Analyzing Organizational Change and Adaptation of Civilian Police Components in UN Peace Operations


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Civilian Police, Peacekeeping, and Organizational Adaptation

Recent studies on post conflict reconstruction efforts by the United Nations (UN) mention the need for research on organizational and coordination processes during the planning and the functioning of UN Peace Operations (cf. UNDG/ECHA 2004; Jones 2002). Although there is growing field of literature on the coordination among international actors in emergency situations and post-conflict reconstruction (Fitzgerald, Molinaro, and Neal 2001; Hansen 2002b; Last 2000; Pugh 2001; Whaley 1997, Williams 1998), few scholars carry out research on the organization of peacekeeping missions. In general, the field of peacekeeping research remains under-theorized, but overwhelmed by case studies, policy studies, and conferences focusing on actual challenges of peacekeeping. Some scholars argue that the discussion of actual problems should remain the basic aim of peacekeeping research to provide UN missions with background research they cannot engage in (Ryan 2000: 43). The rise of different organizational forms of peacekeeping missions during the development from “traditional” to “multidimensional” peacekeeping and transitional administrations resulted in a large number of studies focusing on the development of peacekeeping missions (cf. Doyle 2002; Jones 2004) and the novelty of UN state-building missions (cf. Caplan 2002; Chesterman 2001 a, b; Chesterman 2004; Griffin and Jones 2000; Wilde 2001; Willingen 2004).

Research on implementation processes in the framework of peace operations has focused on arguments attributing success and failure to international and local factors. Among the “international” variables, we find factors related to action of the international community such as the mandate given by the UN Security Council, the quantity of humanitarian and economic assistance (Doyle and Sambanis 2000; Page Fortna 2004; Regan 1996, 2001), and factors related to the interest of single nation states such as the allocation of resources to UN Peace Operations, the position of neighbouring states, and the existence of Contact Groups comprising important members of the international community (cf. Gilligan and Stedman 2003). Local factors that influence success and failure are the existence of peace agreements, the various dimensions of peace agreements, the number of conflict parties, the intensity of conflict, the duration of war, the local socio-economic and human capital capacity, and the size of military forces (cf. Diehl 1994; Doyle and Sambanis 2000; Gilligan and Stedman 2003; Hartzell and Hoddie 2001; Page Fortna 2004). Few authors mention that organizational factors among others may have an impact on success or failure, such as the type of peace

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1 For an excellent overview see Stedman, Rothchild and Cousens 2002.
2 See for example Abbott and Snidal 1998.
operation (Doyle and Sambanis 2000), organization aspects (Heldt 2001), or the adaptation capability of missions in different environments (Stedman 2002: 20-21). Within these studies, the mechanisms of adaptation of the peacekeeping mission to the conflict situation, and of the alternation of policies and solutions to problems encountered on the ground remain largely unexplained. Moreover, one of the most debated “ingredients” of a peacekeeping mission, the mandate, is discussed in most cases concerning its inefficiency and purely political, non-operational character (Durch et al. 16-19; Coutts 2001: 10). There are few studies about how missions implement their mandate (Stedman 2002; Downs and Stedman 2002), how they deal with their mandate inefficiencies, and how they cooperate with other international actors within the same mission in order to cope with structural deficiencies induced by the respective mandate (cf. Whaley 1997). The research question behind this thesis builds on the identified shortcomings of existing research and the general lack of theory-guided case studies in the field of peacekeeping research. How do missions operate after their deployment? How do they find solutions to problems within the framework of their mandate? Or does the mandate have to be reinterpreted and extended in order to solve problems? How important are adaptation processes for success or failure of a mission? As is stated in other studies, many mandates cannot be implemented without their extension, cooperation agreements with other actors in place, or alteration of the mission’s policies during the lifetime of the mission (cf. Doyle 2001: 542). The main theoretical argument of this thesis is that the application of organization theory and ‘garbage can’ approaches may help to shed light on adaptation processes of missions in the field. In its essence, this is a genuine goal of implementation research: “to understand what actually happens after a program is enacted or formulated” (Mazmanian and Sabatier 1983: 4).

Due to the complexity and the multitude of tasks within an entire peacekeeping mission, this thesis focuses on one component of many UN Peace Operations: the International Civilian Police component.\(^3\) CIVPOL missions have experienced an increasing importance in UN Peace Operations due to the growing involvement of the UN in pacifying war-torn territories by quasi-governmental and multidimensional peacekeeping missions after the end of the Cold War (see chapter 2.6.1.). Accordingly, they have also risen on the research agenda. (cf. Oakley, Broer and Dziedzic 1998; Hansen 2002a; Dwan 2002; Stodiek 2004a).\(^4\) The research questions remain the same: how do CIVPOL missions deal with problems, how do they find

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\(^3\) When meaning Civilian Police Components of UN Peace Operations, we will refer to CIVPOL missions. CIVPOL refers to the general UN acronym for international police forces within UN Peace Operations.

\(^4\) The development of CIVPOL activities inside the UN and other international organizations is described along five key dimensions of CIVPOL efforts in chapter 2. For an excellent overview see Hansen 2002a.
solutions, and what do they do within the framework of their mandate? Success for CIVPOL missions is defined as the provision of public security and the construction of local institutions.

This thesis applies a problem-solving framework on the basis of organizational theory and ‘garbage can’ models to adaptation and change processes of CIVPOL missions. It has been argued above that organizational and institutional adaptation is necessary due to insufficiencies of the mandate\(^5\), and it has been hypothesized that adaptation of CIVPOL missions is influenced by four “streams”: problems, which are encountered by the CIVPOL in five key dimensions; solutions, which consist of four components, the adaptation of the mandate, the development of policies, change of organizational structures, as well as the development of cooperation with international actors; the mandate, which provides the basic framework of the CIVPOL missions; and “context” providing political support in the environment. On the basis of primary and secondary sources as well as interviews with former UN and OSCE staff, this thesis analyzes the four streams in two case studies along five key dimensions and challenges of CIVPOL missions: the bridging of the deployment (1) and enforcement gap (2), the disarmament, demobilization, and reintegration of former combatants respectively, the restructuring, reorganization, and downsizing of security forces (3), the creation of a local democratic police force (4), and the creation of a functioning judiciary (5). The case studies are the International Police Task Force of the United Nations Mission in Bosnia-Herzegovina, 1996-2002, and the United Nations Interim Administration Missions in Kosovo Police (1999-2004).

