CIV-POL and PEACEBUILDING

Implementing Police Reform and Human Security in Kosovo
Contemporary Policing or Occupation

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ABSTRACT

During the 1990's the United Nations was involved in numerous peacekeeping and humanitarian missions throughout the world. After numerous high profile failures the United Nations needed to find a different way of doing business. In 1999 the circumstances of the Kosovo crisis gave the international community the opportunity to try an ambitious undertaking. With the complete collapse of all forms of governance within Kosovo, peace building or institution building was advocated as a possible panacea. Security sector reform was one of the major priorities: justice, penal, and police institutions needed to be reconstructed.

This paper reflects one aspect of that reform, policing, and addresses an important element in the discussion; Can contemporary policing or 'community-policing' be implemented in a post conflict society? It examines the United Nations intervention strategies and the attempts at community policing initiatives in a post conflict environment, and most recently, the intervention in Kosovo.

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"Peace is not the product of victory or command. It has no finishing line, no final deadline, no fixed definition of achievement. Peace is a never-ending process, the work of many decisions."

Oscar Arias

INTRODUCTION

Choice of Topic and Purpose of Study

In 2001, I was selected to join a contingent of Canadian Police officers who were being deployed to assist with the United Nations peacekeeping mission in Kosovo. After a brief training period in Ottawa, the contingent was transported by air to Pristina, the capital city of Kosovo. I spent my first month there training international police officers, and then was transferred to the ethnically divided city of Mitrovica. After a brief orientation period I competed for and became the Deputy Station Commander for the Mitrovica North Police Station. This role would prove to be challenging as we faced lingering issues surrounding the multi-ethnic make up of the community. The city was predominantly Serbian with islands of ethnic Albanians and Romas, or Gypsies, and was separated by the Ilba River from Mitrovica South, which was primarily Albanian. This close proximity between past adversaries only exacerbated the instability to the region. During the next eight months, I witnessed the remnants of the war; the lack of public institutions needed to govern a society, a fledgling judiciary system that was not recognized as being legitimate by a large portion of Kosovar citizens, and a community that did not have freedom of movement as lingering ethnic hatred threatened to erupt into violence.

As the Mitrovica North Deputy Station Commander, I experienced the operational problems of deploying police resources into an ever-changing security environment where responsibility for public safety was shared with the international military forces. I saw first hand how differing operational mandates between military and police could conflict, and on occasion increase tensions in the area. This period of transition from war to a form of stability through a peace-building mission, where rule of law and the

observance of human rights were strived for, proved to be a difficult environment to police.

Despite being involved in numerous initiatives surrounding police reform and the furthering of rule of law to enhance a safer community, I continued to witness outbreaks of civil unrest and ethnic violence. And in cruel irony, my mission came to an end on the heels of a massive civil unrest that resulted in numerous individuals being killed and injured. The injured included twenty-two international police officers. This violent uprising appeared to have set back the peace building process in Mitrovica by years. It was with great reluctance that I left Kosovo, feeling as though I was abandoning the community while there was so much work left to do.

Upon my return to Canada, and in an attempt to further understand my experiences, I enrolled in the Royal Roads University's Peace and Conflict Studies program. It was in learning about conflict and peace building, and relating this to my personal experiences in Kosovo, that the idea to study contemporary policing in a post conflict zone was realized.

In reflecting upon my experiences, I wondered what could have improved the effectiveness of the policing in Kosovo during my mission? Had the policing by CIVPOL[1] made a difference, and made the Kosovar citizens feel safe and secure? Although I, and other CIVPOL officers like me, had been directed to follow a community policing philosophy to further the success of the mission, the questions remained; Had community based policing strategies really been implemented? How can a contemporary policing philosophy succeed after a country has experienced conflict? How can a community policing strategy be implemented, and in what context, following the destruction of the judiciary infrastructure?

The purpose of this study, therefore, is to create a document that analyzes

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[1]Civilian Police

contemporary policing, or 'community-based policing', and compares these ideals to the policing practices that were employed by United Nations CIVPOL in Kosovo. The objective is to identify what, if any, fundamental changes should occur to achieve a more effective policing environment in a post conflict zone. It is hoped that the findings of this study will be added to the expressions of others who are researching the furtherance of peace building and human security in post conflict areas.

The world community has increasingly recognized the need to protect the citizens of countries that are experiencing severe human rights abuses and civil wars. As a result, the United Nations has increasingly become involved in intervening in intrastate conflicts through peacekeeping missions. Therefore, the United Nations and the importance of 'peacekeeping' and 'peace building,' their definitions and distinct attributes, are examined first. This study then explores the subsequent exporting of policing duties to recovering war zones through the addition and implementation of CIVPOL to United Nation missions. The United Nations Mission in Kosovo and the role CIVPOL plays in this peacekeeping mission are specifically examined.

The second part of this study looks at the historic development of policing, albeit through a western lens. It examines how policing philosophies were required to adapt to changing societal needs with an eventual shift towards the contemporary or 'community-based' policing models.

To understand the policing strategies utilized in Kosovo to further police reform and to decrease community fear, the characteristics of a post conflict zone and the mission objectives must be thoroughly examined and discussed. Therefore, the last part of this thesis examines the theoretical implications of peace building through police reform, and discusses the problems that the implementation of community-based policing in Kosovo faced, and concludes with suggestions based on the lessons learned that might be of value to future CIVPOL deployments.

METHODOLOGY

Due to the nature of contemporary policing, I have chosen a qualitative methodology. To give the reader of this study a better understanding, the first section of this thesis briefly outlines the history of the United Nations, and explains peacekeeping and the evolution to current peace-building practices. CIVPOL and their role in peace building are examined.

In the second section, the development of policing and policing principles are examined. In this section, specific attention is given to the origins of community-based or contemporary policing (as it is seen from a western perspective).

An analysis of peace-building articles, police-related texts and journals provide the basis for the third section. Further information was gathered through interviews with international police officers, and individuals who had worked with NGO's in Kosovo. A last source of information was my personal participation and observations during my mission in Kosovo. My personal involvement will bring into question investigative objectivity although I have attempted to remain as objective as possible.

This paper examines contemporary policing in a post-conflict zone from a very narrow focus, specifically police and humanitarian workers. Further inquiries into the question, "How can community-based policing philosophy succeed after a country has experienced conflict?" should be made with the public that it affects. But the ability to conduct a public survey that could enhance this paper was not feasible.

It is in recognizing the limitations of one's experiences and research that encourages the ongoing inquiry required to forward the pursuit of increasing human security throughout the world.

PART 1

THE UNITED NATIONS:
Defining PEACEKEEPING and PEACEBUILDING

INTRODUCTION

Although Canadians have a reputation as a nation of peacekeepers, very few Canadians have direct personal experience with war and the resulting devastation. As a result, few realize the complexities of a post conflict zone and how difficult a task it is to rebuild the foundations of a society that has crumbled under violence. Despite the challenges, this process of rebuilding societal institutions is necessary if there is any hope of a lasting peace.

Eliminating war and increasing world security has been a focus of mankind for centuries. Organized global attempts at eliminating interstate conflicts have been continuous since the beginning of the twentieth century, beginning with the Treaty of Versailles and the eventual forming of the League of Nations[2]. Learning from the failures of The League of Nations to maintain world security, another attempt was made at the conclusion of World War II with the forming of the United Nations. In this section, I will explain the United Nations and the role it plays in the monumental undertaking of influencing and maintaining peaceful settlements, with the objective of eliminating war. I will give the reader a basic understanding of the terms 'peacekeeping' and 'peace building' and how these methods have evolved into the present day interventions. I will also explain the role that CIVPOL takes in a United Nations mission.

1.1 The UNITED NATIONS

The League of Nations, the forerunner of the present day United Nations, was conceptualized in 1918 by United States President Woodrow Wilson in his 'Fourteen

[2]The League of Nations was an international organization formed after World War I at the 1919 Paris Peace Conference with the primary goal being to prevent war through collective security. It was hoped at the time that global well-being would be increased by the settling of international disputes through negotiation and directed diplomacy. Like the present day United Nations it lacked its own armed forces so relied on member states to enforce its resolutions.

Points for Peace' proposal, which on November 11th, 1918, became the basis of the armistice that ended World War I. Wilson envisioned that the League of Nations would 'act as liquidator and trustee for the peoples who are not yet ready to rule themselves, and for future generations the League would oversee general prosperity and peace, encouraging the weak, chiding the wicked and, where necessary, punish the recalcitrant.'[3] With this ideal as a foundation the League of Nations was formed in 1919 shortly after the conclusion of World War I. But over the next two decades the League of Nations was frequently unsuccessful in preventing conflicts, due in large part to a lack of unified support from the superpowers of that era.

During the 1930s a rise in nationalism as a social movement saw an increase in international disputes that the League of Nations often failed to prevent from expanding into conflict. The eruption of World War II brought a further loss of credibility and the eventual demise of the League of Nations. As an international organization designed primarily to be a forum for negotiation and diplomacy to prevent future wars, it had failed. But even as the Second World War raged on, the Wilsonian premise and the hope that future global management and international affairs could be free of wars continued to be discussed in the highest political circles.

The renewed idea for an international organization designed to succeed the League of Nations was formed between United States President Franklin Roosevelt and England's Prime Minister Winston Churchill. This idea was further debated and agreed upon by the four great powers – the United States, Great Britain, the Soviet Union and China at a meeting in August 1944 at Dumbarton Oaks, Georgetown, DC. Upon the death of President Roosevelt in April 1945, Harry S. Truman was sworn in as the thirty-third President of the United States. He continued to champion the concept of the 'United Nations', and in a 1945 speech to Congress stated that, "... without such an organization,

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[3]MacMillan, Margaret. *Paris 1919*. (Random House, Inc. New York, NY., 2002), p 85.

the rights of men on earth cannot be protected. Machinery for the settlement of international differences must be found. Without such machinery, the entire world will have to remain an armed camp."[4] In April 1945 a conference started in San Francisco with delegates from 50 countries attending. When the conference ended in June of that year the "United Nations" structure and charter had been established. It was agreed that the United Nations would be headed by a Secretary-General and would consist of a Security Council and a General Assembly. The Security Council's main role was preserving world peace, and it would consist of eleven representative nations though this was later increased to fifteen nations in 1965. There would be permanent representation from the five superpowers, which were the United States, Great Britain, USSR, and China, the fifth country, France, being added after the war. These five permanent members would have veto power over any United Nation resolution. The General Assembly would consist of all member states and would be the deliberative body for the organization. The United Nations would also consist of numerous other specialized agencies, or 'Principle Organs' as they are termed in the Charter, such as; the International Labor Organization, the World Health Organization, the International Monetary Fund and the World Bank.

Over time the General Assembly has also established specialized organs to the United Nations. These are strong developmental agents in their own right. The main bodies are the United Nations Development Fund (UNDP), the United Nations Children Fund (UNICEF), the United Nations High Commissioner of Refugees (UNHCR), the United Nations Institute for Training and Research (UNITAR), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the United Nations Conference on trade and Development (UNCTAD), the World Food Program (WFP), the United Nations Environment Program (UNEP), the United Nations Fund for

[4]Schlesinger, Steven C. *Act of Creation – The founding of the United Nations, A story of Superpowers, Secret Agents, Wartime Allies and Enemies and their quest for a Peaceful World.* (Westview Press, 2003), p 15.

Population Activities (UNFPA), and the United Nations High Commissioner for Human Rights, which is based in Geneva.[5]

All these branches have been created to assist in the primary purpose of the United Nations, which is stated in the first chapter of the Charter.

> The Purposes of the United Nations are:
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> To maintain international peace and security, and to that end to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.[6]

The United Nations Charter also gives guidance to the intervention options that can be initiated if there is a dispute between parties that is likely to threaten international peace and security. In Chapter VI – 'Pacific Settlements of Dispute', article 33[7], recommends a peaceful solution to the dispute between parties through their own means but also gives the Security Council in article 36[8] the power to make recommendations to assist in the maintenance of security; this could include United Nations sponsored third party mediation. In Chapter VII – 'Action with Respect to Threats to Peace, Breaches of the Peace and Acts of Aggression', articles 41[9] and 42[10] allow for international

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[5]White, Nigel D. *The United Nations System Toward International Justice.* (Boulder Colorado: Lynne Reinner Press, 2002), p 4.

[6]Cited in, Schlesinger, *Act of Creation – The founding of the United Nations*, p. 295-296.

[7]Article 33 states that the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. It goes on to say that the Security Council shall, when it deems necessary, call upon the parties to settle their disputes by such means.

[8]Article 36 states that the Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment, that the Security Council should take into consideration any procedures for the settlement of the dispute, which have already been adopted by the parties; that in making recommendations under this Article the Security Council should take into consideration that legal disputes should as a general rule is referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

[9]Article 41 states that the Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and that it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

intervention into a dispute. The United Nations can request that member states enforce economic sanctions against parties, or if that fails or is an inadequate response, that the Security Council can take such action as is deemed necessary to ensure peace, including the use of armed force. Although the term peacekeeping is not specifically used in the United Nations Charter, it is a concept that was formed through the interpretation and application of Chapter VI and Chapter VII shortly after the United Nations was formed. Like its predecessor the League of Nations, the United Nations does not have a standing military or intervention force. Instead it 'delegates authority to a state or group of states under Chapter VII to take military enforcement action on behalf of the member states'.[11]

1.2 Defining PEACEKEEPING

The United Nations' early peacekeeping initiatives were mainly military observation and monitoring missions. These developed from the United Nations' need to observe the cease-fires it had brokered in the first decade after World War II. One early example is the bilateral accord between India and Pakistan in 1949, which granted UN observation functions on the ceasefire over the disputed territory of Kashmir.[12] Another was the earlier military observer mission that had been established in Israel and Palestine in 1948. In this mission the United Nations Truce Supervisory Organization (UNTSO), as it was termed, patrolled the borders and reported on the situation but did not have the ability to compel the belligerents to comply with the negotiated settlement. The Canadian General who was in command of UNTSO at the time, Tommy Burns, later noted that the unarmed UN military observers could only report and not seriously influence events because they lacked the ability and the mandate to use force. He referred to the

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[10]Article 42 states that should the Security Council consider that measures provided for in Article 41 to be inadequate or to have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of members of the United Nations.

[11]White, *The United Nations System*, p. 142.

[12]Ibid., p. 162.

observation force as "a policeman without a truncheon" and suggested that an armed UN force replace UNTSO.[13] It can be argued that the conception for United Nations peacekeeping can be attributed to this Canadian General, although the international community did not immediately adopt it. What is certain is that the roots of what can be described as classical peacekeeping can be traced to the Suez Crisis in 1956. This cold war threat to international peace saw Britain, France and Israel in conflict with Egypt over the Suez Canal. This threat was amplified when the USSR threatened to intervene by siding with Egypt. The situation escalated and it was feared that if left unchecked could bring the world to the brink of nuclear war. It was in this tense environment that then Canadian Diplomat Mike Pearson made a passionate speech to the United Nations General Assembly, proposing that an armed UN force be interposed between the belligerent parties. The General Assembly of the United Nations agreed with the idea and a military peacekeeping force aptly labeled the United Nations Emergency Force (UNEF) was created and deployed to deal with this crisis. Its mandate was to oversee the departure of the foreign forces from Egypt and then take up a position on the Israel and Egypt border where it was to monitor the situation. The force was to "refrain from any activity of a political character in a host state" and was in no way "to influence the military balance in the present conflict and, thereby, the political balance affecting efforts to settle the conflict."[14] It was from these beginnings that 'blue helmet' or classical peacekeeping entered the lexicon of the United Nations.

