004, the KPS is in its fifth year as an organization.

Progress of the KPS (UN Self-Assessments)

As per resolution 1244, the Secretary General of the UN provides regular reports to the Security Council on the progress of UNMIK. The work of UNCIVPOL and the KPS is included in these updates.

On January 29 2003, the Secretary General reported the following. The KPS was operating throughout Kosovo. The city of Mitrovica, one of the more violent pockets in the province with a river clearly dividing the Serbs from the Albanians, was the last region to see their presence along side UNCIVPOL. Ethnic violence was still prevalent with much of the evidence remaining anecdotal. Each day brought new stories of vandalism and crimes against persons. Of all the refugees that returned in 2002, 35% were Serb. This was viewed by many as a signal of increasing stability and security. The investigation and prosecution of war crimes also intensified. Nine former and current members of the KLA were charged in the preceding three months for crimes against Serbs.

On October 15 2003, the Secretary General chose to report the following highlights. The KPS was one of the most ethnically diverse social institutions being constructed. As of

this date, of the 5 760 uniformed personnel, 17.6% were women and 15.6% came from minority groups within the province (non-Albanian). The Counter Terrorism Task Force and Kosovo Organized Crime Bureau (comprised of KPS and UNCIVPOL officers) were having limited success addressing human trafficking and organized crime and were beginning to crack down on rogue elements and the KLA. The security situation remained of primary concern. Random acts of violence against the KPS and Serb population had increased over the preceding three months. Three off-duty KPS members were murdered and many marked police vehicles and stations had been vandalized. The Serb population was becoming increasingly tense and some demanded KPS escorts for their children to and from school.

To date, there has been little documented on the performance of the KPS as an organization. Reports tend to focus on refugee returns, war crimes investigations, crime rates and levels of violence. It is problematic to use these variables as indicators of the success of UNCIVPOL or the KPS. It is difficult to know why refugees return; is the economy improving, have family re-settled in the area or is the environment more secure? Do increasing crime rates reflect an inability of the KPS to conduct investigations and work with the population, or has crime remained constant but the level of reporting increased as the KPS performs well and gains the trust and acceptance of the population? Seemingly, there is yet to be a substantive review of the initial goal set by UNMIK and the OSCE with regards to the KPS and whether or not this goal has been, or is on the road to being, achieved.

Literature Review

The international organizations involved with the creation of the Kosovo Police Service are open with regards to their mission mandate, operating structures and processes. The OSCE, UN, UNMIK, UNCIVPOL, KPS, numerous interested non-governmental organizations and many of the participating states and contributing police services have websites and regular publications detailing the goals, actions and progress of the mission. Each provides a base of knowledge on the nuts and bolts of what is being done, a basic explanation of why, and describes the key logistical challenges confronting the coalition. These sources provided the extensive background information necessary for this research project. One must know the who, what, where, when, why and how before the question of how well can be addressed. As noted, to this point there has been little independent, critical, appraisal of the goal set by UNMIK and the OSCE for the KPS and whether or not these organizations are on the road to achieving it, and if they are or are not, why they are or are not. This investigation will, in part, work towards filling this gap.

That is not to say there have not been any reviews conducted on the efforts of the UN and the international community in the fields of police and judicial reconstruction in Kosovo and elsewhere around the world. Chesterman (2002) in his piece, *Justice Under International Administration: Kosovo, East Timor and Afghanistan*, examines the work done in these regions. Chesterman notes that to date, practice in this field has been more improvisational than principled. The UN has become involved in state-building projects without any clear institutional guidelines or political consensus. The danger, according to Chesterman, is establishing normative precedents without forethought that will guide

future operations: such as the blanket use of one policing model. Chesterman moves on to discuss the importance of establishing the rule of law in post-conflict zones. In order for it to take hold, Chesterman asserts citizens must be willing to subjugate themselves to consistent principles enforced by state institutions. The state must then hold the monopoly on the legitimate use of force. He advises that at the outset of their missions, it would be wise for international actors to consult with local stakeholders and determine what law should be enforced, in what manner, under whose definitions of justice. At the end of the day, Chesterman puts forward the test of the success of the establishment of the rule of law is to whom do people turn for solutions to problems that would normally be considered legal. If the rule of law is in the hearts and minds of the people, they must trust the police and justice system to protect them. If this system is not trusted or utilized, it is meaningless. Collaboration with locals as a part of the construction process improves the odds of passing this test.

Hagman (2002) in his article, *Lessons Learned: Peacebuilding in Haiti*, proposes an effective, long-term, peacebuilding strategy must be based on a deep understanding of the history, culture and societal dynamics of the country in question. National ownership of political and social institutions leads to sustainability. Hagman asserts ownership occurs over time and through consultation. A 50-year problem cannot be fixed in a year. If the international community is serious about making a long-term change in a post-conflict environment, they must be prepared to be engaged for 20 to 30 years. A generational approach must be adopted in favor of looking for a quick fix and large initial impact.

Dziedzic & Bair (1997) in their chapter, *Bosnia and the International Police Task Force,*

examine the practical challenges faced by UNCIVPOL in Bosnia. It is important to note,

in Bosnia UNCIVPOL monitored and trained existing police forces. In Kosovo, they

started from scratch and set about erecting a service from the ground up. While the

context and mandate may differ, the findings of Dziedzic & Bair still add valuable insight

to the Kosovo experience. In Bosnia, the authors noted fear of mob bosses (local

organized crime leaders) was a huge impediment to the establishment of the rule of law.

These thugs had the ability to intimidate and held more power over the populous than

police. Another major challenge was the cultural context. Dziedzic & Bair remark on

how the area has no liberal democratic history. Power has traditionally been concentrated

in the hands of a monarch, marshal or monolithic figure. The historical purpose of police

was regulation, intimidation and control, not protection. For the implementation of a

western police model to be successful, the interlopers must find a way to rebuild the

engrained cultural attitude towards police and, particularly with regards to the new

recruits, the role of police.

Billinger (1997) in, *Report of the Special Swedish Commission on International Police*

Activities, offers insight into the issue of use of force during such missions. He describes

a problematic gap between the capabilities of police and an army as the "grey zone"

(Billinger, 1997, Important Tasks in a Peace-Promoting Mission section, category C). In

Bosnia (and now Kosovo) the presence of well armed, ethnic based militia groups and

organized crime syndicates demonstrate the problem. These groups operate at a level of

violence below that of a military and above that of police. Police are not trained or

equipped to deal with coordinated groups armed with rocket launchers, machine guns and other military ordinance. An army is not trained or equipped to deal with what are essentially small and highly mobile criminal, or terrorist, cadres working in a civilian environment. This gap allows these groups to operate relatively unchecked. Their criminal activities undermine the establishment of the rule of law and the growth and stability of democratic police services. The question left unanswered is how to fill it.

Oakley & Dziedzic (1997) in the final chapter of *Policing the New World Disorder,* provide a list of lessons learned from past and on-going UNCIVPOL missions. They recommend the following. Justice must be a part of any package or security will not be attainable; people must feel the wrongs of the past will be righted. It will take time to establish the rule of law and legitimate, functional, sustainable institutions: possibly generations. The necessary resources must be committed. Citizens from all sides of the conflict must agree that impartial, professional, police are desirable and that the rule of law must prevail. The enforcement gap or 'grey zone' in the use of force must be closed. Finally, definable standards must be set for the police service along with methods to ensure they are attained.

Peake (2004) produces a similar a list of lessons learned in his work, *Policing the Peace: Police Reform Experiences in Kosovo, Southern Serbia and Macedonia.* His is more specific and relevant to the Kosovo mission. Peake begins by identifying the most pressing issues inhibiting the success of UNCIVPOL in their ongoing effort to construct the KPS. These are: poverty, ethnic divide, the incompetence of UNCIVPOL members,

rampant crime, a serious lack of time and funding and the ambiguous political future of Kosovo. Is the province to become independent, remain a part of Serbia or continue on indefinitely as an international protectorate? While Peake applauds the ability to have close to 5 000 KPS members formally trained, in uniform and on the streets of Kosovo, he cautions the mission is far from being hailed a success and the long-term future of the KPS, for the reasons listed above, remains in doubt. Arising from his research, Peake recommends the following: a revised field training program, improved standards and ongoing training of UNCIVPOL members, assistance in the integration of gender and ethnic minorities, a more robust approach to criminal behavior, a resolution to the Kosovo final status question, increased funding for physical infrastructure, greater involvement of civilian personnel in training, administration and management and the accelerated development of surrounding criminal justice institutions. The focus of Peake's article is on process and how best the modern liberal model of policing can be implemented in Kosovo. He does not examine the foundations of the model, its underlying assumptions or the issue of context. The questions of why this particular model was chosen, is this choice reasonable, and is the ultimate goal set for the KPS even attainable, go unaddressed. Peake does acknowledge that the model and its accompanying concepts are foreign and may be a tough sell, but stops there. While his report is quite comprehensive, these are questions worth exploring. As a participant in this research project, Peake's contributions were valuable in verifying his own results and investigating issues left uncovered by his original work.