The key dimensions and challenges for CIVPOL missions are presented and analyzed in chapter one. The second chapter discusses organization and institution theories, as well as theories of adaptation and agenda change. The results of the discussion are integrated into a coherent model explaining different modes of adaptation of CIVPOL missions. Chapter three describes and analyzes the key dimensions for UNMIBH IPTF and UNMIK Police, and identifies problems, solutions, change, and adaptation during the lifetime of both missions. Chapter four seeks to summarize the key findings of the research and draw comparative conclusions for both case studies.

\(^5\) Although this argument may seem tautological, there is almost no systematic research of how peacekeeping missions or CIVPOL missions implement their mandates, and adapt to problem on the ground (a notable exception is Stedman, Rothchild, and Cousens 2002).
The main findings indicate that organizational adaptation of policies, the mandate and cooperation with other international actors does have an influence on success of CIVPOL missions in providing public security and institution-building to local actors. The adaptation of policies towards local actors and the reinterpretation of the mandate are identified as major processes creating public security and building local security institutions. Major importance is attributed to the ability of CIVPOL missions to reorient their agendas after major crises or change of mission leadership, and to the institutional environment of CIVPOL missions.
1. Key dimensions of Civilian Police missions

1.1. Overview

As outlined briefly in the introduction, we hypothesize that CIVPOL missions need to adapt their policies, mandate, organizational structure, and cooperation agreements to the situation on the ground in order to be successful. In order to break down the large amount of CIVPOL tasks into manageable categories, this chapter seeks to identify key dimensions in which CIVPOL missions have to carry out their mandate or establish cooperation agreements in order to achieve a substantial success in providing public security and building local institutions. Key dimensions of CIVPOL missions can be categorized into positive institution-building challenges, i.e., tasks included in the mandate, and negative public security challenges, i.e., challenges, which have to be diminished in order to achieve public security.

Positive challenges are the monitoring and observing local police forces, disarmament, demobilization, and reintegration of former combatants (Özerden 2003), the creation of a multiethnic and democratic police force (Stodiek 2004a: 451), the establishment of a functioning, impartial judiciary (Plunkett 1999: 66-68), and the improvement of quality of international police officers. Whereas disarmament, demobilization, and reintegration of former combatants is directed towards the dissolution of former warring groups, government forces, and militias, to avoid unstable security situations after peace agreements with heavily armed and unoccupied fighters still in place, monitoring and the two latter challenges point towards the necessity to channel legitimate use of force back into governmental, democratically organized security forces serving the public interest, and making possible fair trials on the basis of a valid and accepted code of law, thus helping to bridge the institutional gap after civil conflict (Dziedzic 1998: 14). The improvement in the quality of international police officers refers to attempts by the UN and its missions to improve the general and special quality of its staff.

For the second category of challenges we find the enforcement gap, the deployment gap (Dziedzic 1998: 8-13), and political influence on local police forces (Strohmeyer 2001a, c), which all have to be diminished. The enforcement gap refers to a functional deficiency of the civilian components vis-à-vis the local conflict parties, which can only be overcome by the backup of military forces. The deployment gap is a temporal backdrop for civilian

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6 In general, the literature refers disarmament, demobilization, and reintegration (DDR) (cf. Berdal 1996; Spear 2002). In this approach, the aspect of reintegration is taken more narrowly than normally applied to all kind of reintegration measures, and focuses only on reintegration into new police forces.

7 Author’s interview with Thomas Pepper, former IPTF Special Advisor to the Chief of PSC Doboj, RS, 17 September 2004.
components, in which the execution of police, penal, or justice functions has to be taken over by already deployed military forces. Deployment and enforcement gaps, however, represent different kinds of challenges: the deployment gap is likely to arise in the first weeks or months of the mission, whereas as the enforcement gap can prevail often the course of the entire mission. It is more complex to bridge, and the “size” of the gap can decrease and increase (Hansen 2002a: 65-66; cf. Dziedzic 1998: 10-14). In many cases, the absence of political influence is crucial for creating a new police force: Even with the best designed police reform, a new police force cannot remain impartial, multi-ethnic, and democratic, if political influence remains the dominant factor influencing the chain of command. The quality of international police officers and specialists is important for the success of CIVPOL missions and judicial reform. Problems encountered by CIVPOL missions were officers not meeting the minimal standards, but also the lacks of historical, political, and cultural knowledge about the area of deployment, lack of expertise in special fields e.g. police reform, different interpretations of the mandate and of the meaning of human rights according to cultural backgrounds.

Although all mentioned challenges play a role in CIVPOL missions, not all of them are equally important for success or failure. Five of them play a paramount role for success and failure of civilian police missions: disarmament, demobilization, and reintegration of former combatants and/or oversized security forces; the creation of a multi-ethnic, democratic police force; the creation of an impartial, functioning judiciary; the closing of the enforcement gap; and the bridging of the deployment gap. Monitoring and supervision components continue to play a large role, but are – in today’s multidimensional peacekeeping missions – included in the dimensions of creating democratically reformed local police forces and judiciary. The same can be stated for political influence: a program to reconstruct e.g. police forces should seek to abandon political influence. The analysis of political influence is thus included in the police and justice reform dimensions. The quality of international police does delay and hamper the effectiveness of a CIVPOL component. However, the recruitment of experts is linked to the five crucial dimensions named above. For the creation of a democratic local police force CIVPOL missions seek to hire specialists. In transitional administrations the quality of staff can play a larger role, as specialists are needed to provide for the whole spectrum of police functions. Accordingly, the three mentioned minor dimensions\(^8\) could be included into the five major ones.

\(^8\) They will be mentioned in the subsequent chapters only if they appear to be paramount in certain phases of the case studies.
Recalling the aim of this thesis, for the focus will be on adaptation of policies and organizational structures, re-interpretation of the mandate, and cooperation with other actors. In line with this argument, the five key challenges of CIVPOL missions might be insufficiently included or not included at all in the CIVPOL mandate.