The strategic goal of this model of peace keeping was to fix the situation in place and to minimize the chance for the conflict to spread. These peacekeeping missions could be referred to as interpositionary peacekeeping: they were interposed between belligerent national forces and they reported developments to the United Nations in New York so that diplomatic pressure could be brought to bear on the belligerent countries if the

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[13]Maloney, Sean M., *"From Myth to Reality Check; From Peacekeeping to Stabilization"*. Policy Options., (September 2005), Vol 26 , No 7, p. 42.

[14]Paris, Roland, *At Wars End,* (Cambridge University Press, New York, NY. 2004), p. 14

situation started to escalate.[15] This peacekeeping model requires the consent of the protagonists, impartiality on the part of the United Nations forces, a resort to arms only in self-defense, and an objective to facilitate conditions for a more comprehensive agreement.[16] For the international community, through the auspices of the United Nations, it was something more than a peaceful settlement as it involved the deployment of military forces under a United Nations mandate, but less than an enforcement action.[17] Peacekeeping, then, could be defined as a lightly armed military force that was usually deployed under the mandate and direction of the United Nations into a neutral zone between former combatants with a stated purpose to monitor a cease-fire or truce.

During the next three decades, it was this peace keeping model that was most often utilized in response to interstate conflicts. This international response changed in 1989 with the end of the cold war. With the collapse of the post World War II bipolar world, governments that had once been supported by the USSR or the United states as part of their respective foreign policies were abandoned and many consequently weakened or collapsed. The resulting power voids led to outbreaks of internecine violence, which during the 1990s characteristically became intrastate and often ethnic based conflicts. These intrastate wars accounted for '94 percent of all armed conflicts fought in the world during the 1990s and the threat to human security was increasingly seen as both humanitarian and strategic.'[18]

Recognizing that these conflicts had far reaching consequences for international security, the United Nations attempted on numerous occasions to respond using the classic peacekeeping model. These interventions most often failed, and these intrastate conflicts typically saw the collapse of the local government and the factionalizing of power. These countries in conflict often consisted of little more than roaming groups of

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[15]Maloney, *From Myth to Reality Check*, p. 43.

[16]*The Blue Helmets, A Review of United Nations Peace-Keeping* (3rd ed.). (New York, NY: United Nations Department of Public Information, 1996)., p. 4.

[17]White, *The United Nations System*, p. 162.

[18]Paris, *At Wars End*, p. 1.

armed militias all vying for political supremacy. As a result, there was no successful way of 'fixing the situation in place', or using diplomacy with the state to find a long-term solution for peace, as these states in the basic sense did not exist.

Classical interpositionary Peacekeeping was being forced to evolve due to the realities of these conflict situations and the global political changes. What resulted was a multidisciplinary international intervention strategy for dealing with conflict and the resulting post-conflict rebuilding.

1.3 Defining PEACE BUILDING

Peace building has been defined as the actions undertaken at the end of a civil conflict to consolidate peace and prevent a recurrence of fighting.[19] This complex process had evolved from the Wilsonian peace development theory; those beliefs held by President Woodrow Wilson, which had contributed to bringing about the peace process after World War 1. He believed that democracies were more peaceful and would maintain better international relations, thus reducing the threat to global security. President Wilson had written that, "Democracy promotes the ascendancy of reason over passion and promises the supreme and peaceful rule of counsel, or rational debate, which is the recipe for peace and progress in political life."[20] He conjectured that democratic governments that were justly and freely elected by the people were the only way to maintain global peace.

The end of the Cold War saw a dramatic altering of the global political landscape, as both Russia and the United States were withdrawing their presence from foreign countries that had once been an extension of their respective foreign policies. The conditions that had once been in place and had given rise to a balance of power in the world, and the resulting collective strategic security, no longer existed. This resulted in political instability and the collapse of states with a coinciding rise in intrastate violence.

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[19]Ibid., p. 38.

[20] Crocker, C.A. & Hampson, O. & Aall, P. (eds.). *Turbulent Peace, The Challenges of Managing International Conflict.* (United States Institute of Peace Press, Washington, D.C., 2001), p. 765.

With the reluctance of the remaining superpower to intercede and support governments that could suppress these localized conflicts, these hostilities expanded and became threats to both regional and world security. These wars typically resulted in the mass exodus of refugees from combat areas, and untold numbers of civilian casualties. Not only were the situations a threat to regional peace but also had become a humanitarian crisis. The international community recognized the need to protect innocent civilians, and the need to contain hostilities and stabilize regions. As a result, during the 1990s the United Nations became involved in more 'peacekeeping missions' than in the four decades prior.[21] Many of these missions had stronger mandates and had become peace enforcement missions; that being when the United Nations military body can use armed force to accomplish the stated goals and objectives of the mission. Unfortunately, even with this authorization to use force these missions were often not preventing mass civilian casualties, such as the genocide witnessed in Rwanda, nor did it appear that they could bring about sustainable peace. The failure adequately to set objectives, and a reluctance by the international community to commit to lengthy missions resulted in the United Nations withdrawing from some mission areas prior to successfully impacting a peace process, such as in Somalia. It was in this environment that the United Nations membership and academics alike began to rethink the approach to international conflict management. There was a recognition that a traditional approach to conflict resolution through negotiation would not always work, and that a more intrusive intervention strategy must occur to restore civil order. There must be a strengthening of institutions that would build societal stability inclusive of both the political and economic realms if a sustainable peace were to be found.

In 1992, Secretary-General Boutros Boutros-Ghali described this process in his *An Agenda for Peace* document, stating:

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[21]Paris, *At Wars End*, p. 17. From 1989 to 1999 the United Nations deployed thirty-three peace operations compared to fifteen in the proceeding four decades.

> [That] post conflict peace building seeks to identify and support the structures, which tend to strengthen and solidify peace in the aftermath of civil strife. And that the tasks associated to peace building might entail: disarming the previous warring parties and the restoration of order, the custody and possible destruction of weapons, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights and reforming and strengthening governmental institutions. [22]

Secretary General Boutros Boutros-Ghali had advanced the Wilsonian hypothesis for peace through the process of democratization and liberalization.

The re-building and strengthening of societal infrastructures in a country that has just experienced civil strife is a complex task. Often the institutions required to sustain societal norms have been destroyed. To address this daunting task, the typical formula adopted for peace building has included

> the promoting of civil and political rights, freedom of association and movement, preparing and administering democratic elections, drafting national constitutions that codified civil and political rights, training or retraining police and justice officials in appropriate behavior for a democratic state, promoting the development of independent civil society organizations, transforming former warring factions into political parties; encouraging the development of free-market economics and stimulating the growth of private enterprise.[23]

The overall complexity of stabilizing and building the political, social and economic elements of a failed state required civilian experts and relief specialists to work in tandem with military security forces. The peace building process required specialized organizations, such as the World Bank, to assist with economic restructuring, NATO to supply military personnel and deal with the security situation, regional organizations to assist with development, NGOs to deal with humanitarian relief and refugee issues, and civilian police and justice experts to help with justice reform. It was apparent that the United Nations could not undertake such a diverse operation on its own. But even with assistance from an assortment of international organizations, there still remained fundamental problems surrounding the rebuilding of a state's institutions.

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[22]Ibid., p. 18.
[23]Ibid., p. 19.

The United Nations was restricted by international law concerning how far it could intercede in a state's right to rule. Where governmental authority had broken down, it was believed that there was a limit to what actions the United Nations could undertake. It could not legally impose a new political structure or new state institutions.[24] In all peace building endeavors the objective is to establish the proper framework in that society for long-term peace, and it is recognized that a fair justice system, where the rule of law is based on fundamental human rights, is the cornerstone needed for the setting of those conditions. Earlier peace building missions, such as in Bosnia, had adhered to this standard and had not imposed extraneous institutions in trying to establish security. Instead, efforts had focused on the rebuilding of already established institutions by reforming local police and justice officials through training and monitoring. However, the mission in Bosnia as well as earlier peace building missions had clearly demonstrated that security sector reform was often problematic. Though United Nations' representatives had attempted to advance democratic policing principles through the training and monitoring of local police and justice officials, this often was insufficient to change the established institution. The police and judicial structure, as well as behavior, often remained as it was in the past, with corruption, violence and violations of basic human rights still occurring frequently. True police and justice reform will on occasion require the imposition of a new way of policing on another society. To accomplish a total reformation of the security sector required the United Nations to assume the law and order role within a country. However, the United Nations' member states had shown a reluctance to assume the momentous responsibility of the maintenance of law and order in another state, not only due to the legal limitations of that type of intervention but also due to the complexity. In the late 1990s Kosovo changed all this, as the norm with regard to the sovereign rights of a nation was challenged by the premise of the 'right to

[24]United Nations Department of Public Information, *The Blue Helmets, A Review of United Nations Peace-keeping* (3rd ed) p. 5.

protect'.[25]

1.4 The UNITED NATIONS MISSION IN KOSOVO (UNMIK)

Kosovo, a province situated in the former Republic of Yugoslavia, had witnessed civil unrest and outbreaks of violence for decades, as both the Albanians and Serbians contested territorial sovereignty. Since the end of World War II and the reunification of Yugoslavia, the Yugoslav Government, headed by Josep Tito, had aggressively suppressed any civil unrest while striving to consolidate a peaceful coexistence between the many nationalities that made up the Republic. He orchestrated constitutional changes giving more autonomy, both politically and economically, to the provinces, and by 1968 constitutional amendments had provided Kosovo with a status of 'sociopolitical communities,' and the right to engage in activities related to Republic status. In 1974 further constitutional amendments gave Kosovo full autonomous authority and the same rights as those of the other Republics that composed Yugoslavia. This resulted in Kosovar Albanians becoming more active in all sectors of Kosovo society, including police and security forces, where they eventually made up three-fourths of the membership.[26] Although still governed by Serbian authorities, by the early 1980s the majority of Serbians had, for a number of reasons, emigrated from Kosovo, leaving the population over eighty-percent Albanian.[27]

The composition of the Kosovo population and the fact that Kosovo was not given Republic status began to influence a rise in nationalism and a quiet undertow towards independence, which gathered momentum after the death of Josep Tito in 1980.

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[25]The 'Right to Protect' is the argument that the international community has the right to intervene into a nations activities so as to protect the basic human rights of individuals from substantive abuses. This is in conflict with norms of international law and the right surrounding the sovereignty of a nation. For more detail refer to: Koehane, R. O. & Holzgreff, J.L., *Humanitarian Intervention, Ethical, Legal and Political Dilemmas*, (Cambridge University Press, UK, 2003), p. 130-173.

[26]Scharf, M.P. & Williams, P.R., *Peace with Justice? War Crimes and Accountability in the Former Yugoslavia,* (Rowman & Littlefield Publishers Inc., Oxford, U.K, 2002), p. 56.

[27]Mertus, Julia, A., *Kosovo How Myths and Truths Started a War*, (University Of California Press, Ltd. London, England, 1999), p. 316.

Increasing ethnic tensions, with the minority Kosovar Serbs feeling discriminated against, resulted in a movement by the Serbian authorities to reform the political constitution of Yugoslavia, specifically in relation to Kosovo. With the rise to power and the presidency of Serbia of Slobodan Milosevic, Kosovo autonomy was systematically revoked. Beginning in 1989 Kosovar Albanians were denied participation in both federal and local political decision making, and they were subjected to routine denials of basic human rights, which included arbitrary arrests, police violence, being detained incommunicado, torture, summary imprisonment and economic marginalization. [28] Serbian security forces, both police and military, entered Kosovo to ensure Serbian domination. Kosovo became a police state with the Albanian majority being oppressed.

The early 1990s witnessed the disintegration of Yugoslavia as a nation, with Slovenia, Croatia and Bosnia seceding after bitter fighting. In Kosovo, nationalism continued to gain strength with Kosovar Albanians forming a guerrilla movement that was focused on independence. The Kosovo Liberation Army, KLA as it was known, began to attack and kill members of Serbian police and military units. Serbian forces responded by destroying villages and killing civilians that supported the KLA. By 1998 the suppression of the KLA and the nationalist movement had evolved into ethnic cleansing as non-combatants were killed and over 350,000 civilians were displaced and over 18,000 homes deliberately destroyed.[29] As this humanitarian crisis became known to the outside world, the international community responded by denouncing Serbia's actions in Kosovo. Diplomatic attempts at peace talks were held with Serbian authorities to negotiate a cessation to the conflict, but to no avail. As more Albanian refugees flooded across the borders further allegations were being reported of atrocities and forced expulsions being committed on civilians. With the humanitarian crisis expanding, and the United Nations slow to respond, representatives of NATO made the decision to intervene

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[28]Scharf, & Williams, *Peace with Justice?* , p. 57.
[29]Ibid.

militarily, for humanitarian reasons.

In March 1999, NATO began a bombing campaign against Serbia's security forces with the intention of forcing a withdrawal from Kosovo and bringing an end to the humanitarian crisis. After an air campaign that lasted seventy-eight days, the Yugoslavian Government accepted peace terms, which included the deployment of "international civil and security presences" to Kosovo and the withdrawal of all Serbian security forces.[30] Although the legality of this military intervention by NATO, without prior approval by the United Nations, has been questioned, the United Nations Security Council legitimized the intervention on June 10th, 1999 by authorizing the creation of a peace-building mission to Kosovo through Resolution 1244 (1999). This resolution authorized the member states to establish an international security presence in Kosovo to deter renewed hostilities, and to establish a secure environment to which displaced persons could return home in safety and where the international civil presence could operate a transitional administration. It authorized the Secretary General to establish an international civil presence in order to provide an interim administration for Kosovo charged not only with political and economic reconstruction but also to;

> Maintain civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo' and 'protecting and promoting human rights.[31]

This resolution effectively created a United Nations protectorate. For the first time the United Nations would be governing a country while new institutions were being created.[32] This mission, the United Nations Mission in Kosovo (UNMIK), would be the most intrusive of any peace building operation to date, with total authority for the control over Kosovo belonging to the Special Representative of the Secretary General (SRSG). Military forces from NATO were deployed into Kosovo to build a secure environment

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[30]Paris, *At Wars End*, p. 213.

[31]United Nation Security Council Resolution 1244 (1999), June 10th, 1999. [Online] Available: http://www.un.org/Depts/dhl/resquide/scact1999.htm [2005, October]

[32]Paris, *At Wars End*, p. 213.

and to ensure that a resumption of violence did not occur. Over the next several months a build up of international civilian personnel occurred in Kosovo, to take over the numerous offices required to govern a country, including the maintenance of law and order. With no functioning police or judiciary remaining after the withdrawal of Yugoslav forces, CIVPOL from around the world were dispatched to begin the job of reinstating rule of law. This task was complex as basic societal infrastructures had been destroyed, and was further complicated by the periodic eruptions of ethnic violence, which continued to destabilize an already fragile security situation.