Coutts & Ong (2001) echo the need for higher quality UNCIVPOL members, the need to

take the time to consult with local communities before undertaking a vast reconstruction

of social institutions, and the need to take care to recruit the right police officers to ensure

the new force is not simply a change of uniform for paramilitaries. Feil (2002) also calls

upon the international community to take a pragmatic approach to the provision of

security in post-conflict environments. Begin by asking the question who and what must

be protected from whom and then craft an approach specific to the situation. Broer &

Emery (1997) conducted a thorough review of UNCIVPOL officers and convincingly

found the skills of many, if not most, to be lacking. They strongly recommend higher

standards, the use of impartial selection teams to ensure these standards are met and

thorough pre-deployment training for all officers. In 2001, the United States Institute of

Peace conducted a study of American involvement in UNCIVPOL operations that

generated similar conclusions. It found the varying skills, attitudes towards policing and

competencies of UNCIVPOL members created inconsistencies when dealing with the

populations and in training the local forces, delayed investigations and diminished their

overall effectiveness. The above works largely reiterate and confirm the findings of other

previously noted studies and (as will be shown by the end) this research project.

An examination of the liberal policing model and its potential applicability in non-liberal

contexts is a central theme in this paper. Such an analysis begins with Sir Robert Peel.

Sir Peel was the first Chief of what should be considered the first liberal police agency,

the London Metropolitan Police Force (Reith, 1948). Sir Peel was tasked with creating a

non-military law enforcement body that could function in a peaceful, urban, environment.

In 1822, he published a set of nine principles (Reith, 1948). They served as the foundation for his police department and almost two hundred years later, these principles can be found in the mission statements of police agencies employing Peel's model throughout Western Europe and North America. Reith (1948) in his work, *A Short History of the British Police,* details Peel's principles and the social context from which they originated and were applied. The liberal policing model evolved from a modern liberal society and was designed to operate in that context. This point is key to the analysis of UNCIVPOL's efforts in Kosovo.

Koci (1996) discusses the potential difficulties in transplanting a foreign, western, policing model into Eastern European communities in her paper, *Legitimation and Culturalism: Towards Policing Changes in the European Post-Socialist Countries.* Koci begins with the assertion that police are a reflection of the history and culture of the people they serve. While North America, Japan, Britain and Western Europe may have similar policing models, they also have vast differences in armaments, recruiting, attitudes and public perception. This, she claims, is due to the mutual effect police and culture have upon one another. Eastern Europe has a recent history of employing what Koci labels as the structural model of policing. In this model, police power and authority is legitimated from above by the state, as opposed to the liberal or community model of policing in which police power is legitimated from below by the people. As post-socialist Eastern European states struggle to reform, or liberalize, their political, economic and social institutions, Koci reminds them of the need to incorporate the history and culture of the population into these structures. If these institutions, police

being one of them, are ever to achieve legitimization from below, these factors will have to have been taken into account. Koci thus cautions the use of "cookie-cutter" models. This point is made three years before the reconstruction of Kosovo begins.

UNCVIPOL is a relatively new entity. As such, research on their activities, processes, progress, successes and failures is just beginning. To this point, studies have primarily focused upon process. Discussion centers on problems arising during the implementation of the liberal model and how these problems can be overcome. Suggestions like improved training for UNCIVPOL officers, increased funding, longer time lines and quicker deployment are common. There is yet to be a substantive debate on the model itself. Is the modern liberal model of policing universal or is it context dependent? Does the model require the pre-existing presence of functional, liberal political, social and economic institutions? If the model is not universal, might some of the issues arising during UNCIVPOL missions be caused by a lack of awareness on this point by the UN and the international community? If the model simply will not work in any and all situations, no matter how hard one drives the square peg, it will not fit into the round hole. This project hopes to contribute to the growing body of research on UNCIVPOL by initiating debate on this detail. It also aims to follow-up on the work done by Peake (2004). Kosovo is unique in that it marks the first time UNCIVPOL has attempted to completely build an entire police service for a society. It is a lengthy, costly, curious, endeavor. The project seeks to verify and expand upon his results.

Theoretical Critique/Analysis of the Goal for the KPS

Theory Behind the Goal

Certain universal needs must be satisfied if people are to prevent or resolve destructive

conflict. This is the basic premise underlying Burton's *Needs Theory* (Rubenstien, 2001).

Following this line of thought, the key to successful post-conflict intervention is to

recognize which needs of the various parties are not being met and develop strategies to

fulfill them. Once the needs are satisfied, the conflict should theoretically dissipate.

Burton provides a non-exhaustive list of basic human needs. It includes: consistency of

response, stimulation, security, recognition, justice, meaning, control and security

(Rubenstien, 2001). It could be argued security should come first on any list. It is

difficult to satisfy any other needs until one is safe from mass violence and random

killing.

In Kosovo, the need for individual and group security is paramount. There is a complete

lack of trust between the two dominant ethnic groups: Serbs and Albanians. Each fears

and hates the other and each has little faith in the ability of a third party to protect them

from the other. The Albanian reprisals against the Serb minority during the transitional

months of 1999, shortly after KFOR drove the Serb army out, bolstered this belief.

Consequently, each group has sought security by turning inward. People have learned to

depend on their family and tribe for protection. Armed militia groups, such as the KLA,

are thus looked upon as "defenders" of their people. An attack by one group triggers a

reprisal from the other. Each act of violence drives up suspicion and fear and perpetuates

the viscous cycle. UNMIK stepped in to administer the province and quickly realized

that economic, political and social development could not occur until the security needs of the population were met. It is difficult to convince people to send their kids to school or invest in the economy when they are afraid to wander the streets.

UNMIK needed to find a way to provide micro-security. Their brain trust turned to the modern liberal model of policing. From the intentions, actions and subsequent writings of the UN, OSCE and UNCIVPOL in and on Kosovo, it is clear they interpreted this model as follows. In North America and Western Europe, police are conferred the authority to satisfy the security needs of the population. In this context, police provide consistency in response to crime and deviant behavior. They enforce and maintain the rule of law. Police are a source of rationality and control. Citizens feel safe to live and work in their community knowing those who violate their rights will be apprehended and prosecuted. In these societies, dependence upon the family, tribe or a militia group for protection is unnecessary. Police provide security for all, regardless of economic status or political or social affiliation. Citizens are free to express views, attend school, practice religion and own a business without fear. Consequently, these communities advance in an environment of shared security and mutual trust.

Fitting with their larger goal for the province, UNMIK planned to construct a modern liberal police agency for Kosovo: the KPS. Holding with their theory on modern policing, UNMIK believed the KPS could satisfy the security needs of all citizens. Uniformed officers on the streets, properly trained in the liberal model, could provide consistency of response, control and rationality. As police arrested and assisted in the

prosecution of those who committed acts of violence and vandalism, trust would begin to develop between the citizenry and the police, between the ethnic groups, and between the state and the population. Police committed to the founding principles of the liberal model would treat all citizens fairly, respond to their needs and demonstrate to all that Kosovo had become a society governed by the rule of law. By portraying values of equality and respect, the KPS would be an agent of community building, helping to instill and reinforce these values within the citizenry. Over time, the need for militia type groups would be eliminated and the cycle of ethnic violence would come to an end. A secure environment would then hasten broader political, social and economic development.

From the outset, UNMIK had to ask and answer two key questions. Do police, in the modern liberal model, satisfy the need for individual and group security within a society? Can this model be applied universally? UNMIK answered yes on both counts and based their agenda for UNCIVPOL upon this theory.

Is the Theory Sound?

To answer this question, one must examine the foundations of the modern liberal model of policing. The history begins in 19th century London, England and Sir Robert Peel. At the time, London was rapidly expanding as the head of an industrial empire. The military was used to provide a variety of law enforcement functions. This was becoming increasingly impractical as soldiers were not trained investigators and an army was not designed to operate in a peaceful, urban, civilian environment. There was a need for an agency to enforce the law and function in a society committed to individual freedoms.

Sir Robert Peel was charged with the task of creating such an agency and became the first Chief of the London Metropolitan Police (Reith, 1948). Peel built the organization around nine guiding principles that would later be known as "Peel's Principles." Simply put, the new Constables were to recognize that their power depended upon and came from the approval and respect of the public and that they required the moral authority conferred by the citizenry to fulfill their duties. As police officers, they were to be professional, independent and impartial and work to protect the individual rights of all citizens, regardless of their economic, political or social standing. Peel's Principles provided the foundation for the modern liberal police agency and are still found in the mission statements of departments throughout North America and Western Europe. UNMIK and the OSCE's goal for the KPS is no exception.