However, it will be argued that CIVPOL missions have to consider all of them even if they are not mandated to engage in reform in the respective dimension. Arguments in the literature refer to a “rule-of-law triad”, according to which efforts in police reform, judicial reform, and the reconstruction of the penal system\(^9\) are mutually dependent (cf. Call and Stanley 2002). Other scholars argue that cooperation with military forces to cover the deployment gap and enforcement gap are paramount for success of CIVPOL missions (Hansen 2002b; Hills 2001; Jakobsen 2003). Two examples might illustrate this argument: First, CIVPOL missions only mandated to reform the police have to take into account reform in the judicial sector if the goal of police investigations is the creation of a secure environment where suspects can be summoned before a trial. This means that CIVPOL missions have to cooperate with judicial reform actors. Second, even if the mandate given to the CIVPOL mission is not an enforcement mandate, in some aspects of their work CIVPOL missions have to cooperate with entities possessing enforcement capacities in order to be able to make local actors comply with parts of the mandate. Or, as Hansen puts it, “shortcomings [concerning organizational challenges] are mitigated by cooperation within the mission, and this cooperation can be a determining factor in the effectiveness of international civilian police” (Hansen 2002a: 63). CIVPOL missions, thus, can either extend their mandate or build up “functional relationships” (Hills 2001) with other international political and military organizations in order to succeed in covering all aspects of their mandate.

The following parts of this chapter define the five key dimensions and give an overview of the development of CIVPOL missions in UN Peace Operations as well as their major functions.

1.2. Overcoming the deployment gap

The deployment gap is a common feature in peace operations, which depicts the fact that “military forces will have a greater role in early stages because it takes longer to deploy police” (Hansen 2002b: 73). Civilian police contingents are not readily available and deployable as police officers do have their “normal” jobs in their home countries and do not work together in fixed contingents. Military contingents are easier to deploy due to existing logistics and their availability in peace times (Dziedzic 1998: 8-10). A large role therefore is

\(^9\) The analysis of the reconstruction of the penal system is excluded from this analysis as
attributed to formed police units existing in many countries, which combine the aspects of police and fixed contingents (see section 1.3.). The deployment gap has to be filled as soon as possible by the international civilian police, judges and prison staff, to be able to provide basic policing and law enforcement duties (Hansen 2002b: 73-74; Strohmeyer 2001c: 61).

The United Nations Transitional Administration in Cambodia (UNTAC) was the first mission in which the deployment gap became apparent, which essentially limited its scope of tasks performed towards ensuring law and order (Serafino 2004: 45). Staffing limits were not reached until one year after the beginning of the mission (Chappell and Evans 1999: 16). Missions afterwards encountered this problem as well: The number of civilian police adopted by UN member states at the time of the Security Council resolution did not result in subsequent deployment of these contingents. Bosnia-Herzegovina, for example, was not fully staffed nine months into the mission (Stodiek 2004a: 169). The problem was even bigger in Kosovo, as an entire police force of unprecedented size had to be deployed as a local one was no longer existent: even one year into the mission, 3,156 of 4,718 officers were deployed, and the approximate full staffing level was not reached until July 2001 (Stodiek 2004a: 286, 329).

Cooperation between military and police are paramount in initial deployment phases even if not provided for in the mandate. This already points to the enforcement gap treated in the next section: IFOR’s reluctance to assist in policing tasks led to major shortfalls and loss of credibility in the beginning of the mandate of the UN International Police Task Force, e.g. during resettlement of Serb minorities from the Sarajevo suburbs to the Republika Srpska, the Serb entity within the state of Bosnia and Herzegovina (Dziedzic and Bair 1998: 281-284). As Hansen argues, not only the coordination with military, but also the coordination with other civil actors on the ground is important to achieve a coherent international approach towards the local actors and populations (2002a: 66).10

The timing of deployment also remains key for newly created police forces: a late deployment of necessary components of police such as investigation capacities can create a climate of impunity undermining the credibility of the newly created police force (Stanley 1999: 121). We find a similar situation in Kosovo, where no local police existed at all, and had to be substituted by international police.11 There are other cases where non-existing local capacities were substituted by the international presence. In the UN Temporary Executive Authority

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10 E.g. security provision during elections was tackled by UNMIK in Kosovo by the establishment of a Committee on Election Security, comprising KFOR, UNMIK, UNMIK Police and OSCE. Author’s interview with Eric Chevallier, former Special Advisor to the SRSG Bernard Kouchner, 19 October 2004.

11 However, we will treat the creation of the UNMIK Police as a case of interim local police force, not as a case falling in the deployment gap.
(UNTEA, 1962-1963) governing the former Dutch colony West Irian (today Irian Jaya), the UN subsequently assumed – without being mandated to do so – police functions as Dutch officers had left and local (Papuan) police forces were not sufficient in number and quality (Schmidl 1998: 31-32).

The apparent shortcomings during Civilian Police missions in the 1990s led to the creation of departments and stand-by arrangements of international and regional organizations. The UN is currently planning to enhance its strategy for deployment and recruitment of qualified police personnel, with a special emphasis on teams of experts rather than deploying single police officers to a post-conflict territory.\footnote{Regional organizations such as the EU, which established a Police Unit in the External and Politico-Military Affairs Directorate-General in the Council of Europe Secretariat within the CFSP-Framework, and established the EU Civilian Police Initiative providing 5,000 CIVPOL officers (Hansen 2002a: 50, fn. 22; Hansen 2004). OSCE built up a Strategic Police Matters Unit and established the post of a Senior Police Advisor as well as rosters for Rapid Expert Assistance and Cooperation Teams (REACT) for several civilian purposes, but encountered difficulties due to an overlap with parallel planned EU mechanisms (Buwitt 2001: 11; OSCE 2003; Stodiek 2004a: 437). Other organization such as the African Union (AU) struggle with policing duties and seek advice from EU.\footnote{The US State Department, through Presidential Decision Directive PDD-71, set up a nation-wide roster of 500-2000 CIVPOL officers comparable to the EU roster (Lewis, Marks and Perito 2002: 6). The German government founded a federal working group “AG IPTF” to coordinate German contributions and experiences of CIVPOL officers and contingents (Innenministerium Nordrhein-Westfalen 2004).}

The bridging of the deployment gap is definitely paramount to success or failure, as the provision of immediate security leads to credibility of the international actors and stability of the overall conflict region. One of the most important aspects of peacekeeping and peace building is the immediate deployment of international actors to provide security in post-conflict situations. The population expects security and help, and should not be disappointed in their expectations; former warring groups need clear signals of leadership and commitment, and of who is capable of taking over control of security, rule of law, and stability.
Together with timely deployment, a sufficient amount of physical and moral authority is important for success of CIVPOL missions.