1.5 CIVPOL and THE UNITED NATIONS

Kosovo was not a first: CIVPOL within a United Nations Mission are not a new phenomenon. The first deployment of a Civilian Police component in a United Nations peacekeeping mission was to the Congo in the early 1960s, where their role was to assist in human rights monitoring. Although not a new concept, the deployments were rare during the cold war period, when the majority of conflicts were interstate and issues of state sovereignty was reinforced by the military influence of the two super powers. Prior to the end of the cold war and the changing geopolitical environment there were only three United Nations missions that had CIVPOL representation, and all occurred during the 1960s. The first one was the United Nations mission in Congo,[33]where a contingent of civilian police from Ghana and Nigeria were mandated to supply traditional law enforcement duties. This proved difficult, as they were not given judicial powers of arrest, since this would have infringed on the sovereignty of the Congo. However, even with these operational restraints CIVPOL members conducted crowd control duties, acted as armed guards for some key installations, and patrolled the capital city twenty four hours a day. CIVPOL members also trained the new members of the Congolese police force. Although many difficulties were encountered, CIVPOL contributions were noted

[33]ONUC – United Nations Operation in the Congo

by then UN Secretary General U Thant in a report to the Security Council in 1963, in which he observed that there had been a marked progress towards the restoration of law and order.[34] This was followed by a CIVPOL deployment to the United Nations mission in Cyprus[35]. A mission there starting in 1964, and still ongoing, was to enforce the cease-fire between Greek Cypriots and Turkey. These civilian police were used mainly to monitor human rights and local law enforcement practices. They were not armed, and had specific mandates that had been defined by the Secretary General. They were to liaise with Cypriot police, and their duties were to accompany patrols and conduct investigations if incidents involved the opposite community.

The mission in West New Guinea[36] also had a presence of civilian police but they were not referred to as CIVPOL. The mission in West New Guinea was unique in that it came as a result of a negotiated agreement under which the United Nations would take over administrative control as the transition from the Netherlands to Indonesian control was completed. During this transition period, as Dutch police officers left their posts, international civilian police under the control of the United Nations were temporarily placed in their roles to ensure ongoing law enforcement.

The peacekeeping missions that followed for the next twenty-five years were mostly traditional in that they were military in nature and specifically monitored an agreed upon cease-fire between conflicting parties. There was no operational function for CIVPOL officers in this environment. This changed in 1989, at the end of the cold war. Post cold war peacekeeping missions mandates began to evolve, expanding through Security Council resolutions to include police reform. CIVPOL mandates were envisioned to ensure that law and order was maintained among the civilian populations, and that human rights, inclusive of the fundamental freedoms including freedom of movement, were protected. These CIVPOL mandates were a reflection of the move

[34]September 1963, Report to Security Council
[35]UNFICYP – United Nations Peace Keeping Force in Cyprus
[36]UNTEA – United Nations Temporary Executive Authority Force

towards a more robust peace keeping mission with the goal of assisting in the development of a sustainable peace environment

The mission in Namibia[37] in 1989 was similar to the 1960s New Guinea mission in that it was transitional; in this case as Namibia established its independence. This mission saw a significant CIVPOL contingent from twenty-five countries deployed to monitor the local police force, ensuring that the previous practices of human rights abuses were discontinued, as well as assisting in the safe return of refugees. Although deployed as unarmed observers with no authority to arrest, the CIVPOL portion of this mission was considered highly successful by the United Nations, and contributed to the increased utilization of civilian police in future peacekeeping and peace building missions. The United Nations Mission in Cambodia (UNTAC) in 1993 is an example where CIVPOL were deployed in large numbers to assist in law enforcement and police reform. Over 3500 international civilian police officers assisted in the task. Once deployed it was soon realized that as a result of the war the local police and the overall justice system were in poor condition, resulting in the CIVPOL officers finding themselves in a very difficult circumstance. Originally sent in as observers, with no powers of arrest, it was soon determined, as human rights abuses and murders increased, that to be effective CIVPOL officers needed authority to arrest and detain individuals. This they were eventually given, and in a further attempt to support the failing justice system a special United Nations prosecutor was also assigned to UNTAC. Although it can be argued that this mission was not a success, the mission's complexity and problems did supply the United Nations with many lessons that would be reflected in future CIVPOL deployments.

As the 1990s progressed, international interventions occurred throughout Yugoslavia and Africa. The United Nations and other regional organizations, such as OSCE, increasingly became involved in complex peacekeeping operations, where

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[37]UNTAG – United Nations Transition Assistance Group

CIVPOL were an integrated and important part of the missions. In fact, United Nation's Secretary-General Boutros Boutros-Ghali acknowledged the expanding roles and importance of CIVPOL to successful peacekeeping in a 'Message From the Secretary General' at the Singapore Conference.

> Today the concept of a United Nations must be an integrated one. Each operation must combine a variety of elements and personnel specific to its mission in a mutually supportive, cohesive fashion. In this endeavor, the role of civilian police has been critical and exemplary. To their major responsibilities for law and order within a specific operation have been added assignments on human rights. They must carry out their role in anticipation of the structure and system for the police force duties in the post-conflict phase. Civilian police in our time are as much an investment in society's future as an instrument for the security of its present. While individual missions will differ, a common theme must remain constant: fidelity to the purposes and principles of the United Nations.[38]

The role of CIVPOL in Bosnia[39] was one of human rights monitoring and the training of local law enforcement personnel. This mission saw civilian police unarmed, and with mandates that restricted any physical interference in daily incidents, but encouraged investigations of abhorrent behavior on the part of local law enforcement. These violations of human rights would then be reported to the head of mission so that political pressure could be brought to bear on the parties involved. This proved difficult as early CIVPOL deployments were into regions that were still in the throes of violence. To ensure that all international CIVPOL understood their role in accomplishing this mission the United Nations employed the SMART concept. This concept became, to a certain extent, a vision statement of the CIVPOL mission. The SMART concept was simply:

- **S**upporting human Rights
- **M**onitoring the performance of the local Law Enforcement Agency

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[38]Cited in, Chappell, D. and Evans, J. *The Role, Preparation and Performance of Civilian Police in United Nations Peacekeeping Operations*, 1997, p. 78-79. [Online] Available: http://www.icclr.law.ubc.ca/Publications/Reports/Peacekeeping.pdf. [2005, June]

[39]UNMIBH – United Nations Mission in Bosnia and Herzegovina

- **A**dvising the local police on humane effective law enforcement
- **R**eporting on situations and incidents
- **T**raining the local law enforcement on best practices [40]

To accomplish this required personnel on the ground twenty-four hours a day/seven days a week, with the civilian police monitors having access to all calls for service, and who then prioritized what calls were to be monitored. It proved an effective method of identifying human rights abuses, and allowed CIVPOL to advise local enforcement personnel on better ways of doing business. CIVPOL were also involved in the restructuring and reforming efforts through the training of local police. Although some problems with the CIVPOL deployment were identified, overall, the police mission in Bosnia further demonstrated that civilian police in a post-conflict environment were beneficial to the United Nations' stated end goal. The role of CIVPOL was further expanded during 1998 in Croatia[41] where not only did they conduct their earlier functions as in Bosnia, but also monitored the judiciary courts to ensure fair and humane decisions. It had been recognized that the police were but one part of the justice system and that to properly monitor police performance comprehensive assessments would have to be conducted on the system as a whole. These CIVPOL comprehensive assessment reports were then forwarded to the United Nations Security Council so that decisions about future resolutions could be debated. It had been recognized that it was how local communities, in this case Croatian society, viewed the judiciary system that would ensure conditions for long-term peace.

The importance of CIVPOL to the process of peacekeeping continued to expand. Call and Barnett (1999) recognized the growing responsibilities of CIVPOL and observed that monitoring and overseeing public security were the heart of CIVPOL duties, but that it was an ever-expanding concept in a post-conflict society. That CIVPOL were finding

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[40]Holm,Tor Tanke, and Eide, Espen Barth.(ed). *Peace building and Police Reform*, (Frank Cass Publishers, 2000), p. 31.

[41]UNMOP – United Nations Mission of Observers in Prevlaka

themselves tasked with an array of peacekeeping duties, including; overseeing the security and human rights of returned refugees and displaced persons; encouraging a neutral political environment free of intimidation during the electoral process; monitoring the cantonment, regrouping, disarmament and demobilization of former armed combatants; acting as a liaison between factions, non-governmental organizations and UN agencies; and assisting in humanitarian activities. While military personnel are quite good at separating and monitoring two combatants and helping in the process of demilitarization, they are generally ill-suited, and often reluctant, to perform a host of other tasks associated with public order.[42] Not only had it become apparent that civilian police were better suited than the military to deal with the public order issues, they were also needed for institution building. CIVPOL promoted the international standards of policing associated with a democratic society.

The evolution of CIVPOL involvement in peacekeeping operations continued with the United Nations Mission in Kosovo (UNMIK), when after the NATO intervention the United Nations agreed to take on the administration of all facets of Kosovo society. In June 1999 the Security Council Resolution 1244 (1999) placed a huge responsibility on the deployment of civilian police. International CIVPOL would be responsible for all aspects of law enforcement within Kosovo, while the training of a local police force was ongoing. This 'executive authority' would give CIVPOL the powers of arrest and detention. Not only would they be required to monitor and train the new Kosovo police officers as they entered service, CIVPOL would be the main law enforcement entity within the whole country. Even further, with the withdrawal of all Serbian authorities not only was there no police force there was no functioning justice system. CIVPOL was facing the huge task of helping build a whole new institution from the start. With such a huge responsibility, how and where do you start?

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[42]Call, C., and Barnett, M. "*Looking For a Few Good Cops: Peacekeeping, Peace building and CIVPOL*", *Peace building and Police Reform*, (Frank Cass Publishers, 2000), p. 43.

As the military worked on establishing a secure environment CIVPOL personnel were dispatched throughout Kosovo to try to bring about public order and to build a justice system. To reinstate the rule of law would require not only a large police presence but also a comprehensive plan to deal with a host of associated problems. To help accomplish this ambitious goal numerous police commanders, and United Nations administrators, advocated a community policing approach.

PART 2

POLICING - The DEVELOPMENT OF A PHILOSOPHY
The evolution toward Community Based Policing

INTRODUCTION

Before examining community based or 'contemporary policing' philosophy in detail the development and the evolution of policing will be explored. England's early exploration and domination of many locations throughout the world influenced the development of many aspects of today's society. This historic connection to England also greatly influenced policing throughout the world. From a western context, the formulation and philosophy of democratic policing systems can be directly traced to early England, and specifically to the Metropolitan Police Act of 1829. Since 1829, policing has continuously evolved through many different forms to where the current philosophy of community policing is now being strived for by many policing organizations. As policing practices and institutions are 'exported' through the United Nations and CIVPOL, these democratic policing philosophies or contemporary policing model have been deemed a 'best practice' for developing democracy in post-conflict zones.

2.1 ESTABLISHING LAW and POLICE

The social complexity theory can help explain the origin of law; that is, all societies are expected to, and will organize in such a way as to have an individual or a group in charge, and rules will then be set by that individual or group; that 'law is developed through a process of consensus to perpetuate a pattern in which people or a society wish to live.'[43] As societies develop there is recognition that to ensure that this desired pattern of social interaction is maintained a system for the enforcement of the law, or social norms, is needed. Policing, defined by Bayley (1991), "as people authorized by a group to regulate interpersonal relations within the group through the

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[43]Edwards, Charles. *Changing Policing Theories for the 21st Century Societies* (2nd Edition). (Leichhardt, NSW. The Federation Press, 2005), p.8.

application of physical force,"[44] was developed.

Historically, either through the necessity of survival or through some innate need, there has been and remains a drive for humans to live in a mutually supporting environment. A by-product of this setting is that as the number of individuals living in close proximity increases so does the risk of disputes and conflict. Even in early societies it was recognized that there was a need for arbitrating these disagreements and for enforcing judgments; that a set of rules, or 'law' was required to maintain societal norms. In the early tribal and medieval era, these rules were dictated by the ruler and enforced by individuals who answered directly to him. It is from these early tribal systems that policing can be traced.

The Saxons, when they invaded England in the 3rd and 4th centuries brought with them a form of self-policing, under which members of a settlement were answerable for each other's conduct. This was later formalized when during the reign of King Alfred the Great (871- 899) it was decreed that townships or boroughs would be policed through the mutual pledging of an oath making every freeman, or family head, responsible for the conduct of others. These family heads then each belonged within a Tithing, which consisted, usually, of a group of about ten families. These small cells of individuals were in turn grouped into a larger organization known as the Hundred, comprising ten Tithings. These Hundreds were then responsible to meet to discuss local problems and deal with individuals who had broken any laws.

England at the time of Alfred the Great was divided into smaller geographical areas of Shires and Counties. It was within each of these geographical areas that these groups of a Hundred were answerable for the King's Peace to a Shire Reeve and the county Earl. This early attempt at maintaining peace and public order was chiefly a preventative system. Every man, and every community was responsible for its own

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[44]Marenin, Otwin. (ed). *Policing Change, Changing Police; International Perspectives*. (New York, NY. Garland Publishing Inc., 1996), p. 9.

actions, and to report and enforce any infractions.

Anglo-Saxon policing further evolved with the *Statute of Winchester in 1285*, which stated:

> "in order to abate the power of felons...has established a penalty in such cases; so that henceforth, through the fear of penalty rather than oath, no one will be spared and no felon will be concealed"[45]

At that time it was felt that crime, especially violent crime, was increasing and in an attempt to bring about public order a better system of enforcement than a mutual pledge was needed. This statute reinforced the tenet of local responsibility for policing, and resulted in a 'high constable' being appointed for every 'Hundred', and a watch system being eventually established under the control of the constable. Although this system was the beginning of a basic policing system, it was eventually to prove ineffective.

The responsibilities of the watch were to ensure the safety of the community from all threats, which included from fire, in addition to the reporting and 'watching' of any suspicious individuals. The individual on watch was only on duty a minimal amount of time, and had minimal authority with the power to arrest only during the hours of darkness. The watch was not a paid duty, but one that all men of the settlement were required to perform on a rotating basis. Although compensation could on occasion be received for arresting criminals and performing other minor tasks, most middle class citizens looked on this duty as an inconvenience, and devised means to get others to do their duties for them. These inherent problems and lack of accountability eventually eroded the watch system. Although the efficiency of the watch system can be questioned, it remained the primary model of 'policing' in England until the mid 18th century when social changes and increased fear of crime led to the development of paid police.

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[45]Edward I: Statutes and Ordinances. [Online] Available: http://www. constitution.org/sech/sech_052.htm [2006, July]

Henry Fielding, in 1748, identified social reform as being a necessity shortly after taking the office of the Chief Magistrate of Bow Street, London. Fielding advocated that to deal effectively with the increasing crime and its subsequent impact on society, there was a need for both penal and police reform. In 1750, in an attempt to increase the policing capabilities in London, he initiated what can be argued was the first paid police force. He formed a body of "thief-takers", attached to the Chief Magistrate's office on Bow Street. This small group of paid individuals was responsible for the apprehension of criminals. Fielding's Runners, as they became known, eventually expanded their duties to include organized foot and horse patrols for the City of London, though these patrols were primarily focused on apprehending felons and not on the prevention of crime.