It is important to note that Peel created a law enforcement agency to replace the military in a democratic society, with a market economy, founded on liberal political and social ideologies, governed by the rule of law. By 1829, the London Metropolitan Police Service's inaugural year, England had a history of democracy, an independent judiciary and respect for individual freedoms. As a whole, the people of London had a shared culture, shared economic, political and social values and shared non-legal habits (expected set of behaviors that are socially learned and performed voluntarily). These values and habits were reflected in the legal system. The laws, particularly the criminal code, simply committed to paper what the majority of the citizenry believed and already did voluntarily. Peel's theory of law enforcement is based upon the voluntary compliance of the populous. People obeyed the law because they were socialized into a

value structure. This structure facilitated their economic, political and social endeavors. They thus had a vested interest in upholding the law. Police were required to deal with the small minority who deviated in their actions from this framework. They were not required to compel the majority to behave in a fashion counter to their perceived best interests.

The modern liberal model of policing evolved from this shared undercurrent of non-legal habits and values present in a liberal society. Police came at the end of a line. Shared beliefs in equality before the law, private ownership of property and individual freedoms led to the creation of democratic assemblies. The assemblies codified these values into laws. The laws were protected and upheld by functional courts and penal institutions. Police were then established as a more efficient mechanism for enforcing the law and reinforcing the shared value structure of the community. The rule of law created police, not vice versa.

In the liberal model, police explicitly require the consent of the populous. Police temporarily suspend the rights and freedoms of people in the course of their investigations. Officers are granted special powers of search, seizure and detention. To perform their duties, police must be viewed as legitimate and they must have the moral authority to act. This moral authority is conferred by the citizenry who agree that the temporary suspension of their rights and freedoms is acceptable and necessary under certain circumstances to uphold the shared value structure of the community. Without this agreement, police would require overwhelming force to enforce the law. Each arrest,

each vehicle stop, each investigation could be met with resistance. If there were no general agreement on the law or respect for police authority to enforce it, the society would experience a high level of 'criminal' behavior requiring well-armed cadres of officers to apprehend offenders: in essence a military presence in the community. Peel created his model to eliminate this. Without a strong degree of voluntary compliance and consent to police authority, the liberal model cannot function as it was designed.

Peel intended his police agency to serve a community by helping to maintain what had already been established. The citizens of London had achieved stability and security through their shared value structure and corresponding definition of criminal behavior. These were shared in that they were voluntarily agreed upon. Citizens had built a community and were bonded to one another by a common standard of conduct. This standard created predictability: each trusted the other not to steal, assault their person or otherwise violate their agreed upon rights. The people were socialized into the culture and everyone knew the standard. This bond, these shared definitions, created a feeling of security in the community, not the presence of armed guards. Peel recognized he was not building a security force. Police were to be citizens designated to pay full time attention to what was the daily duty of all, upholding the shared value structure of the community. Police, by their sheer presence, would not and did not have to provide an aura of security. The context that led to the creation of the institution already did. Peel took this as his starting point.

The liberal model thus operates by police interacting with citizens, working with them to solve problems and uphold the recognized standard of behavior. An extension of the legal, political, economic and social system already in place, police act as a trusted third party. Detached from the persons involved in a dispute, police conduct an impartial, professional, investigation. This evidence is then presented to a judge who decides the matter based on the information and the established values of the community. Police are an efficient, practical and effective means of solving problems and introducing complaints to the justice system for adjudication.

Peel's model was not designed to bring peace to a society. Liberal police were intended to serve a population governed by the rule of law and reinforce the values and principles such a community was based upon. The model assumes the presence of functional political institutions, courts and the voluntarily compliance of the people. The modern liberal model was the result of centuries of community building and was designed to operate in a specific milieu. It was not intended to serve all contexts equally. Burton himself acknowledges that while certain needs, like security, may be universal, their satisfiers are culturally dependent (Rubenstien, 2001).

It is also important to note that police officers come from the society and culture they serve. They have been socialized into the community and are a part of the shared value structure. To be selected as police officers in the liberal model, one must demonstrate a history of strong personal integrity and commitment to principles such as equality, adherence to the rule of law and respect for individual rights. As police members, they

are expected to reflect these values back to the population and perform their duties according to the expectations set by the liberal model. The officers to do not need to be 'trained' to respect human rights and adhere to democratic principles. As members of a liberal society, they have been taught these values since childhood. They would not have been chosen to become police officers unless they understood the core values of the community and had a strong desire to serve them.

Given the history and underlying assumptions of Peel's model, is it possible for a third party to construct a modern liberal police service for another society? Can the model be transplanted into various cultural contexts? Can those not socialized in a liberal society be 'trained' to uphold the values associated to the liberal model? The leadership of UNMIK and UNCIVPOL believe so.

Research Methodology

Action Research takes the knowledge, experience and skill of those involved with a particular situation and applies it directly to a related question. It is a methodology that seeks to not only generate knowledge about the problem but to analyze the dynamics at play and produce reasoned recommendations designed to ameliorate the situation. Action research is a collaborative effort between the researcher and participants. The participants are not simply providing information to be tabulated and organized. They, who are immersed in the research question and have a vested interest in the outcome, are a part of the analysis. In an open environment, the researcher and participants work together towards a result. Action research was the methodology of choice for this project.

The primary research question reads as follows: have UNMIK, UNCIVPOL and the OSCE achieved, or are they on the road to achieving, their goal of constructing a KPS that is professional, independent, impartial, sustainable and committed to human rights and democratic principles? In other words, have they constructed a modern liberal police agency in Kosovo? Taking the next step, the project addresses the question of why. If the construction effort has succeeded, why was it a success? What efforts and measures were key and should be duplicated in similar programs elsewhere? Conversely, if the international effort is failing in its goal, why is it failing? What are the major barriers facing the program? Is the initial goal even attainable? Fitting the mandate of action research, the goal of this project is to improve the UNCIVPOL program and enhance the opportunity to achieve the larger objective of long-term peace and stability in failed-state

environments. The UN and OSCE, like any other organizations, have limited resources. By analyzing their efforts in Kosovo, this research project hopes to provide a meaningful review of the KPS program. If the effort is failing, continuing in the same direction would be a waste of time and resources. Following the analysis, the project lists a set of recommendations designed to bolster the UNCIVPOL program in Kosovo.

Thirteen people participated in the project. Eleven were former members of UNCIVPOL who served in Kosovo for a minimum of six months. Of these 11, each is an experienced police officer working in a modern liberal police agency in North America or Western Europe. They volunteered to leave their homes and put their own careers on hold to go to Kosovo to attempt to fulfill the UNCIVPOL mandate. The officers have a wealth of policing experience and served in a variety of capacities while there: ranging from the direct training of the KPS, the provision of law enforcement, the investigation of war crimes and administrative functions. These participants had an opportunity to interact with the new KPS officers and the citizens of Kosovo in a number of settings. Their professional knowledge, skills and direct experience recruiting, training, monitoring and working along side the KPS put them in a strong position to address the research questions.

The final two participants are academics considered to be amongst the leading experts on the activities of UNMIK and the field of post-conflict reconstruction. Each has worked in Kosovo and is familiar with the unique problems and dynamics of the overall UNMIK program. Their perspective provided a cross reference to that of the police members and

broadened the view of the project. Like the officers, they have dedicated portions of their lives to the reconstruction of Kosovo. All the participants believe in the need of the international community to help post-conflict societies stabilize and recover. Their involvement in this project is a continuation of their demonstrated commitment to this belief.

To begin, the terms of the UNCIVPOL goal were operationally defined. "Professional, independent, impartial, sustainable, committed to human rights and democratic principles" were taken as individual components and defined by the writer in accordance with the modern liberal model of policing (see appendix for list of definitions). To address the primary research question, participants were asked to assess each portion of the goal in light of these definitions. Based on what they had observed, heard and experienced, had UNCIVPOL constructed a KPS that is professional, independent, impartial, sustainable and committed to human rights and democratic principles? For the goal to be considered achieved, or on the road to achievement, all components had to be positively assessed. Each participant was then asked to analyze his or her own results. Why was the KPS professional and sustainable? Why was it not? In their view, why did certain portions of the construction program work well, while others did not? What were the causes of the major barriers and what could be done to overcome them? To conclude, each participant was asked to provide reasoned recommendations, based on her or his analysis, to improve the UNCIVPOL effort in Kosovo.

The previous portions of this paper provided background information and context. The remainder will present the research results. The UNMIK, UNCIVPOL and OSCE goal has been broken down into four parts: 1) professional 2) independent and impartial 3) sustainable and 4) committed to human rights and democratic principles. The paper will present the research findings on each component separately. An analysis of why these results were achieved will follow along with the corresponding set of recommendations.

Assessment Results

Is the KPS Professional?

The KPS officers are employed full-time and compensated, but the pay is extremely poor

(approximately 200 Euros/month). Most require second jobs to survive and adequately

support their family. In part due to pay, a historical lack of respect in the region for

police and the subsequent dim view of policing as a career, working as a police officer in

Kosovo has yet to take hold as a 'profession'. In an area of extreme economic

depression, being a cop is a job that pays. In 1999 when the KPS began, there was a mad

rush to the recruiting office. Five years later, this rush continues. People need to survive

and work, any work, is better than nothing. If the economy was to improve and other

opportunities began to present themselves, there was a general feeling amongst the

research participants many KPS officers would leave. This lack of a long-term

commitment is not surprising given the circumstances but is problematic.