1.3. Closing the enforcement gap

The enforcement gap is defined as a situation in which “the moral authority of the police is not sufficient to enforce the law, military forces can provide muscular backup, engage in counter-terrorism work or help in crowd-control” (Hansen 2002b: 75; cf. Kings College 2003: para. 131-134). The enforcement became apparent for the first time during the missions in 1992-1994 in El Salvador and Mozambique with a reforming mandate (Serafino 2004: 46; for Mozambique see Reed 1997). As well in UNTAC it was evident that civilian police had insufficient powers to deal with the tasks it had been assigned (Chappell and Evans 1999: 15). In some cases, civilian police monitors and forces have been deployed, as the military were reluctant to engage in policing tasks, but were left without executive and robust mandate, meaning that they could not intervene in severe security situations with force (Neild 2001: 37). The result was ineffectiveness of the international police, leading to deterioration of security, and the loss of credibility of the international police. Successful examples, however, of military-police cooperation, show the significance of filling this gap. In Bosnia, IPTF’s credibility, visibility, and impact were greatly enhanced after backup by SFOR patrols in 1997 (Hansen 2002a: 66; Hills 1998: 35). In Haiti (UNMIH), military and police units cooperated closely from the outset of the mission as the Multinational Force (MNF) was designed to provide support to civilian components as long they would not be functional (Hansen 2002a: 66, 2002b: 74). INTERFET in East Timor restored law and order, “assuming de facto responsibility for governance and the rule of law until the UN’s presence could be effectively established” (Smith 2003: 46), and continued to play a role when transformed into the military pillar of UNTAET in providing backup to UNTAET CIVPOL (Smith 2003: 62, 108-109).

Furthermore, one can discuss to what extent the military can substitute police units in policing tasks; related to this is the question of the use of formed, gendarmerie-like police units to provide operational and riot-control backup to Civilian Police forces. In general terms, gendarmerie-like forces can replace neither military nor police forces. Hills, along the lines of Strohmeyer in connection with the deployment gap (2001c: 61), argues that military should and can never substitute police approaches to conflict due to diverse moral backgrounds and strategic thinking14, as well as too close cooperation with the military can reduce population’s

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14 A former IPTF Police Commissioner argues as well that only police are trained in civilian crisis management, and that military forces do have a more strategic and tactical approach towards restoring order than police do.
trust in the international police force. Formed police units are either – in case of heavy turmoil – under-equipped, or lead – in normal policing conditions – to a militarization of the police (Hills 2001: 92-93). However, “functional relationships”, meaning e.g. the establishment of joint headquarters, liaison officers, compatible contingency plans, can help to fill the enforcement gap (Hills 2001: 80-93; cf. Hansen 2002b: 75-78; for strategic coordination cf. Jones 2002) – notwithstanding the fact that formed police units and military backup greatly enhanced civilian police capacity (Hansen 2002a: 69).

Related to the second question is the deployment of military police and special police units. In many cases these units are organizationally attached to the military, like the Carabinieri in Italy or the Gendarmerie in France, have another esprit de corps than police officers, and cannot substitute normal police forces as the former have no training in providing basic policing tasks and local security in cooperation with the local population but act as strategic units like military forces (cf. Hills 1998). However, their importance in filling “grey” areas in between cannot be denied. In Guatemala, police reform was commissioned entirely to the Spanish Guardia Civil; in Haiti, United States Military Police worked closely with UN Police and local police on joint patrols (Hansen 2002a: 71). Operations in Bosnia and Kosovo established own Multinational Special Units (MSUs), like the MSU created in Bosnia 1998 comprising military police units, and the MSUs and Special Police Units (SPUs) in Kosovo which were to provide operational backup and riot control to UNMIK Police (Dziedzic 2002: 43). One most recent example includes the deployment of a Chinese Riot Control contingent to Haiti (MINUSTAH). Furthermore, within the framework of the EU Civilian Police Initiative there is a special agreement for gendarmerie forces.

In later phases of missions, coordination and cooperation between military and police remains key to answering severe security situations. After shortcomings in earlier missions, UNMIK Police and KFOR in Kosovo established joint coordination centers in high-tension areas, and have an alternating chain of command in severe situations (Hansen 2002a: 69, fn. 55). A similar approach was taken in UNTAET, where Joint Operation Centers were set up with INTERFET and later the military component of UNTAET (Smith 2003: 73-79). It became apparent that even with established mechanisms the relationship between military and police can be quite difficult as demonstrated in the March 2004 riots in Kosovo (cf. ICG 2004). The

Not to use force is one of the most important attributes of a good policeman, whereas military officers act strategically to achieve tactic supremacy in a situation (Author’s interview with Detlef Buwitt, former IPTF Police Commissioner, 3 October 2004).


reciprocal need of military for police assistance also became apparent, as KFOR troops often complained that they lacked the riot control equipment that UNMIK Police could have provided.

However, it is clear that military backup can help civilian police units improve their performance – even outside the explicit provisions of the mandate. Joint patrolling, assistance in disarmament, check points, support to border police, and backup in civil unrest situations are examples of situations in which military can enforce and provide muscular backup to physical and moral authority of the police forces. As we will see, most of the named functional relationships were established in piecemeal fashion rather than by a fully planned approach. It is, however, very important for any civilian police component in how far it can build up functional cooperation with present military forces and/or gendarmerie-like forces in order to overcome the inherent weakness of policing while facing civil war and heavily armed groups.