A later attempt to establish a strong police force, capable of maintaining public order in the Metropolitan area of London, was initiated by William Pitt in 1785. This politician introduced a bill in the English Parliament proposing a police force that would consist of nine divisions, each headed by a Chief Constable and staffed with a force of 'petty constables'. This strong police force was to patrol on foot and on horse, and was to have powers of both search and arrest.[46] Pitt's Bill failed due to public concerns that this new police force would be an enforcement arm of the government. The public saw this new 'police force' as nothing more than a modified military force, similar to that which had been used earlier in France to crush any rebellions. The English citizens saw this force as nothing more than oppressive authority from the state, and the public outcry was such that it resulted in the defeat of the bill.

Although his Bill failed to pass in the English Parliament, a slightly modified version was introduced and passed in the Dublin Parliament a year later. This was the basis for the Royal Irish Constabulary and would later be influential in the development of modern policing when four decades later another politician, by the name of Robert

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[46]Critchley, T.A., *A History of Police in England and Wales 900-1966*, (Constable and Company Ltd. 1967), p. 36.

Peel, would further reform policing.

2.2 THE GENESIS of MODERN POLICE: SIR ROBERT PEEL

The Industrial Revolution of the late 18th and early 19th century was a pivotal period in the development of policing. The intense social and economic changes and the increased urbanization caused by the industrialization of a society had not been previously experienced. A demographic shift occurred with throngs of individuals from rural areas relocating to urban centers, and the Metropolitan area of London saw the population doubled in less than sixty years. With these changes the public perception was that both street crime and civil unrest was on the rise. Social disorganization was occurring, and the demand for public safety from an increasingly influential middle class provided the social pressures necessary for a government to act in establishing a police force capable of renewing public order.

In 1829, Robert Peel, who was then the Home Secretary in the Duke of Wellington's administration, introduced a piece of legislation in the English Parliament with the intention of creating a London police force. *The Metropolitan Police Act,* in its preamble, gives the reason for the initiative:

> Whereas offences against property have of late increased in and near the Metropolis; and the local establishments of night watch and nightly police have been found inadequate to the prevention and detection of crime. By reason of the frequent unfitness of the individuals employed, the insufficiency of their number, the limited sphere of their authority, and their want of connection and cooperation with each other; and Whereas it is expedient to substitute a new and more efficient system of police in lieu of such establishments of nightly watch and nightly police, which, acting under the immediate authority of one of his majesty's principle secretaries of state, shall direct and control the whole of such new system.[47]

The time had come when the government of England was prepared to recognize the need for a police force, and the *Metropolitan Police Act* was quickly passed into law, but Robert Peel also recognized that the establishment of this new police force was not

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[47]Bayley, David. *Police and Society*, (Sage Publications, 1977), p. 73.

simply the passing of the law; that it was dependent on the cooperation and acceptance of the public and community at large. The importance of drafting an underlying guiding doctrine was not lost on Robert Peel as his earliest instructions in 1829 reflect:

> It should be understood at the outset, that the object to be attained is the prevention of crime. To this great end every effort of the police is to be directed. The security of person and property and the preservation of a police establishment will thus be better effected than by the detection and punishment of the offender after he has succeeded in committing crime.... He (the constable) will be civil and obliging to all people of every rank and class.
>
> He must be particularly cautious not to interfere idly or unnecessarily in order to make a display of his authority; when required to act, he will do so with decision and boldness; on all occasions he may expect to receive the fullest support in the proper exercise of his authority.... In the novelty of the present establishment, particular care is to be taken that the constables of the police do not form notions of their duties and powers.[48]

To implement this new police force, Charles Rowan, a highly respected and decorated soldier, and Richard Mayne, a recognized barrister, were appointed as commissioners of the Metropolitan London Police Force. They needed to develop a Police force that would be accepted by the public. This would be challenging because past practice had seen the military brought in to deal with riots, usually resulting in loss of life. Both Mayne and Rowan recognized that to accomplish their task they would need to be distinctly different from past military interventions. They began to develop a police force that had near military discipline, yet an easily recognizable uniform that was substantially different from the military. The police officers were to be unarmed, other than with a truncheon that could be used in self-defense.

Charles Rowan and Richard Mayne developed the policing principles for the Metropolitan London Police Force, and these reflected the desires of Robert Peel. These principles that guided the creation of the first organized civilian Police force are as relevant today as they were in 1829, and are:

a) To prevent crime and disorder as an alternative to their repression by military force and the severity of legal punishment.

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[48]Critchley, *A History of Police in England and Wales*, p. 52-53.

b) To recognize always that the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behavior, and their ability to secure and maintain public respect.

c) To recognize always that to secure and maintain the respect and approval of the public means also the securing of the willing cooperation of the public in the task of the observance of the laws.

d) To recognize always that the extent to which cooperation of the public can be secured diminishes, proportionately; to the necessity of the use of physical force and compulsion for achieving police objectives.

e) To seek and preserve public favor, not by pandering to public opinion, but by constantly demonstrating absolute impartial service to law, in complete independence of policy and with regard to justice and injustices of the substance of individual laws: by readily offering individual service and friendship to all members of the public without regard to their wealth or social standing; by ready exercise of courtesy and friendly good humor; and by ready offering of sacrifice in protecting and preserving life.

f) To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public cooperation to an extent necessary to secure observance of law and to restore order; and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.

g) To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give fulltime attention to duties which are incumbent on every citizen, in the interests of community welfare and existence.

h) To recognize always the need for strict adherence to public executive functionalism and to refrain from even seeming to usurp the powers of the judiciary or avenging individuals or the state, and from authoritatively judging guilt or punishing the guilty.

i) To recognize always that the test of police efficiency is the absence of crime and disorder and not the visible evidence of police action in dealing with them.[49]

By September 1829, one hundred men had begun policing London, and within a year this police force had grown to over 1000 officers and men. The Commissioners, Rowan and Mayne, ensured that the image that was portrayed was one of a 24 hour a day police service that stressed crime prevention over enforcement, and would show restraint in the use of force, and that rule of law was the reason for the force and its operational

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[49]Seagrave, Jayne, *Introduction to Policing in Canada*, (Prentice-Hall Canada Inc., London, Ontario, 1997), p. 17-19.

guide. Although not readily accepted by all the population the London Police gained popularity over a period of time, as they were observed to be reducing crime and controlling rioting. In this way the London Police force attained legitimacy in the eyes of the community, thereby developing a cornerstone of efficient policing. From this beginning came the standardization of policing in England, legislated in 1856 with the passing of '*The County and Borough Police Act*', which established countrywide guidelines for all police and began the formation of a professional police service.

England, through imperialistic expansion, influenced the development of the judiciary and police in its colonies. Law enforcement in Canada, Australia, India and large portions of Africa were strongly influenced by the evolution of policing in England. But, over time, as social changes and country specific issues arose, policing in these countries were modified to 'fit' the social norms and desires of those countries' populations. The strict professional approach to policing did not always recognize the demands of the community. Policing organizations were required to change their response so as to better reflect their community's needs. By the early 1980s, in a movement that continues today, a strategy of 'Community Policing' was initiated. But even with this mutation, the nexus from Peel's early England police to modern policing (from a western context) can still be observed today.

2.3 TOWARDS COMMUNITY POLICING

As Anglo-influenced policing evolved, it retained as its core functions the preservation of life, protection of property and the prevention of crime. But to ensure legitimacy and accountability it was viewed as a necessity that police should maintain a 'distance' from the community so as to be less likely to be negatively influenced, or corrupted, in obtaining their objectives. And, although policing during this time was still public service, policing organizations maintained control of all activities and objectives with very little input from the community. This period, often referred to as the

'professional era'[50] of policing, is characterized, by top-down management, organizations comprised of multiple specialty units and a central focus on crime; especially serious and violent crime.[51] There was a view by police that crime control was their primary function and that protection of property and crime prevention were secondary; that order maintenance and policing as a public service was of lesser importance. With the primary focus of police during this era being responding to complaints and arresting criminals, there was very little interaction or input from the general public. This already limited interaction with the community was further reduced with advances of technology and the move to put police officers into motor vehicles and away from the beat; the idea being that quicker response times would result in more arrests, thus reducing crime. Riess (1992) noted that despite efforts to improve police services by reducing crime and increasing efficiency, an unforeseen problem emerged: police-citizen communication began to break down, and police organizations became increasingly alienated from their communities.[52]

The beat had to a certain extent allowed for community interaction with police, and an exchange of information. The removal of the beat cop now severed that vital communication link. Kelling and Moore (1999) not only identified the breakdown in communication, but also noted that other problems began to surface during this era:

- Police failed community expectations to control crime
- Fear of crime continued
- All citizens did not experience impartial treatment
- Civil Rights and anti-war movements challenged police practice and policy
- 'Crime fighting' was an activity that was practiced less among police officers

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[50]Police reform can be broken into three defined era's, 1- the political era (1860-early 1900's), 2- the professional era (early 1900's – early 1980's), 3- community era (early 1980's to present), for more detail see Kelling and Moore (1988)

[51]Kerlikowske ,R. Gil. , "The End of Community Policing, Remembering Lessons Learned", *FBI Law Enforcement Bulletin*, (April 2004), Vol. 73 Issue 4, p. 4-10.

[52]Morash, M. , Ford, J.K. (ed). *The Move to Community Policing; Making Change Happen.* (Sage Publications Inc., Thousand Oaks, California. 2002), p. 44.

than expected

- Reform ideology was largely at the police management level and failed to rally line officers
- Police lost a significant portion of their financial support as cities found themselves in fiscal difficulties
- The rise of private security was competing with public officers[53]

Throughout the 1960s and 1970s, social changes, increased crime patterns, and a demand for more police accountability resulted in an increased interest in how police were being deployed by both the policing and academic communities. Trojanowicz and Carter (1988) noted that community policing theory was a result of the realization that professional policing had inadvertently left people out of policing, both in the sense that officers are human beings and that their primary duty was to satisfy the needs of the people they serve.[54] This realization, that the public's needs had to be identified and addressed, resulted in a police reform movement; 'community policing' was being tried and tested. Over the next two decades, community policing would become a philosophy, a way of policing in democratic societies.

2.4 Defining COMMUNITY POLICING

The premise of community policing can be directly traced to Robert Peel's belief that police effectiveness is enhanced when there is a relationship between police and the public which is built on mutual respect and support.[55] To effectively deal with underlying social conditions that are at the heart of crime and social disorder both police and public must work together. It was this recognition that police and community have a vested interest in societal ills that impelled recent police reform.

Community policing or 'contemporary policing' represents a return to earlier beliefs and assumptions from earlier policing responses, and with community policing

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[53]Stevens, D.J., *Applied Community Policing in the 21st century.* (Pearson Education Inc., Boston, MA. 2003), p. 9.

[54]Schafer, J., "I'm not against it in theory..." Global and specific community policing attitudes." (Bradford. 2002), *Policing*, 25(4). , p. 669-686.

[55]Ibid., p. 671.

comes a paradigm shift in the priorities considered to be policing core responsibilities. While the focus had earlier been on crime control, it was now on the prevention of crime, non-emergency services taking on a greater importance. Long-term solutions to social problems, with community input, were being sought. Community policing became both a philosophy and an organizational strategy that focuses both the police and community in attempts to solve crime and social problems, to increase the public safety, and to reduce the fear associated to these issues. Morash and Ford (2002) observed that the overall philosophy of community policing focuses on taking a customer-based approach to policing, leading to partnerships, mutual learning, and increased efficiency in identifying and meeting the needs of the community.[56] But what defines community policing?

There have been numerous definitions for community policing, due in part to the complex needs of different communities and uncertainty over how policing should respond to problematic social issues. But Stevens (2002) captured the underlying philosophy when he defines community policing as:

> a preventative approach through an empowered problem-solving partnership of police and community to control crime, reduce the fear of crime and enhance lifestyle experiences of all community constituents.[57]

This idea has at its core a set of guiding principles that must be implemented in varying degrees if community policing is to be successful.

In 1990 when the implementation of community policing was still in its infancy Trojanowicz and Bucqueeroux (1990) identified the following as being key principles; they remain valid. [58]

1) Philosophy and Organizational Strategy

Community policing should not be just an operational tactic, but a way of thinking. It must realign the focus of both the community and police to work together to solve

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[56]Morash, & Ford, *The Move to Community Policing,* p. 1.

[57]Stevens, *Applied Community Policing in the 21st century*, p. 13.

[58]Trojanowicz, R. & Bucqueroux, B., *Community Policing: A Contemporary Perspective.* Cincinnati,OH.AndersonPublishing[Online] Available: http://www.dps.state.mo.us/DPS/Programs/CMPREV/Commpol.htm [2003, May].

problems related to social disorder and crime. It encourages and recognizes the need for community members to be involved in the policing of their own communities.

2) **Commitment to Community Empowerment**

The community must be given the responsibility to share in the identification, prioritization, and the solving of problems. The police and community form a partnership in dealing crime and related issues.

3) **Decentralized Policing**

Policing response must be decentralized from the professional model of just responding to complaints. Officers are encouraged to get out of the cars and interact with the community. They must develop relationships and have the freedom and autonomy to deal with community problems on a more personalized basis. Identified officers should be assigned to liaise with community members to ensure two way and continuous communication.

4) **Proactive Problem Solving**

New ways must be found to deal with community problems beyond the narrow focus of responding to individual incidents. As problems are identified through either the public or police, a long-term solution should be strived for. Underlying social issues should be addressed through the better utilization of resources from within the community.

5) **Responsibility and Trust**

Community policing implies that there is a 'contract' between police and the public. Individuals are encouraged to accept responsibility for their own communities' quality of life, while police will partner with these communities in exploring long-term solutions to their concerns.

6) **Expanding the Police Mandate**

Community policing expands the role of traditional reactive policing by introducing a proactive element. Working together with the community on the root causes of social

disorder so that a greater impact on crime is realized.

7) **Focusing on those with Special Needs**

Community relations become a priority with a focus on the most vulnerable in society. Efforts are targeted towards the youth, elderly and neighborhoods at risk, with a goal at reducing or eliminating crime, and thus the associated fear of crime.

8) **Grass-roots creativity**

Community policing relies on the creative initiatives of the practitioners to successfully deal with crime and disorder. Individual officers and members of the community are trusted and encouraged to work together to identify and implement long-term solutions.

9) **Organizational change**

The typical top driven management of the professional era, is turned upside down as front line officers are encouraged to identify and work with the community to solve problems. This decentralization of authority requires that community policing must be fully integrated within a policing organization.

Though the principles and philosophy may appear confusing, community policing simply recognizes two premises; that the police are the public and the public is the police; what this means is that the success of one is dependent on the other, and that without either, both are liable to fail, and even further, that police cannot impose order on a community from the outside, that community policing recognizes that compliance of societal norms is voluntary, and that individuals must take a lead role in dealing with their own communities concerns. The trick then is how to implement a community-policing strategy when policing agencies still must respond to crisis 24 hours a day, every day, with resources that are usually limited.