Policing, like any profession, requires adherence to a set of prescribed ethical standards.

While there is a degree of monitoring by UNCIVPOL, no one can be watched every

minute of the working day. Most of the compliance with these standards must be

voluntary. Adherence generally accompanies commitment. If one is pursuing a career

and a future in a profession, one will be motivated to commit to the standards required by

the profession and work diligently to uphold them. The general view of the research

participants was, that while commitment to policing as a profession may be on the rise,

the inability of the majority of the KPS to adhere to the ethics required by the liberal

model is a major problem. Corruption is pervasive. Poor pay, the power and reach of

organized crime, historical views of policing, the acceptability of bribery in Kosovo society, poor mentoring by UNCIVPOL and other factors combine to undermine the ethical standards of the KPS. Working for the KPS is a job. Like any other job, it is here today and may be gone tomorrow. Up to this point, most KPS members are unwilling to sacrifice other economic opportunities, connections with friends and allies and the safety of themselves and families for a 'job'.

The KPS are trained to the minimum skill requirements of the profession. The basic recruit training at the OSCE School is comparable to that of any other modern liberal policing agency. The field training is also comparable. A major issue is not the comprehensiveness of the program or the ability of the KPS to learn the skill sets, but the motivations, work ethic and performance of many of the UNCIVPOL members. Most of these under-performers are from the developing world: Africa, the Middle East and Asia. They themselves have never been trained in the modern liberal model of policing and do not have the accompanying set of professional ethics. On mission with the UN, they suddenly find themselves having to demonstrate skills they do not have and model good behavior they unfortunately lack. Despite this, the research participants were generally of the view the KPS members took well to their training and given time, could and did perform to an acceptable standard. The physical and investigative skill sets of the KPS are not a large issue.

Do the members of the KPS work in a recognized organization with the authority and ability to enforce the law? This is a question of legitimacy. Do the people of Kosovo

accept the KPS and voluntarily confer upon them the powers of police? Are the members

of the KPS capable of exercising their powers across Kosovo society?

The results are mixed. For the most part, the KPS is recognized by the citizenry as a

police agency, authorized to investigate complaints, enforce the law and take people into

custody if necessary. For minor incidents such as thefts and vandalism, citizens generally

cooperate, speak with police and allow them to deal with any suspects. However major

events, such as homicides, rapes, and inter-ethnic violence, despite the presence of the

KPS, are still dealt with in accordance with tradition; which for the Albanian majority is

the Kanun. The Kanun is a verbal code of behavior passed down over generations

(Ahmeti, 2004). Like a criminal code, it spells out offences, methods of dealing with

them and appropriate punishments. It is the customary standard of justice in the Albanian

community. The Kanun explicitly calls for blood feuds and requires a strong element of

revenge before justice can be seen to be done and a matter settled (Ahmeti, 2004). In

order for a modern liberal police agency to function, it needs to be made aware of events

by citizens and victims must cooperate: recognizing that is the role of police and the state

to administer justice, not themselves, their family or their in-group. In Kosovo, police do

not have a monopoly on the legitimate use of force. For major events, the family and the

tribe believe they have authority to act under the Kanun. It is not left to outsiders to

resolve a tribal matter. This is particularly problematic when the event in question

crosses ethnic lines. A blood feud that stretches across generations will not be resolved

by the arrest of select family members and the investigation of a few instances. A feud

encompasses an entire tribe or extended family. Without a larger belief in the authority

of police to handle criminal matters and a rejection of the idea of individual vengeance, the ability of the KPS to act as a police agency will be diminished. Why call the police to investigate when you can handle the matter within your in-group?

The ability to police a society goes beyond members having the required skills and the cooperation of the populous. Policing a society means there are no identifiable groups that are beyond police authority: groups that may break the law with impunity. The complete inability of the KPS to curtail the activities of organized crime undermines the legitimacy of the service. In Kosovo, organized crime is pervasive. The syndicates are allegedly run by suspected war criminals, many of who are affiliated to the KLA, with power and connections throughout Europe. These groups run the Kosovo economy and are tied to all political and social institutions. The import-export of goods, construction, and most other economic activity fall under their control. Their existence predates the 1999 NATO operation, the rule of Milosevic, and extends generations back through the communist regime. The current unrest and uncertainty allowed them to emerge from the shadows and seize power throughout Kosovo society. Their leaders are highly visible and known by the citizenry. These criminal organizations are well structured and well armed. Weapons, drugs and human trafficking are their major enterprises. Equipped with pistols, automatic rifles, grenades, rocket launchers and other military issue armaments, their potential for violence is similar to that of any militia, guerilla or terrorist group. UNCIVPOL and the KPS, to this point, have yet to meaningfully limit any of their activities.

The KPS lacks the necessary training and experience to confront these groups. They lack

the political will, cooperation of the populous and internal leadership to even target them.

Some of this is attributable to the ability of organized crime to intimidate, bribe and

otherwise compromise members of the KPS. Officers live in the community they serve.

Organized crime groups know who they are, where they live and where their families

live. Many KPS members, and their extended families, have a history of cooperating

with these organizations. Over the years, favors and services may have been exchanged.

When one factors in the low pay the KPS receives, rampant poverty in the province, a

cultural acceptance of bribery as simply 'how things get done' and the lack of a long-

term commitment to the profession, bribery and intimidation become major issues. The

problem compounds when not only are the KPS turning a blind eye to the actions of

organized crime, but are also routinely selling information on the actions of the

UNCIVPOL Organized Crime Bureau. Tipping off the location of checkpoints, planned

stings and searches inhibits what little progress UNCIVPOL may make in combating

organized crime. It also makes it difficult to include KPS officers in these operations.

KPS leadership needs training in the advanced investigative techniques required to

confront large criminal enterprises. How does one receive such training when they and

their colleagues cannot be trusted to keep confidential what little intelligence is available?

The people of Kosovo, in the minds of most of the research participants, are well aware

of the KPS' inability and unwillingness to deal with organized crime. The citizenry

know who these groups are and what they do and see nothing being done to curtail their

activities. This undermines public perception of and confidence in the Kosovo Police

Service. It calls into question their ability to investigate any sort of criminal occurrence and makes people reluctant to report problems to the police. Why supply information against someone you know has connections to organized crime when the officer you may be speaking with cannot be trusted to not turn around and sell the information back to this group? A lack of trust in the new police force reinforces the use of the Kanun and reliance upon the family, tribe and in-group for protection and justice.

Is the KPS professional? While they are fulltime, paid and trained, they, for the most part, do not conform to the ethics required by their profession and their ability to enforce the law is dubious.

Is the KPS Independent and Impartial?

The Kosovo Police Service is not directly controlled by the government (Kosovo Assembly) or any political or military faction. The leadership structure of the organization was designed by UNMIK to operate independently. On paper, the KPS conforms to the modern liberal standard of policing whereby officers carry out their duties in accordance with the principles of democratic policing, the rule of law and set internal policies. The KPS is not a private security force and does not act on the directives of power brokers. In theory, the agency works for the people of Kosovo, not its leaders. As part of its official mandate, the KPS is to be representative of the population and serve all segments of society without bias.

In terms of day-to-day actions, what occurs on the streets differs from what is written in the offices. As previously noted, the KPS is heavily influenced by organized crime groups. Ties to the leadership of the agency are tenuous at best and largely based on rumor and speculation. However, while there may be no direct control over official policy and procedure, the operational effect is tangible. Investigative directions, the search of vehicles at checkpoints and the maintenance of confidentiality are all swayed by the influence of criminal enterprises. By the modern liberal standard, corruption (the taking of bribes, turning a blind eye out of fear) is rampant throughout the ranks of the KPS. It is difficult to label such an organization as independent or impartial.

Again, on paper the KPS is to serve all citizens in the jurisdiction equally, regardless of social status or ethnic background. Having worked with KPS members in the actual execution of their duties, the vast majority of research participants labeled ethnic prejudice as a prevalent characteristic amongst members of the service. In their experience, family, ethnicity, culture, history and fear of criminal elements were the primary influences on the working decisions of most KPS members. Professional ethics and training were low on the officer's list of priorities. Thus, policing in Kosovo is largely done along ethnic lines. Albanian officers deal with the Albanian population and Serb officers deal with the Serb citizens. The research strongly indicated the Serb population has little respect for and faith in Albanian KPS members and vice versa. The officers themselves know this fear and lack of respect is present and means they are not welcome in the 'other' community. Anecdotal evidence would seem to suggest this fear,

that KPS members from one ethnic background will not protect the persons, property or interests of citizens from the opposing ethnic group, is not without foundation.

KPS officers, like all other members of Kosovo society, cannot escape their history and culture. The Albanian and Serb populations have repeatedly victimized one another. No group is innocent and everyone remembers everything. KPS officers were raised in this culture of hatred and revenge. They have lived through the destruction and mass violence. It is unrealistic to expect a few months of training at a modern western facility learning professional police ethics, tolerance and equality will wipe away a lifetime of memories and socialized bias. Members of Kosovo society have learned to trust and turn to their family and ethnic in-group for security and protection from the "other." It is important to remember that KPS officers had lives before joining the service and upon graduation from the academy, largely return to their families and work in their communities. It is hardly surprising members slide back into old behaviors that have served them well. Standing against family and friends that have long supported you, to protect members of a historically hated group because it is what an outsider trained you to do, is a heavy and probably unrealistic expectation.