1.4. Disarmament, Demobilization and Reintegration of Former Combatants

Disarmament, demobilization and reintegration in the context of Civilian Police missions refers more to the reduction, reorganization, and vetting of local police than to disarmament (cf. Hansen 2002a: 95). Although in most missions during the 1990s, military forces alone were responsible for disarmament (e.g. in Croatia under UNPROFOR/UNCRO, 1992-1995; Dziedzic and Bair 1998: 254), the situation changed, when the separation and downsizing of military, paramilitary, and police forces became one of the major tasks of rebuilding a democratic police force (see chapter 1.5.), as it was the case in Bosnia-Herzegovina, where military and police forces were joined during the conflict, and in El Salvador, where rebels and government armies had to be disbanded and reintegrated into new security forces on the basis (Stanley 1999: 115-116). In Kosovo the Albanian UCK had to be disarmed and demobilized in order to develop democratic and multi-ethnic police forces, which was largely done by KFOR in cooperation with IOM who provided training to the follow-up Kosovo Protection Corps (KPC) (Özerden 2003). In East Timor, INTERFET and UNTAET demobilized and disarmed Falintil (Forças Armadas de Libertação Nacional de Timor-Leste) with the assistance of World Bank and IOM; the creation of the East Timor Defense Forces (ETDF) was – in the end – a great success (Smith 2003: 82).

Disarmament of former combatants remains rather a military than a police task, which is also due to – in most cases – the limited enforcement capability of the Civilian Police component. However, the very important aspect of demobilization seeks to ensure reintegration of former
combatants into new democratic security services with clear and separate mandates police and military forces, i.e. internal security as a monopoly for police forces (cf. Stanley 1999 for El Salvador and Guatemala; Dziedzic and Bair 1998 for Bosnia). The task is to de-link the military and the police, i.e. to “de-militarize” and “re-civilianize” the police (Mani 2000: 12).

Disarmament and demobilization is in many cases the first step to create security in a war-torn territory. To be successful, the challenge is to minimize the interim security gap that arises due to disbanding former security forces, and, at the same time, to maximize the security of disarmed combatants, ethnic groups and returning refugees to avoid renewed hostilities, and to start building a framework for economic and social development by the reintegration of former combatants and the reform or creation of new local security institutions (Call and Stanley 2002: 307).

1.5. Creation of a multi-ethnic and democratic police force

Although earlier Civilian Police components did provide training to local police forces – like ONUC assisted to create a new Congolese police force, and provided training to its new recruits (cf. Chappell and Evans 1999: 5), UNTAG in Namibia providing training and restructuring (Hansen 2002a: 20), and UNTAC in Cambodia extending its initial mandate providing a basic training program to local police (Chappell and Evans 1999: 17; Plunkett 1999: 72). A systematic pattern of reforming existing or creating new police forces in the framework of UN Peacekeeping Missions has been established with the UN Observer Mission in El Salvador (ONUSAL, 1991-1995) (McCormick 1997). After the old police forces had been abandoned, CIVPOL monitored the interim police force, and created, vetted, and trained the new PNC (Stanley 1999: 113). In this process, it became apparent that key to creating a new police force was to ensure access for all former conflict factions to the new police posts (Stanley 1999: 116). In most cases, a kind of local interim police forces was created to fill the security gap arising without any local police force, e.g. through a provisional authorization until the background check and training were finalized (like in Bosnia-Herzegovina), or through the creation of an interim police force as in Eastern Slavonia\(^\text{17}\) (Holm 2000: 146; UN DPKO PBPU 1998: para. 54) or in Haiti (in 1993-1996, Mani 2000: 19) until the vetted and trained new multiethnic force was in place.

Scholars emphasize that the primary elements of a new police force should include civilian control of police, a public service role for the new police (as opposed to serving the state’s interests), multi-ethnic composition, impartiality (Call 2000, cited in Neild 2001: 23), and

\(^{17}\text{S/RES/1037, 15 January 1996, p. 3.}\)
promote effectiveness and accountability (Call 2003). Call and Barnett suggest that the ideal result of reform should be “civilian, apolitical police forces that are composed of different political contingents and ethnic groups, and [...] will help protect citizens, uphold the rule of law and help to maintain order with a minimum of force” (Call and Barnett 1999: 44). Along the same lines, Bayley proposes two twin principles of “responsiveness” and “accountability” of new police forces, meaning to serve the need of individuals, to be accountable to law rather than to government, to protect of human rights, and foster transparency (Bayley 2001: 11-12), and Neild, who claims that “only policing that respects the rights of all citizens and is responsive to their needs can be effective in controlling crime and maintaining order”; the core of democratic policing should consist of a dynamic relationship between respectfulness, responsiveness and effectiveness (Neild 2001: 23).

To arrive at a definition the topics mentioned above have been categorized into: an individual level, a societal level, and into an organizational level.18 Major components on the individual level are vetting, training, and professionalization of new police officers, and on the organizational level restructuring of police forces and the reconstruction of police administrations. The societal level refers to the inclusion of all political or ethnic groups, and the establishment of democratic control of police administrations. Police reform should also account for the establishment of normative foundations for a new police force within the government structures (Hansen 2002a: 94). The broad principles introduced by Neild above – effectiveness, accountability, responsiveness and respectfulness – certainly highlight key output expectations. Touching these various levels of domestic affairs, police reform is a highly sensitive issue and requires a high quality of international staff (see chapter 1.7.1.) (Hansen 2002a: 100).

Concerning the individual level and the process of vetting and retraining former combatants, a equilibrium has to be found between the need to cut out oppressive and politicized elements of policing, and to retain a share of “old” local security sector personnel due to two reasons: in order to have trained officers at hand, and to reintegrate former warring parties into the new force to foster legitimacy, and to ensure the participation of major ethnic groups (Neild 2001: 24). To establish multi-ethnic composition and retain some elements of personal continuity and experience, fixed quotas can be set as in El Salvador (Neild 2001: 25) and in Kosovo (Perito 2002: 95). In Bosnia-Herzegovina, where police forces remained intact but underwent a large downsizing process from 54,000 in 1995 to 20,000 in 2002 (Hansen 2002a: 95) as well

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18 Hansen calls these levels behavioral - relating to individual – and structural – relating to organizational – components of democratic police reform (2002a: 94-95).
as a restructuring process, the three existing mono-ethnic police forces were step-by-step forced to patrol together and set up joint administration structures (ICG 2002: 7). Serious shortcomings can arise, when vetting is not carried out properly so that former security personnel are half-heartedly “recycled” (cf. Call 2003: 5). In war-torn societies, proper vetting and background check of each individual police officer for his/her record of war crimes and human rights violations has to be ensured in a historical perspective of the conflict. In Bosnia-Herzegovina, each applicant was vetted against the International Criminal Tribunal for the Former Yugoslavia (ICTY) war criminals list, each education certificate was verified, and, in case of non-compliance, the IPTF Police Commissioner initiated a report to local superiors via the Office of the High Representative (ICG 2002: 51).