2.5 COMMUNITY POLICING MODELS

As early as 1969, researchers had identified that property that was not cared for, that displayed some type of damage and which failed to present owner control, was more

likely to be damaged. Kelling and Wilson (1982) further developed this theory in their 'Broken Windows' thesis. They extrapolated that if broken windows in an abandoned vehicle encouraged further vandalism, then 'broken' or run down communities would encourage social disorder and the eventual influx of criminals. They hypothesized that police resources could better be utilized by identifying neighborhoods that could be 'fixed' by dealing with the minor issues that were at the core of maintaining order, and that if these minor issues were left untended they could eventually lead to further social decay and a climate that encouraged criminality.[59]

As the transformation to community policing occurred, police agencies struggled with finding a proper strategic response to dealing with these 'broken windows', while still maintaining the capacity to respond to emergencies. One of the first strategies tried in the early 1980s was Problem Oriented Policing (POP).[60]

PROBLEM ORIENTED POLICING:

Problem Oriented Policing (POP) was a concept that was developed in the early 1980s and remained a primary policing strategy for the remainder of that decade. POP was a practice where police focused on problems or repeat calls for service, not individual incidents. The premise was that to reduce the call load of police agencies the underlying causes needed to be addressed. Police officers were encouraged to find the causation or underlying conditions that would allow for the disorder or criminal activity to occur, and to remove those conditions by some innovative approach.

POP was then, an analytical approach to dealing with repetitive criminal or public order issues; finding a way to remove or influence a future situation so that circumstances did not exist that would allow for a crime to occur. The objective was to influence the

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[59]Wilson, J.Q. & Kelling, G.L., "Broken Windows, The police and neighborhood safety". The Atlantic online, March 1982 [Online] Available: http://www.theatlantic.com/doc/prem/198203/broken-windows [2004, July]

[60]POP is not considered a true form of community policing. POP was a transitional approach from a strictly reactive form of law enforcement to an attempt to remove the underlying issues causing criminal behavior, thus reducing calls for service.

'crime triangle', where the victims, offenders, and location each represent a side to an imaginary triangle. When all these were present, the right conditions might exist for a crime to occur. Removing or modifying one or more of the sides of the triangle, by whatever means, reduced the opportunity for a crime to be committed.

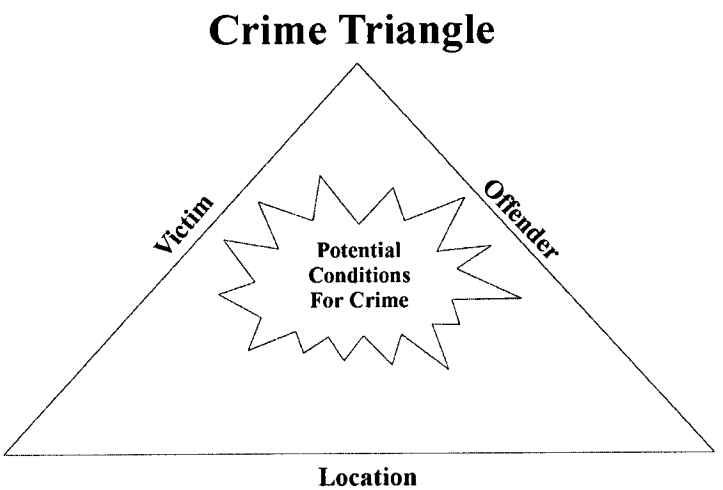

Figure 1

The teachings at the time were that the police should approach community issues and repeat calls for service using the SARA model.

S- Police officers were to ***scan*** the environment of their beat and to try to identify problem or problem areas.

A- Police officers were then encouraged to ***analyze*** the identified problem, looking to identify the underlying conditions.

R- Police officers would then develop a ***response*** to these underlying conditions, implementing their solutions.

A- Police officers were to then ***assess*** the responses for effectiveness and to modify their response as needed.

By using the SARA model it was felt that the underlying issues of specific criminal activity could be identified and eliminated. But what was found was that the majority of the problems being targeted in this manner were small and isolated; they did not have a huge impact on community issues as a whole. Further problems were that the police did not have the training to properly analyze a social problem and then design a proper solution to the issue, and that follow up with a comprehensive assessment was not always present. Problem oriented policing was more often than not simple problem solving, something that police had always been doing, and not the time consuming analytical response to underlying social issues that academics and police administrators had been hoping would develop. POP also failed to activate a community in dealing with its own issues; it remained primarily a police activity that did not go far enough to galvanize a community into a partnership with police.

Over the next decade economic and social conditions influenced the further evolution of western policing. It became even more apparent that reactive policing was not sufficient in reducing criminal behavior. It was also apparent that with the budget restrictions that public service agencies, like the police, were experiencing that they would need to reach out and form partnerships within their respective communities so as to enhance their capacities. The concept of community policing was founded, with numerous models [61] being developed and tried. Three of the better known are the overlay model, the aggregate model, and the team model.

OVERLAY MODEL:

The overlay model of community policing can best be described as the supplementation, with designated officers that specialize in community engagement and problem solving, to the regular policing duties, such as patrol, investigations and traffic

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[61]Hoover, Larry. "Neighborhood Deployment- Conceptual Issues". TELEMASP Bulletin, 10(5), (September 2003), p. 1-11, [Online] Available: from Criminal Justice Periodicals database. (Document ID: 503687511) [2005, May]

enforcement. These designated officers would be a resource to the regular patrol officers, and a liaison point for community groups, in theory allowing for the quick exchange of information between the community and the police, and enhancing the ability for the police to deal with underlying social issues.

AGGREGATE MODEL:

The aggregate model is when every officer is encouraged and expected to be a 'community officer', in addition to performing their primary duty of responding to calls. This model makes the assumption that police officers will be able to be given enough non-directed time during the course of their duties so that they can develop community contacts and engage in problem solving initiatives.

TEAM MODEL:

The team model is a concept of geographical ownership. Police officers are assigned to a geographical area and are responsible for all aspects of policing in their respective neighborhoods, from initial patrol response to developing community interactions. They are encouraged to identify and solve problems with community assistance. The team model is usually implemented in a high crime area and is used to supplement regular police presence.

It must be realized that each model has its strengths and weaknesses. For example, the aggregate model may not be suited for a neighborhood that is crime ridden and where the police experience a high call load. If the policing resources are continually diverted to attend to emergency calls, community-policing efforts will falter. The team model also has its weakness, as it will usually require extra resources if time is to be allocated for specific officers to work within their geographical area. These extra resources come with a price, in both financial and operational terms. These resources may be difficult to find and are not easily allocated and dedicated to that specific role as the demands on the police agency come from all areas within their jurisdiction. Thus, the

implementation of a community-policing model is dependent on the needs of the community, and on the capacity of the policing organization within that community. It is this 'fit' that will result in the forming of working partnerships between the public and police that will have a positive impact on both, resulting in the reduction of crime and the increasing of human security.

In post-conflict society with social order and community norms in flux, can this 'fit' between the needs of community and policing strategies really be found? Is the western context of contemporary policing that has been exported into Kosovo the most effective at increasing human security?

PART 3

ANALYZING CONTEMPORARY POLICING IN POST-CONFLICT KOSOVO

INTRODUCTION

In this section contemporary policing as it was deployed in Kosovo will be questioned by examining the heart of a peace building effort, instilling rule of law and basic human rights, and the establishment of the necessary supporting institutions for a functioning community. To help the reader understand the interconnect necessary for a society to be viable and the important role that policing plays, I will also examine the fundamental principles of society, the institutions and the social order required for a peaceful community to exist. On an operational level, initial policing in Kosovo is explained and examined through a neo-liberal lens. The policing strategies utilized to re-establish security and the rule of law, and the problems encountered within specific communities are analyzed from my observations and the observation of others. It is from these observations that I will make recommendations that I hope will be of benefit to the ongoing quest to increase human security and peace building.

METHODOLOGY

The purpose of this study is to analyze and then to attempt to understand the complex interactions between contemporary policing strategies and societal order, and the relation that they have to the building of a peaceful community after an armed conflict. The thesis question, "How can contemporary policing philosophy be implemented after a country has experienced conflict?" is examined through the experiences and observations of individuals who served in post conflict Kosovo.

The research participants were selected from a pool of individuals that had been identified as having served in post conflict Kosovo. They were required to meet the selection criteria of having served in Kosovo for a minimum of six months between 1999 and 2004 with either the police, military or a humanitarian aid organization. The initial

letter of invitation to participate in a research project was made by email to twenty-two individuals. Of the initial twenty-two requests to participate a response was received from twelve individuals. On October 31st, 2005, these twelve respondents were sent an email of the thesis consent form, which outlined the research project as,

> This Project will first examine the evolution of peacekeeping to peace building and the context in which CIVPOL play a role. The contemporary policing strategies utilized in a post conflict zone will be explored and observations in regard to personal security will be analyzed. The examination will then attempt to identify a causal relationship of best practices in reducing fear through the use of contemporary policing strategies in a post conflict zone.

The consent form advised participants that the research would consist of an email questionnaire, which then might be followed up with an interview process. It also noted that all information collected would be maintained in confidence and that they could withdraw from participating at any time. The selected participants were then electronically sent the research questionnaire with the following questions:

1) What are/were the goals and objectives of policing by CIVPOL in Kosovo that you were aware of?
2) How does the United Nations Mission in Kosovo (UNMIK) accomplish daily policing responsibilities while furthering police reform in a post conflict society?
3) How would you describe effective policing by CIVPOL in Kosovo? Please give specific examples.
4) How do you measure effective policing?
5) What are some of the constraints that you are aware of or observed that inhibit effective police reform in a post conflict society?
6) How do you think policing in general has changed in the past 15 years?
7) How would you describe contemporary / community policing?

Electronic email responses to the questionnaire were received from ten of the twelve respondents, and of these ten participants, eight completed the questionnaire satisfactorily. Six of the participants were interviewed further either in person or on the telephone, which completed the data gathering process.

Among the ten participants, nine are police officers and one a humanitarian worker; nine were male and one female. The participants are described below in terms of

their gender, age, ethnicity, occupation and years of service, time in mission, previous mission experience, previous military experience, and if their country utilized some form of a community based policing philosophy.

Participant A

Gender / Age – Male, 43

Ethnicity – Canadian

Occupation and years of service – Police officer, 16 years

Time in mission – nine months, 2000-2001

Previous mission experience – no

Previous military experience – no

Contemporary policing philosophy – yes

Questionnaire response received on December 14th, 2005 and a further interview conducted in person on February 1st 2006.

Participant B

Gender / Age – Male, 45

Ethnicity – Canadian

Occupation and years of service – Police officer, 21 years

Time in mission – nine months, 2000-2001

Previous mission experience – no

Previous military experience – yes

Contemporary policing philosophy – yes

Questionnaire response received January 27th, 2006 and a telephone interview conducted on April 23rd, 2006.

Participant C

Gender / Age – Male, 41

Ethnicity – Canadian

Occupation and years of service – Police officer, 20 years

Time in mission – nine months, 2000-2001

Previous mission experience – yes, Bosnia

Previous military experience – no

Contemporary policing philosophy – yes

Questionnaire response received November 17th, 2005 and a telephone interview conducted January 30th, 2006

Participant D

Gender / Age – Male, 53

Ethnicity – Canadian

Occupation and years of service – Police officer, 28 years

Time in mission – nine months, 2000-2001

Previous mission experience – no

Previous military experience – no

Contemporary policing philosophy – yes

Questionnaire response received January 11th, 2006 and a telephone interview was conducted February 1st, 2006.

Participant E

Gender / Age – Male, 36

Ethnicity – India

Occupation and years of service – Police officer, 12 years

Time in mission – eighteen months, 2000-2002

Previous mission experience – no

Previous military experience – no

Contemporary policing philosophy – no

Questionnaire response received March 2nd, 2006. Further email received on April 28th, 2006 and a telephone interview was conducted June 11th, 2006.

Participant F

Gender / Age – Male, 37

Ethnicity – Canadian

Occupation and years of service – Humanitarian worker, 5 years

Time in mission – five years, 1999-2004

Previous mission experience – no

Previous military experience – yes

Contemporary policing philosophy – n/a

Questionnaire response received November 2nd, 2005. Follow-up email response received December 8th, 2005.

Participant G

Gender / Age – Male, 38

Ethnicity – Ireland

Occupation and years of service – Police officer, 19 years

Time in mission – eighteen months, 2000-2002

Previous mission experience – yes, Bosnia

Previous military experience – yes

Contemporary policing philosophy – yes

Questionnaire response received December 15th, 2005.

Participant H

Gender / Age – Male, 39

Ethnicity – Germany

Occupation and years of service – Police officer, 18 years

Time in mission – twelve months, 2002-2003

Previous mission experience – no

Previous military experience – no

Contemporary policing philosophy – yes

Partial questionnaire response received April 6th, 2006.

Participant I[62]

Gender / Age – Female, 35

Ethnicity – UK

Occupation and years of service – Police officer, 15 years

Time in mission – eighteen months, 2000-2002

Previous mission experience – no

Previous military experience – no

Contemporary policing philosophy – yes

Partial questionnaire response received November 2nd, 2005.

Participant J

Gender / Age – Male, 39

Ethnicity – Canadian

Occupation and years of service – Police officer, 20 years

Time in mission – nine months, 2000-2001

Previous mission experience – no

Previous military experience – no

Contemporary policing philosophy – yes

Questionnaire response received February 7th, 2006.

[62] To avoid writing "he/she" I use the word he in this document. When using this word both sexes are referred to.

3.1 COMMUNITY – CORE CHARACTERISICS

Humans are driven by complex needs and desires; in addition to the basic needs for survival of food and safety, humans need social interaction. We are a social species and have developed over millennia into a communal oriented civilization. Historically, the increase of the number of humans living in close proximity multiplied the likelihood of mutual security from the dangers from marauding clans and environmental disaster. These early communities originally developed for the benefit of an individual's survival. Today's communities are still a result of human survival needs, usually based on the economic necessity of an individual to make a living for himself and his family. Other human needs can also influence the forming of a community. Commonalities of one's beliefs, for religious or ethnic reasons, can form the strong tie that bonds a group or community together. With social groups forming for a number of differing reasons, an explanation of what constitutes a community is necessary.

The concept of community can be defined as 'a group of people who reside in a specific locality, share government, and often have a common cultural and historic heritage.'[63] Within these communities humans 'have developed social modes of conduct to satisfy their needs, to solve their problems.'[64] The social interactions of solving problems result in the ordering or patterned social processes that eventually become the norm, or a way the community gets things done, and over time these social processes become entrenched in the way a community functions. These established practices become institutionalized, part of the cultural makeup of that society, and in the context of the community social order.

Knuttila (1993) identifies these social orders as economic order, educational order, political order, religious order and family order. He goes on to explain that each of these orders has developed to address specific human needs. Economic order developed

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[63]Webster's College Dictionary, (2001). Toronto, Ont. Random House

[64]Knuttila, Murray. *Sociology Revisited, Basic concepts and perspectives.* (Toronto, Ont. Mclelland & Stewart Inc., The Canadian Publishers 1993), p. 63.

for the purpose of distributing material goods or the provisions necessary for survival. This distribution network has usually been formed through business or agricultural endeavors. Educational order addresses the need of humans to learn, to increase their knowledge, a process that assists in the development of their identifying culture. This uniqueness can be observed in a country's shared values and language, usually passed on from generation to generation in the form of a learning process. Political order is the processes that have developed to control social issues, to make decisions for the betterment of society. Political institutions such as courts and policing have been instilled into society to control and interpret social interactions. Religious order is the practices that have been developed to address spiritual needs, the need to believe that there is a higher purpose to life and to understand the meaning of life and death. Religious institutions, Churches with their own identifying beliefs, have formed to assist in this human quest for spiritual understanding. The family can be considered the primary order, the family and their special interactions between individuals that have evolved to ensure the basic survival of the human species.