A KPS that serves the population along ethnic lines is not what UNMIK envisioned. Given the heavy influences of organized crime and ethnic prejudice, by the standards set by the modern liberal model of policing, the KPS cannot be judged as independent or impartial.

Is the KPS Sustainable?

Can the Kosovo Police Service survive as an independent agency; one that resembles the vision UNMIK had for it? This will require internal leadership. Since 1999, close to 5 000 KPS officers have been hired and trained. Some have been promoted as UNCIVPOL attempts to fill the ranks from the ground all the way to the top. According to the research participants, a loose target for UNCIVPOL was to have a complete KPS up and running by 2005-2006. At this point, senior officers and front-line supervisors would have at most six to seven years experience, including time spent in training. Policing, particularly in the modern liberal model, is a complex profession. In the ideal context (North America and Western Europe), with a supportive population, surrounding legal institutions and an abundance of senior mentors, it generally takes a new police officer three to five years to fully understand her or his vocation and become fully competent to perform his or her duties with minimal supervision. It takes an additional five to seven years before this person is sufficiently trained and qualified to assume a leadership role; responsible for over-seeing the performance and ethical standards of junior police members. Thrusting a three-year member into a leadership position in a police agency in North America or Western Europe is extraordinarily rare as it is highly doubtful the officer has the experience, knowledge and training required to succeed. The research participants noted a serious lack of internal leadership within the KPS. These officers are struggling to acquire the necessary skills, experience and confidence to regulate their own performance. They are simply not ready to assume responsibility for other members.

As previously noted, the KPS suffers from what the liberal model would label as corruption. If officers cannot ensure their own adherence to the ethics required by the liberal model, how can they possibly monitor and regulate the behavior of subordinates with any credibility? KPS members are learning to become police officers in the most difficult of circumstances. They live and work in a post-conflict zone devastated by war, plagued by poverty, rampant with crime, divided by ethnic hatred, with no supporting legal institutions, little public oversight and a fledgling respect for the rule of law. Given the context, the research participants were unanimous that five years is not enough time to prepare anyone to not only police but also lead fellow officers.

Again the research participants were unanimous that if UNCIVPOL were to leave in the next five years, as many of them suspect it will, the KPS will not continue on in the vision UNMIK, UNCIVPOL and OSCE have set for it. There would be a large slide back as the forces pushing against the establishment of a modern liberal police agency in Kosovo are strong. Poverty, organized crime, the history and culture of the people and a lack of internal leadership and surrounding legal institutions (courts, prisons, civilian oversight) would combine to undermine the work done to this point. If UNCIVPOL left or significantly scaled backed its presence, the KPS would most likely become a non-factor in Kosovo society. Unable to police with much credibility or legitimacy, they would be a nuisance to criminals and disregarded or feared by the general populous. The majority of research participants did however state that forward momentum is being gained. It will require vigilant UNCIVPOL monitoring and mentoring to maintain it and it may yet take another 10 to 15 years before the ethics required by the liberal model

become engrained and KPS officers are ready to assume senior leadership positions. In the foreseeable future, the KPS will not be ready to stand on its own as a sustainable, modern liberal policing agency. Asking it to do so jeopardizes whatever strides have been made to this point.

Is the KPS Committed to Human Rights and Democratic Principles?

During basic training, all members of the KPS are taught the ethical requirements of a police officer in the modern liberal model. They are told it is their sworn duty to serve all citizens equally and protect the economic, political and human rights of the population. They are told they are accountable to their ethical code and the community they serve, not any group or faction. The research participants generally believed most KPS members came away from basic and field training with a good understanding of the ethical obligations of their profession. Beyond understanding and being able to articulate their role and responsibilities, are the KPS members committed to these ideals? In the absence of UNCIVPOL monitoring, would most KPS officers perform their duties in accordance with the principles of democratic policing?

The research participants consistently responded no. Without UNCVIPOL monitoring, leadership and instruction, the KPS, despite their training, are not yet at a point where they have internalized the principles of democratic policing and will actively uphold the rights of all citizens. The reasons cited for this have largely been stated. To review, the KPS is in its infancy as an organization. Its officers are just learning what it is to be a police member. It may take a generation for the principles to take hold and have

meaning. Without strong internal leadership, moral guidance and economic incentives (better pay), the heavy burden of outside influences (poverty, organized crime, family, history) will continue to pressure officers to stray from their training.

The underlying ethnic conflict is a part of everyone in Kosovo. The wounds it has caused will take generations to heal. It is easy to recognize the economic, political and human rights of the "other" in the abstract. It becomes more difficult when the "other" is a person or people who you believe have unjustly inflicted grievous harm on yourself and your family. It will take time before officers are ready to stand against their brothers and with their historic enemy to uphold the principles taught by an outsider who does not have to return and live in their community. It is far easier to turn a blind eye and do nothing while a house or church burns than to risk alienating those closest to you; those you have depended and depend upon for support and survival.

The ultimate goal of UNMIK's post-conflict reconstruction effort is the commitment of the population to uphold everyone's political, economic and human rights. As Kosovo moves forward, so may the KPS. At this point, the officer's commitment is lacking.

Conclusions/Recommendations

Why Were The Above Results Achieved?

The research revealed the goal of UNMIK and the OSCE for the Kosovo Police Service has not been, and in the foreseeable future will not be, realized. The program is well intended and well supported, so why is it not generating the expected results? Collaboration with the research participants generated many possible explanations. Five key issues repeatedly arose and are presented here for consideration.

The Goal is Flawed

UNMIK and the OSCE set out to build a modern liberal police service for the people of Kosovo, believing it to be an essential building block in the construction of a stable, peaceful, democratic society. Unfortunately, Peel's model was never intended to function in a post-conflict area. It is context dependent. Liberal policing agencies evolved from, and are an extension of, the shared values of a liberal society (such as private property, equality, individual rights and a state run justice system) and pre-existing, functional, supporting institutions (prisons, courts, elected assemblies and established economies). Peel designed his model for a stable, peaceful, democratic society with a strong belief in the rule of law. It was meant to maintain and enhance these conditions, not create them. Without the underlying context and surrounding institutions, the model is unproven. The expectation that it can be transplanted into an unstable post-conflict society without the support structure and somehow function in a manner comparable to the western communities for which it was intended is unrealistic. Professionalism, independence, impartiality and commitment to democratic principles are

terms used to gauge the performance and effectiveness of officers working in a modern liberal police service in a modern liberal context. It is unfair to impose these same expectations upon the KPS officers who must endeavor to implement a model not designed for them or their community. The goal set by UNMIK and the OSCE fails to take into account the history of the liberal model and is thus likely unattainable.

The Structural Causes of Conflict are Still Present

It may be premature to label Kosovo a post-conflict society. Many of the underlying conditions that have lead to violence and created generations of conflict are still present. Of most relevance to the construction of the KPS are poverty, ethnic divide and the presence of conflict entrepreneurs.

Most research participants commented on how the primary economic actor in the region during their time in Kosovo was the UN. The primary activity was international workers renting lodging, dining out and hiring interpreters and other locals to perform a variety of tasks. There was little manufacturing or farming. A major employer was the Kosovo Police Service. Former UNCIVPOL members noted a consistently strong rush to the recruitment offices. With the low pay, those who were hired were generally compelled to take second jobs or loan themselves out as private security guards during their off hours in order to support their families and survive. In Kosovo, being a police officer is first and foremost a job, a means to generate income.

This view towards policing can have a detrimental effect on an officer attempting to work in the liberal model. If one's primary motivation is money, temptations such as bribery and the selling of information to organized crime groups become more palatable. When one factors in the scarcity of income and the need for whatever money one can get a hold of to simply survive, long-term career planning and adherence to professional ethics become somewhat of a luxury.

The future of the KPS and Kosovo society as a whole is in doubt. Whether or not Kosovo is to remain a part of Serbia, become an independent entity and if, when and how UNMIK plans to pull out are all yet to be decided. What is certain is that poverty is the reality of daily life and one needs money to survive. Where it comes from is not as important as having it. Poverty is a strong factor compromising the professional ethics, independence and impartiality required by the liberal model of policing. Again, it is likely unrealistic to ask KPS officers to commit to the uncertain future of their organization and then place this commitment above the need to survive and support their families day-to-day.

After generations of violence and mutual atrocities, members of the Serb and Albanian communities have both been repeatedly victimized and provided amble reasons to fear and hate the other. Each KPS member, regardless of his or her ethnicity, has been raised and socialized in this culture of fear, violence and mistrust. A few months of training at the OSCE School, no matter how intense the lectures on police ethics, equality and impartiality, will not wash away generations of learning. As noted earlier and not

surprising, the research participants classified ethnic prejudice as a prevalent characteristic of most KPS members. It took generations to build the ethnic divide, it will take generations to bridge it and even then, there will always be those who are comfortable with or profit from the hatred and choose not to cross it. It is naïve to expect the type of professionalism and impartiality called for by the liberal model of policing from a people still struggling to emerge from ethnic violence.