In some cases, as in Haiti (UNMIH) and Liberia (UNMIL), it was difficult to find enough qualified police officers to be included in the new cadets’ classes, so that former military officers were recruited who form now 40 per cent of the police corps (Neild 2001: 29). It is in most cases necessary to include former combatants into the new police force as especially in resource-rich areas private security firms provide contracted security forces, which act on the basis of corporate interests (Neild 2001: 33).

After building the personnel basis of a mission, subsequent training in policing and special fields such as Human Rights is crucial for the future of a police force (Marotta 2000). Concerning the training of local police forces, a proper balance between classroom training, field training, and in-service training has to be established (Stanley 1999: 121).\(^\text{19}\) Often, brief training periods are established in order to bring the new force into service as soon as possible, as happened in Guatemala (Neild 2001: 26).\(^\text{20}\) Generally speaking, cadets should be selected on the basis of individual merit more than on group or ethnicity-based criteria (Call 2003: 7). Not only training programs, but in many cases, police academies were either not existent or only open to one ethnic group. Training and subsequent monitoring is important in all kinds of Civilian Police Missions including transitional administrations, in which an executive international police force is deployed (Hansen 2002a: 99).

Connected to training, institution building plays a large part in fostering sustainability of the new police force. Not only do equipment and infrastructure have to be rebuilt, but

\(^{19}\) In the United Nations Missions to Liberia (UNMIL), the local police was completely demobilized, disarmed, and new recruits have to undergo three months of classroom training, six months of field-training followed by another month of classroom training (Author’s interview with former UNMIBH official, 16 October 2004).

\(^{20}\) UNMIK Police in Kosovo is an exception as despite short periods of training (five weeks of classroom training, and 19 weeks of field training) is grew into being one of the few functioning multi-ethnic institutions in the province (Author’s interview with Dr. Thomas Mühlmann, Chief Political Advisor of EUPM, former Austrian Delegate to Kosovo, 10 September 2004).
organizational “slack”, political influence, and unnecessary departments have to be reduced. Such as in Bosnia, a special UN Trust Fund was established after a donors’ conference in Dublin 1996 to gather funds to finance basic policing equipment of the reformed Bosnian forces.\(^{21}\) After some conflicts, like in Kosovo, entire administrations have to be rebuilt from scratch due to a governmental vacuum left behind (by the Serb officials leaving Kosovo and having excluded Albanians from official posts). Additional to goods and infrastructure, the intellectual capacity of institutions has to be enhanced and recreated – chains of commands have to be visible, provide clear lines of authority, and cannot allow units to be placed outside. The existence of an entirely corrupt and self-destructive police and state system under Taylor in Liberia lead to the erosion of official and effective chains of command.\(^{22}\) Accountability mechanisms and internal disciplinary mechanisms have to be set up, with their enactment being a clear measure of political will of police leaders and politicians to uphold the values of democratic policing (Neild 2001: 30). In many cases, there is a tension between the quick deployment of local police to speed up the exit of foreign troops, and the long time that has to be taken for building new police academies, selecting vetted and quality police personnel, and providing adequate training (Call 2003: 5).

The re-creation of confidence and cooperation of the population is of utmost importance to new police forces, as it influences not only the extent of societal embeddedness but also its effectiveness (Mani 2000: 15; Neild 2001: 33). Concepts of community policing (Haiti) and democratic policing (Bosnia) were introduced, linking reform of the police with the transformation of the political context (Dziedzic and Bair 1998: 296). Especially the establishment of community policing approaches in order to improve relationship and cooperation between police force and population was leading to an improvement of the relations between population and police, as in El Salvador (Neild 2001: 37). To make police reform successful, one has to “build constituencies and capacity for democratic policing in political and civil society, local communities, and in the police” (Neild 2001: 34). Furthermore, there is a strong need for maintaining international pressure on local actors, and for trying to understand domestic political dynamics.\(^{23}\)

In transitional administrations like Kosovo and East Timor, UN CIVPOL took over executive policing functions. The dimension of creating a police force, thus, refers not only to the creation of a democratic and multi-ethnic local police force, but also the provision of essential

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\(^{21}\) Author’s interview with Peter Fitzgerald, former UNMIBH IPTF Police Commissioner, 14 September 2004.

\(^{22}\) Author’s interview with former UNMIBH official, 16 October 2004.

\(^{23}\) This requires the international presence as well to have an understanding whether the local people do agree with what the mission does (Author’s interview with former UNMIBH official, 16 October 2004.)
interim general and specialized police forces by the international presence. Additionally, the successful cooperation with and transition of the local police towards independent functioning is a further indicator in this respect.

In some cases, it was not the UN who was the pivotal actor in providing police reform, but bilateral donors or agencies – such as the Spanish Guardia Civil in Guatemala and Mozambique (Hansen 2002a: 20), and US ICITAP in Panama (Gray and Manwaring 1998; for the general of the USA see Marenin 2000) – or regional organizations – such as the European Union Police Mission following up to UNMIBH since 2003 (Hansen 2004; Nowak 2003; Osland 2004), the Organization of American States (OAS) in the joint UN/OAS Civilian Mission to Haiti (MICIVIH, 1992-1994) (Williams 1998: 13, fn. 2), the OSCE in Eastern Slavonia (1996-1998), Kosovo (1999-today), Croatia, Serbia and Montenegro, and states in Caucasus and Central Asia (OSCE 2003), and the WEU Multinational Advisory Police Element in Albania (1997-2001) (Call and Barnett 1999: 48; Hansen 2002a: 101) – provided key inputs for police reform (cf. Marenin 2000). A sequence of different organizations providing different key aspects of police reform could be a useful example for the future (Hansen 2002a: 100).24 Other international organizations such as UNDP25, World Bank and IMF26 provide long-term projects and inputs into fostering security sector reform after transition to local authority (Serafino 2004: 47; Scheye 2002). For all organizations, it remains very important to coordinate and plan the sequencing of reforms in order to be efficient and effective (Neild 2001: 30).27

As of 1995, policy concepts for Civilian Police within the UN were enshrined in the so-called SMART concept28 and applied to all Civilian Police missions “without significant rethinking” in several peace operations in Africa, Asia, Latin America, and Europe during the 1990s (Dwan 2002: 3). Without a coherent, substantive approach towards reforming the local police,