It is social ordering that results in society developing the institutions that further construct the social norms and culture that allow for a functioning peaceful community. As these 'value systems and normative orientation are at the center of society, shifts and changes in the core values are found to have an impact on the entire social structure.'[65] The war in Kosovo, like any war, collided with these values and as a result saw social order dismantled. The destruction of economic and political institutions resulted in a fragmented society. Institutions that previously had been an extension of community cohesion no longer existed. Lea and Young (1993) observed that fragmentation of communities through economic decay and long-term unemployment reduces the level of social control over potential offenders. In the case of Kosovo after the war, with the

[65]Ibid. , p. 149.

economy in shambles, almost total unemployment and no identifiable political structures remaining, there was no social order or control within Kosovo society. The conditions were ripe for criminal organizations, black marketeering and ad hoc groups vying for power. It was in this atmosphere that the international effort at peace building commenced; UNMIK had to coordinate the response from the international community and deal with the complexities of re-establishing social order.

There were many issues that would be barriers to the peace-building process, and most were not specifically military in nature. Paris (2004) identified numerous problems that needed to be addressed, such as economic stability and growth, the repatriation of refugees, security dilemmas, election monitoring, rebuilding infrastructure and re-establishing an education system, that were not easily dealt with by the military establishment. In a study conducted by Jackson and Lyon (2002) it was noted that 'the key component that connects issues of security, economy, peace and order as well as civil administration is the police force.'[66] With this in mind it can be said that policing, as an institution, is at its core a social ordering function.

With the international military contingents already in Kosovo, and combatants separated, the need to establish law and order became a top priority. The CIVPOL officers that were initially dispatched needed to set the groundwork for social ordering of a democratic society through a form of policing that instilled and enforced basic human rights.

3.2 HYPOTHESIS OF PEACE - HUMAN RIGHTS, DEMOCRACY AND POLICING

Intervention strategies for war-affected states have evolved over the last few decades from strictly peacekeeping operations to those based on a peace-building theory

[66]Jackson, A. & Lyon, A. (2002). "Policing after ethnic conflict: Culture, democratic policing, politics and the public". *Policing,* Vol. 25(2).

of 'democratization and marketization;'[67] where members of the world community initiate a multifaceted intervention into the rebuilding or strengthening of another country's institutions, specifically the political and economic structures of that society. This intrusive intervention strategy usually occurs after an armed conflict or other catastrophe has caused a collapse of self-governance. These intervention strategies are anchored in a liberal market philosophy; the end goal being the development of an economically stable form of democratic government. It is theorized that by bringing about democratization, conditions will develop for stability and long-term peace in that country.

DEMOCRACY

The need for a democracy, or the democratization of a country through a form of constitutional or representative democracy, where societal checks and balances are established through a hierarchy of laws, has been clearly identified through the Wilsonian peace hypothesis as one of the foundations for lasting peace. Yet the concept of democracy, and what is required to make a democratic state, can be easily misunderstood. Some governments, to fulfill their own ambitious needs, have interpreted democracy as they see fit, not recognizing the key principles required of a democratic society. And although many governments and societies have espoused democracy as their philosophy, the citizens are frequently oppressed and do not have a voice in the decision making of their own governance.

There are many forms of a democracy, all which can be considered democratic if the citizens are given electoral control of government under a constitutional law.[68] A useful definition of what this involves is provided by Larry Diamond, Juan Linz, and Seymore Lipset, who defined democracy as,

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[67]Paris. *At Wars End*, p. 19.

[68] Korosteleva, Elena. "The Quality of Democracy in Belarus and Ukraine." *Journal of Communist Studies and Transition Politics*, March 2004, Vol. 20, No.1, p.122-142. [Online] Available: from Ebscohost. [2006, December]

> a system of government that meets three essential conditions: meaningful and extensive competition among individuals and organized groups (especially political parties) for all effective positions of governmental power, at regular intervals and excluding the use of force; a highly inclusive level of political participation in the selection of leaders and policies, at least through regular and fair elections, such that no major social group is excluded; and a level of civil and political liberties – freedom of expression and the press, freedom to form and join organizations – sufficient to ensure the integrity of political competition and participation.[69]

Democracy, then, is the creation of a government through the consent of the citizenry, where the majority rules, yet where individual human rights are still guaranteed through law. It is these principles, coupled by the western liberal democratic philosophy that is most often espoused as being the best form of sustainable government for a developing country.

For the present purpose, it is important to emphasize that democracy is a form of government that is based on the rule of law, but recognizes that true government authority is not found in law alone: that true democracy must have its foundations in a value system that reflects the norms of the people, and must ensure that the citizens are not only treated with respect but that governance is guided by basic human rights.

BASIC HUMAN RIGHTS

The concept of human rights can be directly traced back to societal norms; customs that have developed in a society over many generations. These behaviors of social interaction have through time evolved and been recognized as the inherent rights of individuals. Human rights are closely entwined with morality and ethics. They are those intrinsic values that a community has adopted either from accepted religious or patterned social practices. The modern day idea of human rights can be traced to John Locke, who in the seventeenth century argued a natural rights approach to society and individual

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[69] Diamond, L, Linz, J., Lipset, S. *Politics in Developing Countries: Comparing Experiences with Democracy,* Boulder, Colorado, Lynne Rienner. P.7

rights. His theory recognized that humans had the inalienable right to life and liberty. And although not internationally codified until the twentieth century, basic human rights had already been recognized by a majority of the world prior to the turn of the century.

The impetus for an internationally recognized human rights law was World War II. With the horrors, abuses and indiscriminate loss of life that conflict entailed, world leaders came to recognize the need to protect future generations and to encourage lasting peace. In December 1948 the United Nations adopted the Universal Declaration of Human Rights, which in its preamble states that ' recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.'[70] Since 1948, these basic rights have been reaffirmed and advanced through other conventions and treaties. The 'right to life and recognition as a person before the law, the freedoms of thought, conscience and religion, and the prohibition on torture, slavery, the retroactivity of criminal legislation and the imprisonment on grounds solely of the inability to fulfill a contract are all non-derogable.'[71] These rights are viewed as being universal, with everyone being entitled.
It is from this foundation of universal human rights that the United Nations operates. It is the striving for peace through developing governmental institutions based on democratic principles, and the recognition of basic human rights that have been seen as a necessity for the 'exportation' of western ideals in both democratization and policing. It is through this change in a society and the establishing of economic stability that conditions will develop that will ensure long-term peace.

SETTING THE STAGE FOR PEACE

Kosovo was, and continues to this day to be, an example of this philosophy of peace building. The world community, first through NATO then the United Nations,

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[70]Cited in; Shaw, Malcolm N. *International Law* (5th ed). (Cambridge, UK. Cambridge University Press. 2003), p. 247.
[71]Ibid. , p. 256.

intervened in the civil war that was threatening the genocide of the Albanian population. NATO military intervention eventually forced the withdrawal of the Serbian military arm from Kosovo, but this resulted in the infrastructures needed for basic security being either destroyed or abandoned.

The international intervention succeeded in removing the impetus for the continuing war and ethnic violence, but this removal of Milosevic's government left a security vacuum. After decades of oppression a backlash of violence by the Albanian majority occurred towards the remaining Serbian population, and their religious and cultural identities. With no political mechanisms in place, or capable of providing security through rule of law, an outside intervention was necessary to establish human security in the region, and the United Nations was required to step in as an interim administration.

The first priority therefore was to re-establish security and build an environment in which basic human rights and the rule of law were recognized. In addition to this immediate need was the requirement to set up functioning government infrastructures and the necessary institutions of a society to deal with an endless stream of emergencies and human needs. Displaced persons needed to be relocated and protected; cities and towns needed to be reconstructed; power, water and sanitation services needed to be repaired and reinstated; mines and unexploded ordinance (UXOs) needed to be cleared. The list of societal needs that Kosovar citizens needed appeared endless. To rebuild infrastructures destroyed by war requires financial commitment from the international community, as well as personnel with varying specialized expertise. The international response to the Kosovo crisis was one of overwhelming support. In addition to the multilateral response of military and CIVPOL that were dispatched to the country, numerous governmental agencies and NGOs arrived to fill this societal void with donor funds and personnel.

The rebuilding of Kosovo and any future economic development necessitated that policing and the security it imposes be established as quickly as possible. Policing would

need to be established immediately in all regions of Kosovo, but how to initiate a system of policing in this environment of turmoil, a non-functioning judiciary, and staffed with civilian police officers from around the world with all their differences in training and capabilities became a question that proved difficult to answer. Some police commanders and United Nations administrators advocated a community policing approach. But was this contemporary policing approach, better known as community policing, possible to implement this soon after a war?

3.3 UNMIK- ORGANIZATIONAL PARADIGMS

The United Nations intervention in Kosovo was not a typical peace-building mission with international organs attempting to set proper social conditions in already pre-existing political structures. Instead it was in all senses a nation-building mission through the re-establishment of social order. All aspects of Kosovo society needed to be reinvented. Economic, social, environmental and political issues would have to be addressed simultaneously.

With such an overwhelming task the United Nations interim administration in Kosovo (UNMIK) in conjunction with other international bodies set up an organizational structure to deal with the multitude of issues. Under the direction of the United Nations Special Representative of the Secretary General (SRSG), four divisions or organizational pillars were named, each responsible for the construction or rebuilding of a specific societal niche. Pillar One was to be funded and run by the United Nations, and would focus on police and justice reform. Pillar Two was the United Nations' Civil administration. Pillar Three was funded and run by the OSCE[72] and would be responsible for democratization and institution building. Finally, Pillar Four was funded and run by the European Union, and was responsible for reconstruction and economic development. All four Pillars, though independent in regard to their specific goals,

[72]OSCE – Organization for Security and Cooperation in Europe

worked in conjunction with each other to meet the main objective of building a stable and peaceful society. [73]

Organized parallel to and working with the United Nations was the international military commitment, Kosovo Force (KFOR), which had the responsibility to ensure separation of combatants and the establishment of initial security within Kosovo. Led by a KFOR Commander, this force was made up of numerous multinational brigades, each responsible for security within a defined area. For operational efficiency, Kosovo was divided into five regions of control; Kosovo North or Mitrovica Region was the responsibility of the French military, Kosovo East or Gnjilane Region was the American military responsibility, Kosovo South or Prizren Region was the Germans, Kosovo West known as Pec Region was the Italians' area of responsibility and Kosovo central or Pristina Region had the British military in charge.

Implementing security in Kosovo was a shared responsibility between the military and CIVPOL contingents, and as a result, the policing organizational composition followed a similar regional structure to that of the military, with internationally staffed CIVPOL stations being established within each of the military security regions. These regional police stations reported to their specific police headquarters, which had the overall responsibility for the coordination of policing duties within that region. In turn, all regional headquarters were answerable to the Police Commissioner at UN headquarters in Pristina. This organizational structure was operationally functional, allowing for each region to deal with their own unique set of policing challenges while still maintaining a coordinated approach to training and institution building.

3.4 UNMIK - CIVPOL and PEACEBUILDING: The Substance of Responsibility

The United Nations Mission in Kosovo was solely mandated to re-establish peace

[73]See appendix A for UNMIK organizational chart

within Kosovo. To do that would require that the United Nations initially assume all roles of governance. It would need to implement law and order so that economic recovery could begin. UNMIK would also need to begin the process of developing self-government for the Kosovar citizens through a democratic form of elections. This complex task began with the establishing of Security Council Resolution 1244. In that resolution the Security Council gave UNMIK two directives; they were to provide 'temporary law enforcement', and to establish and develop a professional, impartial and independent local police service, the Kosovo Police Service (KPS).[74] To meet these goals would require that CIVPOL officers be given arrest and detention authority. In addition, they would have complete control over the implementation and maintenance of local law enforcement. This was commonly referred to as 'executive policing authority'.

EXECUTIVE POLICING AUTHORITY

With Kosovo having no functioning police institution remaining after the war, and with the security vacuums quickly being filled by KLA extremists and criminal organizations, the situation quickly became critical, as violence and death and incidents of ethnic cleansings of remaining Serbian populations were being reported more frequently. Illegal activities, such as trafficking in humans and drugs, along with the establishment of a black market, had quickly taken root. Societal controls had ceased to exist and a volatile security condition began to form. Implementing a comprehensive system that would improve the human security situation was needed quickly. The re-establishing of policing capacity and the rule of law was of the highest priority. The United Nations requested from member states the deployment of civilian police to begin the duties of policing Kosovo. Although initial security and basic policing duties had to be fulfilled by military units, UNMIK slowly began to deploy international police officers to take over the task of maintenance of the law.

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[74]UNMIK web page, [Online] Available: http://www.civpol.org/unmik/mandate.htm [2006, August]

The appointed police commissioner had the overall responsibility to ensure proper staffing of policing duties within Kosovo. These duties were divided into three distinct units:[75]

1) CIVPOL to oversee the maintenance of law and order and to establish and train KPS officers.
2) Special Police Units (SPU) for crowd control and other specialized police activities, such as protection and high-risk arrests.
3) International Border Police Unit.

with these units having specific responsibilities to maintain order within Kosovo society. It became necessary to identify international CIVPOL officers who had either the specialized training or capabilities to function within a specific policing sector. As international police arrived they were quickly dispatched to fill the vacancies that were found within the policing infrastructure.

It was recognized that the mission in Kosovo and achieving the goal of an indigenous police force that was capable of a democratic form of policing would take years. As a result, the policing initiative and public safety aspect of the mission was divided into three distinct phases. The first phase recognized that KFOR, the military, would be responsible for public safety and security within Kosovo. It was recognized that it would require time before there were enough CIVPOL personnel available to assume the lead role in law enforcement. The initial deployment of CIVPOL officers had them acting as advisors to the military in policing matters.

The second phase of the mission had UNMIK and CIVPOL officers assuming the overall responsibility for law and order. CIVPOL would be tasked with all the duties that normal policing of a state required, such as, patrol, investigation, traffic enforcement, and border and immigration control. They would also be tasked with field training the new

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[75]Patterson, William R. "To Protect and Serve: Civilian Policing and the United Nations Mission in Kosovo". *Low Intensity Conflict and Law Enforcement*, Volume 11, (Spring 2002), No.1, p. 83.

KPS officers after they had completed their initial training.

Phase three in the mission, the last phase, was seen as the hand-over phase. It was the time when the mission would end and all policing duties will be assumed by the local police service. To reach this stage would require that a substantial effort be made to recruit and train local individuals capable of policing Kosovo.

TRAINING AND MONITORING

The recruitment and proper training of individuals for a police force can be considered one of the most essential functions of any policing service. It is the organization's future, through the selecting of properly motivated individuals today that best represent what is to be aspired to and that best represent the desired core ideals of that police service. This will to a large extend determine future capabilities. The proper recruitment strategy is where a policing agency can best influence its future service capacity and organizational vision. As important as this function is in a peaceful environment the selection process of qualified individuals is of even more importance in a post conflict society. With the Kosovo Police Service being a new institution, the type of individuals representing law and order would be critical to acceptance and legitimacy, and helping to reestablish social order.