Conflict entrepreneurs are those with no interest in moving forward and building a peaceful and stable Kosovo. Rather, they have a vested interest in violence, hatred, division and uncertainty. Organized crime leaders and ethnic group figureheads (often one and the same) are the primary conflict entrepreneurs who work daily against the goals and initiatives of UNMIK. Their main enterprises are the trafficking of arms, drugs and humans (prostitutes) throughout Europe. In the experience of the majority of the research participants, their presence is pervasive. Organized crime groups are tied to the leadership of most political, social and economic institutions. They are responsible for the import of just about all goods and run the Kosovo economy. They are well connected, well organized, well funded and well armed. If Kosovo were to become stable and a province governed by the rule of law, these crime groups would become outsiders and suffer substantial losses of money and power. To maintain their position, leaders of these organizations employ scores of unemployed young males. These males carry out the bulk of the criminal activity and when required, intimidate and bribe police and stir up, or revive, the ever-present ethnic conflict. Maintaining an undercurrent of

fear, mistrust, uncertainty and violence assures these groups a continued position of prominence and power.

The presence and power of these conflict entrepreneurs is potentially the greatest single threat to the professionalism and sustainability of the KPS. To this point, the KPS, UNCIVPOL and UNMIK have lacked the ability and political will to meaningfully confront and curtail the activities of organized crime. The population knows they cannot be protected from these groups by the police and this alone undermines the legitimacy of the KPS as a police force.

Competency and Consistency of UNCIVPOL

Over 50 nations have participated in the UNCIVPOL mission in Kosovo. To date, there is no uniform standard for investigative abilities, ethics and leadership that all members must meet prior to deployment. Many of the officers are from Africa, Asia and Eastern Europe. These police members are themselves untrained in the modern liberal model of policing. Their home police agencies would not meet the standard UNMIK set for the KPS. Lacking the skills and ethics required by the liberal model, these UNCIVPOL officers are then put in a position of having to demonstrate techniques to new KPS recruits that they themselves need instruction in and model proper police conduct that they have never had to adhere to. The result is a mixed message to the KPS that undermines the credibility of their would be mentors.

In the experience of the research participants, the training new KPS members receive at the OSCE School is quite good. The school is largely staffed by competent officers from agencies in North America and Western Europe. Recruits leave the academy with an adequate level of base knowledge to perform on the street. The trouble begins in field training. KPS recruits are paired with UNCIVPOL members who are charged with completing their education by building upon the skills taught at the OSCE School and demonstrating appropriate, professional, police conduct. To broaden their experience, recruits are transferred throughout the service so as to be exposed to as many different roles and responsibilities as possible. Each KPS member will thus encounter several field-training officers. Unfortunately, the message received from post to post can be extremely varied. Compounding the issue is the fact UNCIVPOL tours generally range in length from 6 to 18 months and there is no reliable system in place whereby UNCIVPOL officers are accountable for their performance or that of their recruits. The high turnover of UNCIVPOL members makes it difficult to build momentum, train those who are lacking in certain skill sets on site and punish those who are blatantly corrupt and incompetent. As new UNCIVPOL managers rotate in, they must learn their position and who is working under them. This instability makes it easy for those who are not performing to slip through the cracks until their mission ends. The end result is an inconsistent message to the KPS that has a very detrimental impact on their long-term skill building and development. When at one post a UNCVIPOL officer is demonstrating proper skills and conduct and setting a high standard for the KPS recruit, and at the next the same recruit is under the charge of a UNCIVPOL member who takes bribes at checkpoints and does not know how to investigate citizen complaints, how does one

expect the KPS member to view UNCIVPOL and the profession of policing? The

research participants were in agreement that the questionable skills and commitment to

the success of the mission on the part of many UNCIVPOL officers contributed heavily

to the poor performance of many KPS members.

No Political Will to Confront and Meaningfully Address Organized Crime

Organized crime groups are the elephant in the room UNMIK, the EU, OSCE,

UNCIVPOL and the KPS are choosing not to see. The presence and power of these

groups is no secret. According to the research participants, everyone who lives and

works in the region knows who they are and what they do. To this point, for largely

political reasons, there has been unwillingness on the part of the international coalition

rebuilding Kosovo to even designate the issue as a pressing problem. Funds and

resources are focused on short-term micro goals such as constructing police stations,

buying vehicles and uniforms and getting as many KPS recruits as possible through

training. These goals are tangible with visible results. It is far easier to fund these

projects and ignore larger issues that are messier and long-term in scope. Dealing with

organized crime would be messy. The leaders of these groups will not voluntarily shrink

and disappear, giving up large amounts of money and power. They will fight to hold

onto their positions. Confronting them would result in a short-term spike in violence and

instability. Ignoring their presence allows for simple short-term goals to be accomplished

with a generally acceptable level of violence and unrest. But at what cost? Organized

crime groups are undermining the long-term legitimacy and sustainability of the KPS.

The officers who are compromised today will become the leaders of tomorrow. At some

point, if the KPS is to ever achieve the goal set for it by UNMIK, organized crime in Kosovo will have to be dealt with. The longer one waits, the larger the impact these groups will have had upon the KPS, potentially making the effects irreversible.

The KOCB (Kosovo Organized Crime Bureau) does exist and its official mandate is to target large organized crime syndicates. Unfortunately, the bureau is under-staffed and under-funded and in the minds of many research participants, the political leaders have little interest in these UNCIVPOL officers "rocking the boat" and "getting to the heart of the matter". An investigation into organized crime, their associates and activities would touch and impact all political, social and economic institutions in Kosovo. Many officials may be implicated and embarrassed. It is far easier, and politically expedient, to turn a blind eye and continually put off a meaningful effort to curtail the problem. The KOCB is comprised of mainly German Police Officers and their focus is on the smuggling of vehicles, weapons, drugs and prostitutes into Germany. Little attention is paid to the activities of organized crime within Kosovo itself. If UNMIK and the OSCE are serious about constructing a KPS that will meet the standard set for it and sustain it in the long-term, a willingness to deal with this issue and "get their hands dirty" will be required.

Time Lines are Far Too Short
UNCIVPOL and the OSCE are attempting to construct an entire police service, form patrol officers to senior management, in approximately seven years; according to the research participants, UNCIVPOL hopes to be in phase three, simply monitoring, by

2005-2006. In the modern liberal model of policing, particularly in the areas of recruitment, training and leadership development, this timeline is extraordinarily compressed.

UNCIVPOL has already hired 6 000 plus KPS officers in just over four years. This number is beyond large for a single modern liberal police agency. The model places heavy ethical and aptitudinal demands upon the members working under it. The success of any such police service is thus dependent upon the quality of its officers. In North America and Western Europe, great care is taken during the recruiting process to ensure only those with the proper skills, attitude, and work ethic are selected for service. Intensive physical, psychological and cognitive tests are conducted along with rigorous background checks. People with high ethical standards and skill sets are hired and these traits are honed during training, not put in place. Through much rough experience, modern liberal police services have learned that employing those with shady pasts, flexible morals and weak physical and mental abilities eventually compromises the performance, integrity, and legitimacy of the entire service. In Canada for example, the average police department will require three months to a year for a candidate to complete the recruitment process and will struggle to hire 100-200 officers per year. The basic tenant is that a strong base of quality people will ensure the long-term success and credibility of the agency.

In Kosovo, there is what the research participants generally described as "huge political pressure" to put KPS members in uniforms and on the street. In a rushed hiring process,

the quality of the recruits has been sacrificed on the alter of political optics.

Compounding the issue is the fact most records and documents that would be a part of a

standard background check were lost or destroyed during the 1999 KFOR mission.

UNCIVPOL recruiters are unable to verify credentials, confirm references or properly

investigate potential criminal histories and/or connections of the would be recruit.

Instead of making greater efforts in this area to compensate for a lack of documentation,

given the demand to hire approximately 1 000 people a year, less time is dedicated to

ensuring only those who are qualified are employed. The result is that many KPS are

later fired for incompetence or corruption. Many of these people were hired on forged

credentials and it was only when their actions as an officer exposed their deficiencies that

they were detected and dismissed. One research participant described several KPS

members being the subject of war crimes investigations once their true identities were

confirmed.

The long-term success and sustainability of the KPS has been put in jeopardy by the mad

rush to get the organization up and running. Given the numbers, time constraints and

logistical barriers, it is not surprising criminals and those unfit to serve as officers in the

liberal model were hired. Once employed, the actions of these members, even if they are

in the minority, undermine the work of their fellow KPS officers and call into question

the credibility of the entire organization. How should Kosovo Serbs interpret the hiring

of an Albanian war criminal into a police service that is supposed to protect them, their

property and their families?