24 Prominent examples are Eastern Slavonia, where a smaller police-monitoring mission (UNPSG) followed UNTAES, which in turn was followed by an OSCE monitoring group, and Bosnia-Herzegovina, where UNMIBH was followed up by an institution-building EU Police Mission (Hansen 2002a: 99-100, Hansen 2004).
25 For the general change of UNDP’s policies from development activities as well to emergency and post-conflict assistance, see DP/2002/CRP.3, 18 December 2001; cf. Woods 2003. UNDP’s tasks in this respect are defined as 1) strengthening governing institutions; 2) enhancing public-sector management; 3) supporting civil society organizations; and 4) promoting sound governance in conflict-affected and transition countries (Ball 2002: iii). UNDP engaged in Civilian Police development, especially in the reconstruction of local police administration, in
27 Especially as different perspectives on police reform, e.g. human rights, military, law-enforcement, economic development, or democratization, may reflect organizational boundaries and potential tensions in competing approaches to police reform (Call 2003: 2).
which is at the same time flexible to local needs, a civilian police component will be unsuccessful in rebuilding the state’s monopoly on the use of force, and providing the citizen with a police force serving the public needs, not the state’s interests. The upgrading of the Civilian Police Unit to the Civilian Police Department in 2001, and the subsequent increase of staff, are important steps towards achieving more coherence and increasing capacity in reforming civilian police.

1.6. Creation of a functioning impartial judiciary

UN Civilian Police Operations, as is stated, “must be complemented, from the outset of a mission, by adequate judicial and correctional reform and reconstruction efforts” (Strohmeyer 2001b: 171). Already the policing activities in ONUC were hindered by the absence of a functioning judicial system. The interference of UN Peace Operations into sensitive national functions, today accepted in multidimensional peacekeeping operations and transitional administrations, was, at the time, not seen as a task that could be taken over by a Peacekeeping Mission (Chappell and Evans 1999: 5), so that no further steps to enhance efficiency and effectiveness of rule of law were taken. In UNTAC, the Police Commissioner Klaas Ross established “Guidelines for the Conduct of Criminal Justice in Cambodia” as the local law was incompatible with basic provisions of the UN Charter (Plunkett 1999: 69), but could not, due to limitations of UNTAC’s mandate reconstruct a functioning judiciary.

To overcome shortcomings of the local judicial sector, legal sector personnel in peace operations may have three functions: the detection, investigation, and prosecution of war crimes; observation and education of human rights; and the reestablishment of the rule of law, which is the point of most concern. Whereas the first two components are prevalent in the conflict phase, the latter is most important in post-conflict reconstruction efforts as including the two former components (Plunkett 1999: 62-63). However, early indication of war crimes, addressing of human rights abuses, and restoration of rule of law sets the foundations for reconstruction (Plunkett 1999: 66), which is primarily a task to be found in UN transitional authorities like Kosovo, East Timor, Cambodia, Eastern Slavonia, and in parts Bosnia-Herzegovina (Caplan 2002; Chesterman 2004; Strohmeyer 2001c). International transitional authorities are often confronted with questions regarding law to apply (cf. Chevallier 2001: 8; Rausch 2002: 15), and often take a long time to resolve this problem.29 Especially for failed or failing states, the questions of “law in a box” or “justice packages” has been widely discussed

29 In Kosovo, it took about six months, and was finally solved in December 1999 through applying the law in force before 1989. For UNTAET, the issue was solved similarly (Strohmeyer 2001 b, c). See chapter 3.2.6. for Kosovo.
in the previous years\textsuperscript{30}, to bridge judicial shortcomings in the important initial peacekeeping and post-conflict phases, if necessary with the help of military personnel (cf. Evans 1993: 56; Strohmeyer 2001b: 181). Insecurity concerning applicable law and procedural questions (such as use of evidence in court) hinder the performance of security forces – as happened in Kosovo, where KFOR could not detain suspects and prove their case due to the fact that acoustical surveillance was not admitted as evidence (Dziedzic 2002: 44). Not only the normative question of which law is applicable has to be resolved as quickly as possible to restore legal certainty and credibility of international and local security forces, but also the mere functioning of the judicial system. A coherent and well-funded approach to reconstruction of judicial systems requires the reconstruction of infrastructure (comprising courts on several levels, detention centers, etc.), to hire local judges (or substitute them temporarily or supervise them with international judges as happened in Kosovo), to provide resources for prosecutions, specialized resources such as pathology and forensic laboratories, needs assessments for local justice, mechanisms to select appropriate personnel, and judicial training requires (cf. Strohmeyer 2001b: 173; Plunkett 1999: 70-73).\textsuperscript{31}

In transitional administrations, local and international commissions and departments may work in parallel to secure local compliance with international standards, and, vice versa, ensure the contact of international authorities to the local officials, and build local ownership of the peace process. To enhance impartiality and professionalism, in both Kosovo and East Timor mixed panels comprised of international and local judges, and prosecutors, were set up (Strohmeyer 2001b: 178; for Kosovo cf. Chevallier 2001; for East Timor Smith 2003).

The need to bridge the gap between provision of security at the beginning of a mission and the development of a sector becomes valid in judicial reconstruction as well (Neild 2001: 37): both the immediate provision of justice, and the long-term development of functioning judicial systems are equally important and mutually dependent. The same caveat added for transitional administrations in the previous chapter, applies here. Successful transitional administrations have to be able to provide a functioning judicial system and legal framework as long as local capacities are not yet on place or not entirely functional to provide fair trials and independent judicialities. The transition of internationally created institutions to local

\textsuperscript{30} Most prominent here are the relevant paragraphs in the Brahimi Report recommending a model code, which would have allowed UNMIK and UNTAET “to apply an interim legal code to which mission personnel could have been pre-trained while the final answer to the applicable question was being worked out” (UN 2000: paras 79-80). See as well Report of the Secretary-General, The rule of law and transitional justice in conflict and post-conflict societies, S/2004/616, 23 August 2004, for the role of different institutional forms of transitional justice and the UN’s role.

\textsuperscript{31} In some UN peace missions smaller judicial cases were handled by local conflict resolutions mechanisms, such as in East Timor (Rausch 2002: 25) and Cambodia (Plunkett 1999: 74).
actors, and their joint construction, is a further factor, which has to be taken into consideration.