The staffing and training of a local police service with sufficient capacity to help maintain law and order in a democratic fashion was one of the foundations of the Kosovo peace-building mission. As such, UNMIK implemented the recruitment and training of an indigenous police service. Through an approach coordinated between the United Nations and OSCE, the institution of local policing capacity would be built. This shared responsibility was a result of the international division of roles; OSCE falling under Pillar Three had the daunting task of institution building, while the United Nations had the overall responsibility of local law enforcement. Operationally, the recruitment and training of police recruits would be conducted and managed by the OSCE, and the duty

placement and field training that would be required after recruit training was the responsibility of the UN and the international CIVPOL officers. The mission initially was mandated to train '4000 police officers with proportional representation from the main ethnic groups, minorities and women.'[76] The OSCE set up a training facility in the centrally located town of Vuctrin and staffed it with experts and trainers from the international police communities.

The Kosovo Police Service School presented a basic training curriculum, designed to teach recruits the fundamentals of policing techniques. This training consisted of many comprehensive courses, such as firearms, interview and interrogation, traffic enforcement and knowledge of the law. All the courses offered were designed in such a manner as to reinforce the principles of basic human rights and democratic policing. This initial training was structured over an eight-week period, and when completed the recruit would be sent into a community where they would be teamed up with an international CIVPOL officer, a field-trainer. The KPS recruit would then spend the next seventeen weeks learning on the job from these 'experienced' international officers.

The OSCE also recognized that the KPS would need their own internal management structure; that the international officers initially tasked with handling these roles would be replaced with indigenous personnel as soon as practicable. The OSCE, in conjunction with the UN, developed a process to identify potential supervisory and management staff from within the recruit pool. Individuals who were identified by international CIVPOL officers as having potential to be supervisors were evaluated, and, if accepted, sent back to the Kosovo Police Service School for specialized training in supervision and management. Until such time as the Kosovo Police Service was sufficiently staffed and adequately trained so that they could assume the overall

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[76]Dwan, R. (ed). "Executive Policing: Enforcing the Law in Peace Operations". *SIPRI Research Report* No. 16, (Oxford University Press 2002), p. 87.

responsibility for law and order, policing in Kosovo would remain the responsibility of international CIVPOL through an executive authority mission.

3.5 CONTEMPORARY POLICING or OCCUPATION

To support the overarching mission goals of establishing law and order, and the installing of an indigenous police force in Kosovo, operational strategies had to be developed. In order to accomplish these objectives the contemporary philosophy approach to policing was advocated and community-policing methods were encouraged. In the following, operational policing in Kosovo will be critically reviewed by looking through the lens of some fundamental requirements for community policing.

TRUST AND LEGITIMACY

The political situation in Kosovo was very uncertain; the issue of the sovereign rights of Kosovo had not yet been determined. UNMIK had taken over as an interim administration until local political governance could be formed. This unresolved issue was a further source of conflict between the Serbian and Albanian populations. The Albanian majority advocated independence while Serbia, and the Serbian populace of Kosovo, was passionately opposed. As these sovereignty issues were being debated in the diplomatic realm, UNMIK was dealing with the daily governance issues of Kosovo inclusive of all security sector reforms.

Policing cannot be accomplished in a vacuum; it is not a stand-alone role but supports the whole security sector of any county. To function properly, policing needs to have recognized and publicly supported laws.

Participant B stated:

> Community policing only works if you have trust, not only in the police officer that you are dealing with, but with the whole justice system. In Kosovo there was no justice system. What law did they use? There were Albanian judges who would lock up a Serb for a minor offence and then an Albanian who was in jail for a more serious offence would walk. You need to at least perceive that there is justice.

Enforcement must then be seen as an extension of the will of the people with a judiciary and penal system that will deal with offenders in a fair and just manner. It is the public's deep conviction and trust in the justice system that allows for the policing of a community. Reforming the policing institution will not be effective unless there are coinciding reform efforts to create an impartial judicial system. Kaspersan, Eide and Hansen (2004) noted that 'the way the police force functions in a society will not depend solely on the police organization itself, but also on the society it serves. In stable societies, most citizens obey the law most of the time, not primarily through coercion but due to cultural internalization of the existing legal order.'[77] In Kosovo this was impossible; recognizable legal order had been disrupted. Historically, as Yugoslavia had been a dictatorship, law enforcement had been through a form of coercion, an extension of state policy. 'Cultural internalization,' or voluntary compliance with the law was lacking. The resulting lawlessness was only made worse as UNMIK policy-makers were slow to decide which law to implement. Though Kosovo had operated under Yugoslavian law for decades, Albanian interests, and issues of human right violations found within the Yugoslavian criminal code, resulted in delays and frequent changes to legal policy. This uncertainty and unrecognizable legal institution further eroded public confidence. Judges and prosecutors were also in short supply causing lengthy delays in process and long periods of detention for arrested individuals. CIVPOL was being questioned with respect to their objectivity and fairness.

In addition to a legal system being viewed as unjust, UNMIK's political legitimacy was being challenged by a majority of the Serbian population; CIVPOL officers working in the Serbian areas found it difficult to conduct policing as public trust was lacking and the United Nations system was not being recognized.

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[77] Kaspersan, A. & Eide, E. & Hanson. "International Policing and the Rule of Law in Transitions from War to Peace". *Norwegian Institute of International Affairs*, Paper #4, 2004, Oslo, Norway.

Participant C observed:

> Public trust in authorities in an economically depressed area, where corruption is far more likely to be rife and rampant, is not likely. Historically, under communism, the people were always afraid of authorities and police.

The history of the Serbian police abusing their authority and acting as a suppressing agent for the Serb government compounded the issue of trust. This was a systemic problem as not only the Albanian populace had to learn to trust police officers but also the Kosovo population as a whole had to learn how to interacted with international CIVPOL. The lack of operating public institutions and the proliferation of criminal organizations and ad hoc ethnic organizations vying for political power also negatively affected the trust and legitimacy of daily policing. In Mitrovica North for example, numerous power agents were operating.

Participant D observed:

> A visible difficulty in the Mitrovica Region was that it was divided with Serbians in North Mitrovica and Albanians in the South and there were extremists on both sides

They included the 'Bridge Watchers', a large group of Serbian males who had banded together to defend Mitrovica North from the coming 'invasion' from the Albanians. This group used violence and intimidation, and was often observed as being the agitators at public demonstrations. They continuously attempted to disrupt CIVPOL initiatives from establishing a relationship with the community. This group held a substantial amount of political influence with the Serbian population. They controlled movement within the Mitrovica community through acts of violence. If an Albanian or other 'unwanted' individual tried to move outside the protected areas they would be attacked, beaten and killed. Freedom of movement for some minorities was only possible if KFOR or CIVPOL officers coordinated an armed escort. The 'Bridge watchers' openly challenged UNMIK and CIVPOL authority. One incident that I was aware of occurred

on March 8th 2002 at approximately 1400 hrs, CIVPOL traffic units stopped a vehicle near the main bridge in Mitrovica North. K-Serb males congregated and confronted the officers and began throwing rocks. Other police units, including the Polish SPU and Team Mike, responded to assist. Police arrested a well-known bridge watcher who was wanted on outstanding weapons charges. As a result, the crowd rioted and attacked the CIVPOL officers with automatic weapon fire and hand grenades. CIVPOL officers returned fire as they sought cover at the North end of the main bridge. There were several CIVPOL officers injured in this incident. As a result, Mitrovica North was immediately place in stage 'red 1', with full movement restriction for all individuals.[78]

This incident resulted in a month of restricted movement for all internationals in Mitrovica North. The heightened tensions spilled over to acts of ethnic violence with CIVPOL appearing powerless to intercede and thereby protect the public.

Serbian government influence was still a reality in the Serb areas, Serbian Police or MUP operated in plain clothes in direct defiance of the UNMIK agreements. Often, members of the public would go to the MUP for assistance, instead of to an international CIVPOL officer. One incident that myself and other CIVPOL officers became aware of, occurred on March 22nd, 2002 when three individuals robbed a K-Serb male in Mitrovica North; the suspects were then observed to flee into a local café, the 'Black Lady'. The victim reported the incident to the local 'bridge watchers' who then went to the bar and apprehended two of the suspects. These two suspects were then handed over to Serbian MUP officers who arrested them.[79] The suspects that were arrested by the MUP were transported in secret to Serbia to be taken before the Serb courts. These unofficial

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[78] Incident reported in Weekly Intelligence Report, Number 15-2

[79] Incident reported in Weekly Intelligence Report, Number 13-2

political structures and this parallel police force only weakened UNMIK legitimacy and CIVPOL capabilities within these communities.

The issue of acceptance and legitimacy were also found in ethnic Albanian communities. Participant A stated:

> A post conflict society also has certain individuals in positions of power who may have been directly involved in the conflict.

Albanian organized crime and members of the Kosovo Liberation Army (KLA) could be found in community government structures and in the newly formed Kosovo Police Service. During 2002 at least two high-ranking Albanian police officials with the KPS were arrested by international CIVPOL for war crimes. These incidents had occurred against unarmed Serbian civilians during the end of the war. It was these situations that diminished public trust and could have long-term consequences for the future of the KPS.

As participant D observed:

> There are numerous cultural implications. I believe that it will be impossible to have an Albanian trust a Serbian police officer and vice versa.

But trust in a police officer is something that takes time. Most western community police officers work in an area for years. They get to know the community and the community gets to know them. It is these developed relationships that allows for community partnerships to develop. As most international CIVPOL officers only served a six to twelve month mission there was very little opportunity to develop community knowledge, and to develop meaningful relationships with the citizens. This problem was often compounded, as CIVPOL officers were frequently able to transfer to other locations and responsibilities in Kosovo, thereby reducing their time in a community even more.

Participant E stated:

> Constraints (on policing) were fear, distrust, suspicion and language barriers between the locals and CIVPOL.

Even with the constant of an efficient and fluent local translator, there still

remained distrust and suspicion as the CIVPOL officer very seldom remained in a location for more than a few months. This constant turn over of CIVPOL not only affected police legitimacy, it also affected capacity.

POLICE CULTURE AND EFFICIENCY

Every organization has its own unique culture; a set of norms or values that have developed to help deal with the stressors and demands of the given job. Policing is no different. Police culture has developed as a defense or a survival method in what is considered a dangerous and unpredictable occupation. It is the informal conduct, the situational practices that have proven effective. They are the responses that cannot be taught at a police school but are passed on through field training and the social interaction from veteran officers that help dictate how an organization will function.

Although policing is viewed as a brotherhood, 'the thin blue line,' police culture is unique to each organization or police service. The country of origin of an individual police officer and the legal norms which they grew up being exposed to, will affect how they think and act, and in turn how they police. This police culture is dependent on the outlooks of the police officer, the individual views of what are acceptable police practices, and these views and informal practices, a way of doing business not always found in policy, can impact the efficiency of a police organization.

In Kosovo, there were forty-nine different countries that were contributing CIVPOL officers, each bringing with them their unique organizational cultures. These CIVPOL officers having different cultural norms, or standards, translated into varying degrees of operational ability.

Participant C stated:

> There are more examples of ineffective policing (in Kosovo), due to the fact that so many different nations are involved in the training and monitoring and each having diverse and at times, antithetical values. For example, I recall on one occasion giving guidance to a KPS team assigned to me. I stressed the importance of abstaining from alcohol while on duty. Meanwhile my German and Russian CIVPOL colleagues did not have a problem, professionally, with

> sharing a beer at lunch and while on duty with their KPS subordinates. Although the UN may profess to have a unified approach to policing and training, the reality is that a plethora of cultural norms and beliefs preclude that from being the case.

Expertise from a CIVPOL officer's home country was not always transferable to policing in the post conflict environment of Kosovo. Developing countries send CIVPOL officers without adequate equipment or sufficient language skills. In contrast, some developed countries sent high-ranking officers who had excellent language skills and good equipment but who had been directly commissioned within their home country. These CIVPOL officers had no operational field experience but were often being tasked with training new KPS or implementing street level law and order.

Police organizations develop their unique culture over decades; especially through the external influences on its members by the community they serve. These policing cultures that can, either positively or negatively, impact organizations efficiency. In Kosovo the complexities of having over 49 different police cultures negatively impacted the ability to conduct community policing, or provide consistent training for the KPS. The way police officers did business in their home country was reflected in their interaction with the Kosovo community. Patrol functions were recurrently not proactive and community oriented, but reactive; waiting for a call, and responding from the police station was often preferable.

As a member of the NGO community participant F noted;

> 'Effective policing by CIVPOL would have involved more hands on approach to policing. I understand that CIVPOL was severely understaffed, but the general impression was that CIVPOL was never to be seen or heard from. It seemed as if they stayed in their offices and did not spend a lot of time "in the field" (or in the communities). We practically never saw them.'

In other cases CIVPOL refused to respond either due to lack of resources or a lack of will from the CIVPOL officer on duty.

Participant F stated:

> I remember an incident where I had to negotiate the release of two murdered bodies from the North side (North Mitrovica), and asked CIVPOL to

> assist. I was told it was too dangerous for them and that they could only go if KFOR was with them. I ended up getting KFOR who in the end came with two armored personnel carriers, and then to top that off I had a CIVPOL escort (two UN police vehicles). This seemed ludicrous to me.

By not responding to the community needs and being visible a contemporary policing philosophy could not truly develop.

Although CIVPOL community outreach programs were occurring from most police stations, these programs would mostly be seen as humanitarian assistance, replacing a social welfare system that didn't exist, CIVPOL transported and supplied much-needed food and clothing that had been sent from donor agencies into needy communities. Though these programs increased police community interaction, they frequently failed to identify the security and policing needs of the community, yet to implement community policing and increase overall human security, meaningful communication must take place between police and the community.

ENABLERS - COMMUNICATION AND EDUCATION

To implement any program within an organization or in a community requires comprehensive enablers. These are the functions required, at an operational level, for implementing the changes necessary for success. These not only include a strong organizational structure, supported by policies that empower the employees, but also include comprehensive communication strategies and educational aspects. Murray and Richardson (2002) noted that information dissemination and communication were key enablers for organizational change, and that the proper communication was a critical determinant for success. They also observed that training and development determined the level of understanding.[80] It was the education that determined the expectations of individuals involved. Without both a strong communication and education component

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[80] Murray, E. & Richardson, P. *Fast Forward – Organizational Change in 100 days.* (New York, NY. Oxford University Press. 2002), p.11

there was very little chance of successfully implementing a change, or community policing.

In Kosovo, with CIVPOL from around the world, these requirements were magnified. Unfortunately, although espoused, community-policing philosophy was not taught to either the incoming CIVPOL officers or communicated to the community. Initial training of incoming police officers was extremely brief, and though it included some very worthwhile training, such as mine awareness, the dangers of HIV, and CIVPOL code of conduct, overall community policing philosophy and how to deal with the public to solve problems was lacking. This translated into a multitude of different approaches to policing. The gendarme police, who are common in France and Germany, do not follow a community policing approach in their home countries. They could be described as a form of military police, and viewed themselves as law enforcement officers, a professional responsive approach to policing. A large portion of the police from developing countries also lacked knowledge in regard to community policing. Some of these CIVPOL representatives came from countries with poor human rights compliance, where the police had been an extension of government and were used to maintain its hold in power. These officers had no concept of a community policing approach. Their capabilities and approachability varied to such extremes that community members and that of the international community were reluctant to approach them for assistance.