As mentioned previously, once hired, the initial training received by a KPS recruit is comparable to that in any other modern liberal police agency. Beyond field training, an officer in the model generally requires three to five years of work experience and mentoring before he or she is fully trained and capable of functioning as a competent and able police member. Due to the complexity and diversity of the profession, most learning takes place on the job. Complete knowledge of the law, duties, powers and use of force and the abilities to interview, interrogate, investigate and mediate are acquired over time. Training simply provides a basis upon which to build. During an officer's infancy, he or she depends upon the mentoring and leadership of senior members; those with ten plus years experience.

At the five-year mark, most, if not all, KPS members are still in their infancy. Even with UNCIVPOL monitoring, mentoring and leadership, they will need time to acquire the necessary experience to grow into the profession. It should not be surprising that the majority of the KPS are not yet ready to do the job on their own.

Generally, in the liberal model, after an initial three to five years of learning how to be a professional police officer, it takes another three to five years before one is ready to supervise, mentor and lead fellow members. A high quality officer who consistently demonstrates an above average level of skill and integrity is usually qualified for promotion at the 8 to 10 year mark. Promotion to the senior level ranks should occur after 20 or more years of experience and extensive training. Again, in the liberal model,

the strength of a service is its people. Strong, competent leaders are required to ensure a high level of performance and integrity from their officers.

The KPS has people in supervisory roles with one to two years of experience. There are officers in the senior ranks with as little as four years completed service. As previously noted, there is a seemingly huge amount of political pressure on UNCIVPOL to have the KPS leading itself as quickly as possible. KPS members in positions of power are highly visible and desirable; unfortunately their qualifications and preparedness to lead are questionable. Given the myriad of challenges the KPS faces, for it to be sustainable and successful in the long-term, it will absolutely require strong, competent, ethical supervisors. Given the timelines, it is not surprising the majority of research participants pointed to poor, vastly unqualified, leaders as a major issue facing the service.

With the time constraints, it would have been shocking for the KPS to come close to achieving the goal set for it. If one went to any city, state or province in North America, stripped away the police agency and attempted to construct a new service, fitting with the liberal model, from street cop through to senior leadership, in only six years, it is highly likely that a department plagued by corrupt officers with poor skills and unqualified leaders would emerge. This is with a supportive cultural context and the necessary surrounding institutions. In a post-conflict zone, ripped apart by ethnic hatred, impoverished, run by organized crime, with little supporting context and no surrounding institutions, and a short time-line, it would have taken a miracle for the stated goal to be achieved.

A liberal police agency is its people. A professional, independent, impartial service committed to democratic principles requires people who bring these underlying traits to the table. To build a strong department from the ground up requires high quality, motivated, ethical persons whose talents and abilities can be nurtured over time.

Recommendations

The research revealed no, the KPS has not and in the foreseeable future will not attain the goal set for it by UNMIK and the OSCE. An analysis of the research suggested the following were key issues inhibiting the success of the UNCIVPOL program: the goal itself was inappropriate to the context, the structural causes of the underlying social conflict are still present, inconsistency and incompetence within UNCIVPOL, an unwillingness on behalf of the international coalition to confront organized crime and overly compressed timelines. The final phase of the project was to (again in collaboration with the research participants) generate a list of recommendations, based on the above analysis, designed to improve the UNCIVPOL effort in Kosovo. They are presented here for consideration.

Adjust the Goal and the Model to Fit the Context

In general terms, the UNMIK/OSCE goal for the KPS could be to construct a police service that respects the human rights of all citizens and functions for the people of Kosovo in their context. The policing model could then be fashioned accordingly. The modern liberal model provides a strong foundation from which to work. The basic physical and investigative skills of policing will likely be universal to any system. From

this base, the model could be tailored to fit the context to which it is being applied. One could begin by simply asking the people of Kosovo, what do you want and need from your police department? What should be included in a police code of ethics and to whom and how should officers be held accountable for their actions? Police are intended to serve the needs of a population; finding out what the population needs and wants is a good first step. From this consultation, standards of police conduct and definitions of justice and criminal behavior specific and relevant to the citizenry will evolve. These terms could form part of the new police agency's mission statement and become an integral part of the policies and procedures that will tailor the model to the context. A police model designed, in part, by the population is more likely to meet its expectations of justice and service. This will enhance the agency's legitimacy and bolster the level of voluntary compliance. This will in turn improve the odds of long-term success and sustainability.

For example, standards of justice and criminal behavior found in the Kanun (the traditional law of the Albanian people) could be incorporated into the new model. When it is perceived a 'crime' has been committed, the Kanun calls for meetings between the victim, the offender and their respective extended families. Punishment and reconciliation is agreed upon based on codified, traditional standards found in the Kanun and the delivery of justice is viewed as a communal responsibility and right. The idea of a third party representative of the state (a police officer in the modern liberal model) coming in as an independent outsider, conducting an impartial investigation and then removing the offender from the community so that a trial can be held elsewhere is foreign

and does not meet the societal standards of justice and fairness. Police acting more as a mediator consulting with the families and communities and facilitating the traditional process, behaving as a trusted elder or advisor rather than an enforcer, would be more consistent with the expectations and needs of a significant portion of the Kosovo population.

Professional, independent and impartial are liberal terms that carry culturally specific definitions and connotations. Rather than use these words to judge the actions and performance of those operating outside of the cultural context, UNMIK could find terms that hold meaning for the people of Kosovo: words that capture what they need in a police force and want for their society in general. Terms such as family, honor and respect may more accurately reflect the core values of Kosovo society and provide a stronger, more relevant basis upon which to develop a code of police conduct specific to the KPS. The officers could then be evaluated using standards that are appropriate and meaningful to them and the population. A goal for the KPS that reflects the core values of the society may be more realistic than the imposition of foreign benchmarks tied to a foreign model. Rather than start from scratch, attempting to mold the KPS in the image of other modern liberal police agencies, one could build upon the shared values and beliefs that are already in place in the context and fashion the model accordingly. Similar to what Sir Peel did with some success in 19th century London.

Extend the Time Lines

UNMIK, the OSCE and UNCIVPOL have rushed every facet of the construction of the KPS. Time equals commitment. If UNMIK is committed to building a police service that is sustainable, it must be prepared to invest the necessary time and resources. If care is not taken from the outset to establish a strong foundation, whatever emerges will in all probability crumble, requiring renewed intervention.

To begin, UNMIK and UNCIVPOL need to take the time to tailor the model; time to consult with the communities and determine what type of police service the people need and what needs to be done to help construct it. Then they need to take the time to recruit high quality people who are motivated, have the necessary skills and are committed to the long-term achievement of the agency's goal. Then allow for a lengthy mentoring period. Take a 10-15 year approach to the development of strong officers who are prepared and qualified to lead the service when the time comes. In other words, be prepared to train and support an entire generation of police from recruitment to senior management. At the end of a 20-year cycle, the KPS could be staffed top to bottom with competent officers and the organization should then be ready to stand on its own.

To accomplish this, the UN and the international community must be prepared to invest the necessary personnel and resources into UNMIK and UNCIVPOL. To facilitate a lengthier recruitment and training program, UNCIVPOL will have to be involved in providing front-line policing until sufficient KPS members are up and ready. UNCIVPOL members will also have to flexible and willing to undergo training

themselves to learn how to construct a context specific policing model. Halting the rush and taking the time to assemble a clear, shared, vision of what the KPS should become and a plan on how to get there, will allow the international community to eventually withdraw secure in the knowledge that what has been constructed will last.

Raise the Standards of UNCIVPOL Personnel

In their early years, KPS members will require strong, consistent, mentoring and a highly competent demonstration of the daily skills, work ethic and commitment required of a professional police officer. Particularly in an environment conducive to corruption and intimidation, the KPS recruits need a robust counter-weight to guard against a slide in their skills and integrity. A bolstered UNCIVPOL contingent could provide such a balance.

UNCIVPOL should require a high-level of physical and intellectual competencies, ethics, motivation and commitment to the mission goal from all its members. This standard should also be uniform to all contributing police agencies and should be met prior to deployment. Kosovo should not be a dumping ground for underachievers and those looking to make a little extra money by working abroad. The long-term success of the mission is dependent upon the quality of instruction the KPS receive. Strong competent teachers will produce strong competent police officers. This may mean excluding participants from nations whose contributions may be viewed as desirable for political reasons (states in Africa, Asia and Eastern Europe). The UN may be criticized for not having a balanced mission and discriminating against poorer states. It is recommended

here that the ultimate success of the mission be placed ahead of short-term political optics.

Concerted Effort to Curtail Organized Crime

The reigning in of organized crime syndicates in Kosovo begins with recognition; the UN, EU, OSCE, UNCVIPOL and the KPS must acknowledge that these groups are a major impediment to the construction of the KPS and Kosovo society in general. They then must have the political will to dedicate the necessary resources to the problem. They must be willing to elevate the level of violence and conflict within Kosovo in the short-term in order to build a stronger base for a sustainable civil society in the long-term. They cannot bury their heads in the sand and hope the problem will simply go away. There will be violence, some public officials may be embarrassed, instability will temporarily increase, but these must be viewed as necessary evils in the larger scope of rebuilding the province.