Participant F stated:

> I think one of the biggest problems for CIVPOL was in dealing with police officers that come from a number of different countries with different policing standards. This was always an issue with us. I know that whenever we were faced with having to deal with a police officer from a developing country we would simply not bother.

A lack of understanding prevailed within CIVPOL, not only in regard to what is community policing and how to implement it, but in mission structure and the UNMIK

overall goals and objectives.

Participant D had wrongly observed that:

> UNMIK comes directly under the military responsibility with the police operating under and in accordance of the military. This was a very visible constraint (on effective policing) as both entities had different operating mandates.

This misunderstanding, or confusion of operational responsibilities had a detrimental effect on daily police functions and the ability to develop partnerships within the community. If CIVPOL officers themselves are unclear about who is in charge of implementing law and order there is no doubt that the citizens of the community will be also.

Participant F observed:

> I found a real disconnect between CIVPOL and ourselves. Our main security contacts were within KFOR. We had regular, weekly security briefs by French KFOR and if we needed any security assistance we would request this directly from KFOR. This meant that our involvement with CIVPOL was very limited to almost non-existent. My understanding at the time was that CIVPOL was really only in Kosovo to help develop the KPS.

The deficiency of communication within CIVPOL infrastructures also extended into the communities and resulted in further misunderstandings and lack of confidence in the police capabilities.

Participant G noted:

> The police had to constantly try to come to develop a working relationship separately with the Albanian and Serbian communities but also with the French military

Policing and the community interaction within a multiethnic environment, such as Kosovo, where deep-seated hatred and distrust between ethnic groups remained after the war, has its own intrinsic dangers. Actions or communications that would mean little in the western context of democratic policing could be interpreted wrongly and inflame the inherent instability of a sector. Clear and concise communication, often through a negotiation process, was critical in trying to develop a working relationship with all

factions. It had to be realized that community policing attempts at developing partnerships within the community, if not handled properly, could damage the relationship with other groups and actually increase human insecurity. Community partnerships within one ethnic community could be interpreted as favoritism, or not being an equal representation of ethnic needs.

Although this multi-ethnic make-up was explosive, CIVPOL officers went about their duties to increase rule of law and human security, though not all CIVPOL had the knowledge and capabilities needed to instill a sense of community policing. Never the less, attempts were made to better the communities living conditions and sense of security. Initiatives included the community police outreach programs, the distribution of goods, and the escorting of minorities so that safe movement could occur. Policing capacity was expanded to include reestablishing traffic enforcement and investigative capacities, and policing was slowly being reestablished throughout Kosovo. But was it an effective form of policing and had a community policing philosophy prevailed?

Participant A stated:

> 'Policing to be effective is difficult to measure; I guess if a society is self-sufficient then the policing could be (viewed) effective. Kosovo was not either. If someone had looked at the stats we would all have been fired'

But is measuring police capabilities just about statistics?

3.6 MEASURING SUCCESS

Measuring success or identifying value in policing is a difficult process, and not easy to quantify, though the measuring of policing successes is very important for any policing agency. By developing a means to measure successes and identify failures, an organization can show where they are and identify where they are going in the future, and police managers can direct and staff the organization in a manner that gives the best return to the community. Where quality of life and fear of crime issues can be identified, policing tactics can be developed to reduce their impact on the community. But how can

police performance be qualitatively measured? Most businesses can use a bottom line approach to measuring success. It is simple; the business is a success if it is making a profit. Measuring policing is not that easy, there is no financial bottom line, and revenue is not the reason for existence. Instead public safety and order is the product that is being supplied to the customer. This is a difficult thing to measure; should it strictly be the statistics, crime rates and clearance rates or should it recognize that public order is much more than just solving a crime? Policing includes prevention of future crimes, improving the quality of life and increasing human security for all within the community. This compounds the problem of measuring police performance; how do you measure something that has not occurred?

To properly measure value in policing there must be identifiable functions or mission goals that the organization strives to accomplish. Sir Robert Peel, in his view of the police mission, recognized three main goals; preservation of life, protection of property, and prevention of crime; all functions that would make society safe. More recent policing research has identified a broader definition of policing functions. Goldstein (1977) defined the following eight key policing functions:[81]

1) To prevent and control conduct widely recognized as threatening to life and property.
2) To aid individuals who are in danger of physical harm, such as the victim of criminal attack.
3) To protect constitutional guarantees, such as the right of free speech and assembly.
4) To facilitate the movement of people and vehicles.
5) To assist those who cannot care for themselves: the intoxicated, the addicted, the mentally ill, the physically disabled, the old, and the young.

[81]Cited in, Moore, Mark. & Thatcher, D. & Dodge, A. & Moore, T. *Recognizing Value in Policing; The Challenge of Measuring Police Performance.* (United States. Police Executive Research Forum. 2002), p. 54.

6) To resolve conflict, whether it is between individuals, groups of individuals, or individuals and their government.
7) To identify problems that has the potential for becoming more serious problems for the individual citizens, for the police, or for government.
8) To create and maintain a feeling of security in the community.

Identifying the standards of success for an organization is reliant on the measurement tool used. Knowing what policing functions are desirable, and supplementing that with my twenty-four years of policing experience will be my foundation for analyzing my observations of the CIVPOL contributions policing initiatives observed in Kosovo between 2000 and 2003.

3.7 LESSONS LEARNED AND RECOMMENDATIONS

Police in western countries have developed strategies to deal with complex societal issues by taking into consideration the community's needs and wants. Community policing has developed a philosophy and tactical response, which has evolved into a holistic strategy that recognizes that effective policing cannot take place without the consent and participation of the public. But it goes further; it encourages members of communities to be involved in the policing issues that are affecting their communities.

Even in stable environments policing is difficult. The daily issues surrounding the maintenance of order and enforcement of rule of law while at the same time working with community partnerships is challenging. In a post conflict area, where societal controls and social order have been destroyed, these challenges are magnified. The appropriate policing strategy is much more difficult to identify. The interethnic conflicts that divided the population of Kosovo left the country in ruins, and with no recognizable form of government, and with no policing structure organized crime, ethnic groups, and rogue militants quickly took up control.

With the political, social, and economic situation in ruins, and a coinciding increase in crime and violence, the United Nations took up the role of re-establishing rule of law. CIVPOL officers from different countries were deployed throughout the country to quell the violence and re-establish rule of law. CIVPOL was to set the stage for a democratic form of policing and the final objective of the training and installation of an indigenous Kosovo Police Service. To accomplish these objectives community policing was advocated. But did it succeed? And was it even truly adopted as an operational practice? By reviewing some of the key principles of community policing through a measuring assessment of recognized policing values, a model of success should emerge.

Community policing as a philosophy – that the core values of a policing organization are directly related to community policing, with the recognition that the community needs to be in partnership with the police in dealing with social disorder issues.

With CIVPOL in Kosovo this ideal and core philosophy failed to take hold. It was not taught or communicated other than at a superficial level. Station commanders and United Nation representatives espoused that the only way to succeed was through a community policing approach, though the diverse cultural backgrounds and differing beliefs on proper police practice made the process of operational level implementation all but impossible.

Decentralized Policing and development of community relationships – is a key element in all effective community policing models in the interaction between individual police officers and members of the community. These relationships are the foundation for effective problem solving, and require officers to take time to get to know the area, and the issues of their beat.

With CIVPOL in Kosovo this was not the norm. The frequent turnover of police officers and the inconsistency of ability, compounded by language barriers, made the development of meaningful relationships difficult, and though community programs did

exist, they were often focused exclusively on humanitarian aid.

Responsibility and trust - community policing recognizes that quality of life issues are a responsibility shared between the public and police. This implies that there must be a trust or recognized legitimacy of the policing organization to properly enforce the community norms.

In Kosovo this was difficult to achieve. Political groups and parallel security organizations were constantly challenging the legitimacy of CIVPOL. In addition, the vast differences of ability within the CIVPOL structure contributed to an atmosphere of distrust and caused a lack of legitimacy within UNMIK. The inability of CIVPOL to ensure freedom of movement and to create a feeling of security for certain populations contributed to the lack of trust with UNMIK and CIVPOL officers.

Community relations are the priority with a focus on the most vulnerable - police community interaction is focused on the youth, elderly and the neighborhoods that are most at risk. From a western context this would mean an educational, and crime prevention approach to policing.

This was not achieved during the years covered by this study. Although numerous NGOs were focused on mediation and conflict resolution programs that targeting the youth and elderly, CIVPOL involvement in similar programs was minimal, and though interracial communities did receive a higher proportion of police patrols to try to deter acts of violence, community-policing programs were not made a priority. With the social order in disarray, and community cohesion destroyed, policing became a function of presence and deterrence to try to reestablish a security buffer as other institutions were being established. Social order needed time to be rebuilt, ethnic divisions had to be repaired and a sense of community had to again become the norm.

As participant C so succinctly identified the problem:

The fact is that you can't have "Community-Policing" without a community.

RECOMMENDATIONS

Post conflict policing is recognized as giving intrinsic value to a peace-building mission, and with most police officers being trained to deal with a vast array of human security problems they are better suited than the military to re-establish rule of law. But the United Nations approach to implementing police reform should be reassessed, and the following areas strengthened.

1) **Standards** - The United Nations must increase the standards of CIVPOL deployed into a mission area. CIVPOL officers must have the capabilities to do the job. Pre testing must not just include language, firearm and driving testing but must have built-in competencies.
2) **Training** - The CIVPOL officers that are sent into a mission area must be given the proper training and knowledge to function. The dissemination of objectives must be explained to every officer. Attempts to instill proper human rights and community policing initiatives can only succeed if each officer is given the in-depth training that is required.
3) **Lengths of mission** - CIVPOL officers routinely serve between six and twelve months on a mission. This is insufficient for community knowledge and community relationships to form. The lengths of mission should be extended, although it is recognized that to get donor country's civilian police officers for a longer period of time will be difficult. When a police officer's home community has personnel issues and service delivery issues, the length of mission will usually be short, though using recently retired police officers could eliminate this. It would be conceivable to have CIVPOL officers with in-depth policing knowledge serve for years, as with some NGOs currently serving in mission environments, where there are individuals who believe in the humanitarian objective and stay in country for lengthy periods of time; in some cases five to seven years. If CIVPOL could remain in a mission for that period, gaining a true knowledge of the

community and forming individual relationships, community policing might be a possibility.

4) **Legal response** - In Kosovo the problem of CIVPOL legitimacy was compounded by a failed judicial system. Legal reform was slow to be established. International lawyers and judges must be made available and sent at the same time that CIVPOL are deployed, and, if required, an internationally accepted criminal law should be imposed. This immediate implementation would allow for some ' breathing room' as the judiciary is reformed.

5) **Local Ownership** - CIVPOL deployments are a band-aid to a policing problem. They do not address the root cause of a United Nations mission's failure to be able to implement community-policing initiatives. The solution is local ownership. This must be a priority, with indigenous police taking the lead role as soon as possible. T.E. Lawrence had noted this concept of local ownership many years ago when he had observed that, " [It is] better to let them do it imperfectly than to do it perfectly yourself, for it is their country, their way, and your time is short."[82] True community policing can only be accomplished from within a community.

3.8 CONCLUSION

This research paper has demonstrated that although the United Nations claims to have taken a community policing approach to peace building, the operational realities indicate otherwise. A vast majority of current CIVPOL officers are inadequately trained, and do not have the basic capabilities needed to move a community policing approach forward.

It must be recognized that to have successful policing it must be an extension of the public's wishes, but the needs of the community must be considered with caution, as

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[82] Cited in, Packer, George. *The Assassins' Gate - America in Iraq.* (New York, NY. Farrar, Straus and Giroux, 2005), p.186

community policing, if initiated too soon, could actually increase human insecurity. Allowing policing practices to be an extension of a political faction could undermine an international policing initiative, and multi-ethnic conflicts in particular must be policed with care. Equal representation, and fair and just policing must be visible for both sides. Community outreach programs and attempts at developing citizen dialogue must be established early. Communication of intention must be made to all factions with firm but fair action, since it is only through this demonstration of transparency that a form of legitimacy can be attained.

Policing must be 'for the people by the people', with local ownership in place as soon as possible, though international policing can help to start to establish rule of law and demonstrate proper human rights practices. True human security can only be obtained through policing and community participation; both must be indigenous to that country.

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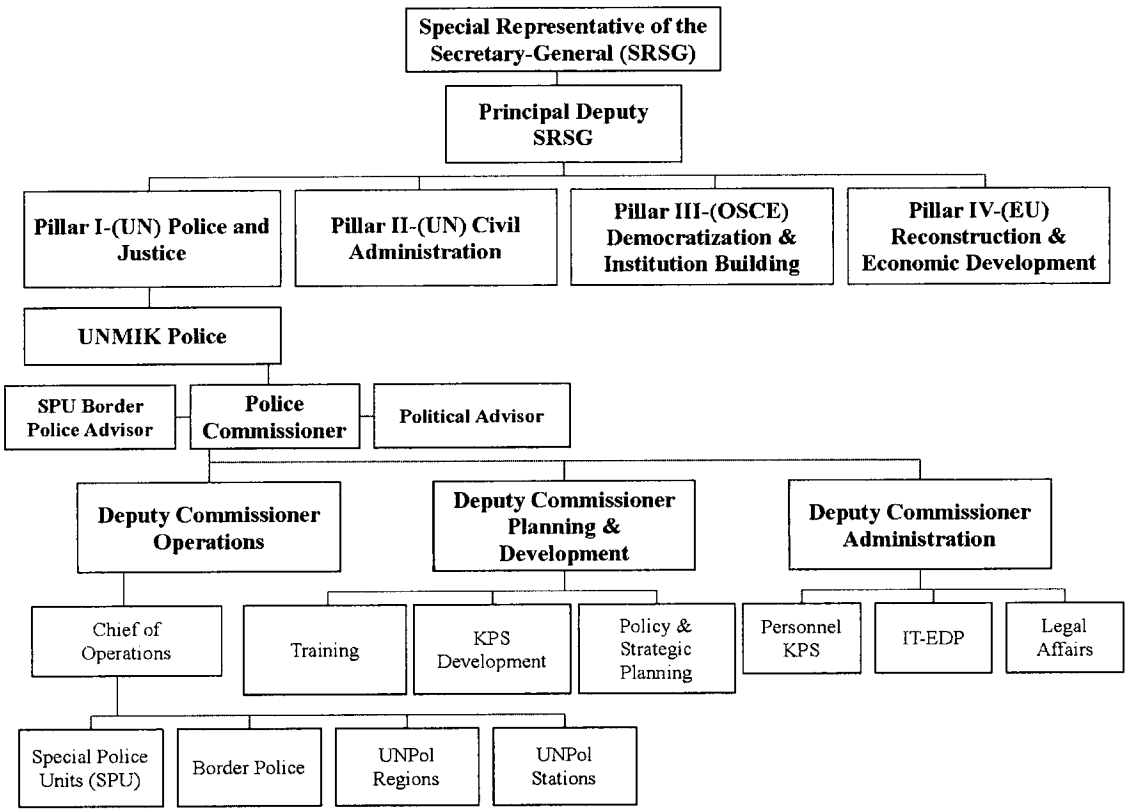
APPENDIX A

UNMIK Organizational Chart 2001-2002 [83]



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APPENDIX B

UNMIK Police Station Organizational Chart 2002