What can be done to confront organized crime? Three strategies are presented for consideration. First, UNCIVPOL officers should lead the effort in a beefed up KOCB (Kosovo Organized Crime Bureau). Having no family, friends or long-term connections to the area and hopefully having been properly screened and carefully selected, UNCIVPOL members are less vulnerable to intimidation and corruption. Some should have experience dealing with and investigating similar criminal enterprises with their home agencies. In a properly funded, adequately staffed KOCB with a clear mandate to target organized crime syndicates operating within Kosovo, these officers should have

success. Even if the fledgling courts and prisons are not yet equipped to deal with these arrests, the seizures of weapons, money and property will hamper the growth and reach of organized crime and demonstrate to the public that the KPS and UNMIK take the actions of these groups seriously.

Second, tactical or SWAT (Special Weapons and Tactics) units should be created and initially staffed by UNCIVPOL with the eventual goal of providing similar training to the KPS. These units are commonly used in North America and Western Europe to deal with gangs and terrorists. They would close what has been deemed a gap in the use of force (Billinger, 1997). Organized crime groups are well armed, to the point of resembling a small militia or guerilla unit. Police equipped with a pistol cannot and are not trained to deal with bands of thugs carrying machine guns, grenades, bombs and rocket launchers. At the same time, these groups are not in uniform. They blend into the civilian population and are highly mobile. KFOR is not suited or trained to deal with what are essentially criminals operating within an urban population. Organized crime in Kosovo requires a use of force above that of the police and below that of the military. SWAT units fill the gap. They are 10 to 30 member police teams that are well equipped and highly trained to deal with armed subjects in a civilian setting. These units could affect arrests, searches and seizures without being outgunned and intimidated. They would be a valuable tool to the KOCB and the KPS.

Third, UNCIVPOL and the KPS should create a bureau of witness protection. Offering protection and/or financial rewards to potential witnesses and their families would

encourage civilians to come forward. One of the largest challenges the majority of former UNCIVPOL research participants said they faced while working in Kosovo was the gathering of reliable intelligence. Witnesses were afraid to give evidence and with the courts and prisons still struggling to establish themselves, there was little incentive for them to do so. Providing relocation within Kosovo, visas to other states, and/or financial compensation would help in this regard.

Focus the Bulk of International Financial Aid on Economic and Community Development

Police success requires a supportive, stable, community. No matter what goal is set for the KPS, or which policing model is developed and implemented, it will not be judged successful if Kosovo continues to be plagued by ethnic violence and fear. Building a strong police service cannot be separated from building a strong community. Large efforts have been made and continue to be made by the UN, EU, OSCE and other NGOs to construct a peaceful, shared, Kosovo. In the opinion of the majority of the research participants, the bulk of the financial resources spent in Kosovo should be directed to these efforts. A community that has common values and a belief in a collective future will establish a functional police service, not vice versa.

The most pressing community need, arising from the research and relevant to the construction of the KPS, is economic development. The entire region is economically depressed. Unemployment and poverty feed the allure and power of conflict entrepreneurs and organized crime and greatly increase the vulnerability of KPS members to bribery and other forms of corruption. Moreover, it is difficult to create and

maintain a culture of voluntary compliance in a population with nothing left to lose. Why

fear the consequences of breaking the "law" when doing so is the only means to survive?

The growth of industry and employment will give the citizenry a larger stake in the future

of Kosovo. It will give the people something to lose, something to fight for, something

that continued ethnic violence will take away. Employment and economic viability are

tangible needs common to all groups. In the opinion of the research participants,

developing the economy of Kosovo could potentially be the largest single step towards

the development of a stable society.

Concluding Remarks

On a final note, I would like to take a moment to explain why this project was

undertaken. The study of warfare and violence and, more specifically, how to be

victorious and maximize one's interests through war and violence, has been and is a

popular topic with much written on the matter. The study of peace, and how to achieve

and maintain it, is seemingly less popular. This project was not intended to serve as an

indictment of the international community's efforts in Kosovo. It was not intended to

discredit the UNCIVPOL program, its objectives or its work. The project was intended

to further the study of peace and how to achieve and maintain it.

It was with great optimism I began my research of UNMIK and UNCIVPOL and by the

end of the project, this had not diminished. The ideas of post-conflict reconstruction and

community building are valuable ones. The intentions of UNCIVPOL are good, the

process by which these intentions are realized, as the research revealed, needs to be fine-

tuned. It is my belief UNCIVPOL is an essential component of UNMIK's mission and it is my hope the program will be expanded to other failed-states. With continued research, a willingness to grow and improve, and the ongoing commitment of the international community, I believe UNCIVPOL can be successful.

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Appendix I

Research Participants

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Dr. Peake, Gordon
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Sgt. Piquette, Bob
Royal Canadian Mounted Police

Cst. Smyth, Jim
Edmonton Police Service

Cst. Stolarchuk, Michelle
Edmonton Police Service

Inspector Zack, Dave
Royal Canadian Mounted Police

Appendix II

Research Questions

Name:
Rank/Position:
Employer:
Years of Experience:
Time Served in Kosovo:
Position held with UNCIVPOL/Other Agency:

1. To what standard are the KPS recruits being trained?

2. What is the UNMIK/UNCIVPOL vision for the KPS?

3. What was your goal for the KPS recruits you monitored/trained? Did this change over the course of your tour? If so, how?

4. In your opinion, do the KPS members now, or will the majority eventually, possess sufficient competencies in the skill areas required by a professional police officer? If no, in what key areas do the KPS members lack sufficient competencies? Why?

5. What 3 words would most Kosovo citizens use to describe the KPS?

6. Are the KPS members capable of enforcing the law in their community? Why or why not?

7. Does the KPS have the moral authority to enforce the law in Kosovo? Why or why not?

8. List the following according to which holds the greatest amount of influence over the majority of KPS members: religious beliefs, ethnicity, family, political affiliation, professional ethics and fear of criminal elements.

9. Based on your experiences, is ethnic prejudice a prevalent characteristic of members of the KPS?

10. To what degree are the working decisions of the majority of KPS members influenced by non-professional concerns (family, religious, political or criminal groups)?

11. Do you foresee a time when the KPS will be capable of functioning without UNCIVPOL presence and support? Why or why not?

12. Are their elements of society/groups the KPS is unable to police? Why?

13. Is the citizen's perception of the KPS improving over time? Is trust being gained? Why or why not?

14. What other institutions are required for the KPS to be sustainable and effective in the long-term? Are these institutions being developed?

15. Do the majority of KPS members understand the concept of universal human rights? Do they understand it is their duty to protect the human rights of all citizens? In your opinion, in the absence of UNCIVPOL monitors, would the KPS work to protect the human rights of all citizens? Why or why not?

16. Do the majority of KPS members understand basic democratic principles? Do they understand it is their duty to uphold and protect these principles? In your opinion, in the absence of UNCIVPOL monitors, would the KPS work to uphold basic democratic principles? Why or why not?

17. What are the top 3 challenges facing the creation of a professional, independent, impartial, sustainable Kosovo Police Service that is committed to the protection of human rights and democratic principles (the goal of UNCIVPOL in Kosovo)?

18. What 3 things could be done to overcome these challenges? Are they currently being done?

19. Beyond the answer to the above question, what 3 things must be done in order for UNCIVPOL to achieve its objective? Are they currently being done?

20. Is the UNCIVPOL goal attainable? Why or why not?

Appendix III

Acronyms

EU	European Union
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
KOCB	Kosovo Organized Crime Bureau
KPS	Kosovo Police Service
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OSCE	Organization for Security and Cooperation in Europe
UN	United Nations
UNCIVPOL	United Nations Civilian Police
UNHCHR	United Nations High Commission on Human Rights
UNMIK	United Nations Mission in Kosovo

Operational Definitions Drafted by Writer

Professional:
- Full-time, paid, trained to minimum skill requirements of profession (officer safety, arrest control, law, etc.)
- Performs duties in accordance with the ethics of the profession.
- Working in a recognized organization with authority to enforce the law.

Independent and Impartial:
- Not directly controlled by and responsible to the government, military or other political faction (party)
- Serves all citizens within the jurisdiction equally: regardless of wealth, ethnicity, religion or other social identifier.
- Ultimately accountable to the citizenry and the laws that govern them.

Sustainable:
- The organization will not perpetually require the presence and support of outsiders to ensure the quality of its work, stability and acceptance by the citizenry.
- The organization has achieved, or will achieve, sufficient internal competencies and momentum to survive as an independent agency.

Committed to the Protection of Human Rights and Democratic Principles:
- All members recognize and value the basic human rights of all citizens as defined by the United Nations Declaration.
- All members recognize the divide between the elected government and the police and recognize it is not their place to interfere with government or the citizen's right to freely choose their government and to non-violently oppose the government's actions.
- All members recognize the economic rights of all citizens, including the right to own property, conduct enterprise, work and earn a living.
- All members perform their daily job in accordance with the above three statements and work to protect these principles.