There is a need as well to enhance international efforts to establish functional criminal justice systems and the rule of law. A great number of international and bilateral organizations are working on judicial reform. Among them are US-American organizations such as ICITAP and ABA/CEELI, and bilateral reform projects like in Bosnia-Herzegovina (cf. Dziedzic and Bair 1998). The OSCE has large components working on rule of law programs in most Southeast European countries as well (OSCE 2003). The most recent step taken by the UN could lead into an even more coherent approach to judicial reform: the Criminal Law and Judicial Advisory Unit (CLJAU), established in 2003 in the Civilian Police Division, has been moved to the Peacekeeping Best Practices Unit (PBPU) in June 2004 to reflect its department-wide policy function on rule of law issues.32

The Rule of law has risen on the international agenda within the last few years (cf. Robinson 1998; Brahimi 2002). It is predominant for the success of peacekeeping and peace building, as without lawful persecution of war crimes, of ongoing human rights violations, of ethnic hatred and incitation, the motors of ethnic conflicts, extremists, cannot be contained. The reconstruction of local judicial systems – for a transitional period under international supervision – contributes to the development of stable security in the conflict area as well as to the transition process of responsibility (“ownership”) from the international actors to the local actors.

As mentioned in the introduction of this chapter, further dimensions influencing success can be identified, which in this analysis will be included into the five major dimensions discussed above.

1.7. Additional dimensions for CIVPOL success

1.7.1. Quality of international staff

The quality of international police officers deployed into missions has been an issue since the beginning of multi-dimensional missions, requiring police officers to move around in the country and take multiple tasks (Chappell and Evans 1999: 23ff). In most civilian police missions in the 1990s, around 15% of all officers deployed to missions were unsuitable for their job (Buwitt 2001: 11). This was due to the fact that most officers did not fulfill the minimum criteria for UN CIVPOL officers (5 years of minimum regular police experience, fluency in English, ability to drive a 4-wheel-driven car, and to use firearms, cf. Hansen

Additionally, police officers come from very diverse cultural and legal backgrounds, so that definitions of human rights as well as standard operation procedures differ widely. Especially in monitoring and training local police, proper knowledge about the role of human rights is crucial (cf. Marotta 2000). Although there has been a steady increase in pre-deployment training programs by the UN and member states, there are only few standardizing efforts (e.g. the coordination of Scandinavian countries developing “Nordic” training capacities, and the plans to establish an EU level Civilian Police Training Course). Often, CIVPOL officers themselves lacked training experience (Holms 2000: 147). The UN reacted with the development of Selection and Training Assistance Teams (SATs and TATs), which can be requested by member states (Hansen 2002a: 57). Recent missions developed in-mission training for already deployed officers. In ONUMOZ, civilian police officers went through an induction program, and received training in election monitoring and human rights (Woods 1998: 161). In UNMIBH, a CIVPOL Support Unit was created which tested individual officers and provided orientation courses to new arrivals (Hansen 2002a: 51); in Kosovo the UNMIK Police Induction Centre prepares arriving officers for their job as well (UNMIK Police 2000: 30). The decentralization of staffing procedures with more responsibilities handed over from DPKO to field missions in recruiting personnel led to the development of mission-specific Selection Assistance Teams (Hansen 2002a: 55, 57). Few missions influence the choice of the officers sent to their mission; UNMIBH and UNMIK were among the first missions specifying their needs for specialized officers (Hansen 2002a: 55).

The recommendations of the Brahimi Report on the coordination and policy level included the necessity of creating national pools for CIVPOL officers as well as pools for “rule of law teams” comprised of judicial, penal, and human rights experts (Lewis, Marks and Perito 2002: 8), and led – after the creation of a separate Civilian Police Unit in 1993 in UN DPKO – to the upgraded Civilian Police Division (CPD) in 2001 (Durch et al 2003: 55; Hansen 2002a: 21, 22) as well as the formal equality of the CPD director to the military advisor (Lewis, Marks and Perito 2002: 8).

The major obstacle will remain the rapid turnover of international staff (Call 2003: 10), which could be only improved by longer (and more coherent) deployment times.33 The international community remains badly prepared to deploy large numbers of specialists in training police forces or creating new police administrations (Neild 2001: 39). The benefits of trained

33 Current deployment ranges from 3 months to one year, which makes coherent planning difficult (Author’s interview with Detlef Buwitt, 3 October 2004).
officers became apparent when the follow-up mission to UNTAES, UNPSG, could take over the best monitors from the previous mission, enhancing quality and institutional memory (Hansen 2002a: 53-54). To improve the creation of specialists taking over specific tasks in providing security and building indigenous police forces in war-torn territories, it has been proposed to “nationalize” CIVPOL tasks, i.e. to give single tasks within the mission framework to single national contingents, and to select officers according to their respective national and cultural background, which would also improve institutional memory and coherent approaches with single policy fields of police missions.

To conclude, the quality of international staff represent the quality side of the deployment gap. If proper selection mechanisms are included into filling the largely quantitative deployment gap, Civilian Police missions can further enhance their success. Both dimensions are included into the analysis of the deployment gap.

1.7.2. Monitoring and Supervision

Since the peacekeeping mission in Congo 1960-1964 (ONUC), police components have formed components of peacekeeping missions all over the world. In ONUC, for the first time, Civilian Police was included in the form of a riot police platoon from Ghana and subsequently Nigeria, and assisted the UN military forces in monitoring and riot control (Chappell and Evans 1999: 4; Schmidl 1998: 31). As inherent to the nature of traditional peacekeeping, mandates in the beginning did not include more than observation and reporting. As in the first police operation termed CIVPOL, the United Nations Force in Cyprus (UNFICYP, 1964-today), international police observers monitor and report on the behavior of the local police (Hansen 2002a: 17). Afterwards, UNFICYP remained the only UN peacekeeping mission in order to have an important civilian police component. During the next 30 years, there were only Civilian Police monitors, who accompanied local police forces but were limited to simple observing and reporting, and thus adequately called Civilian Police Monitors (Hansen 2002a: 53-54).

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34 E.g. giving riot control or counter-terrorist tasks to British police from Northern Ireland (Author’s interview with Dr. Thomas Mühlmann, 10 September 2004).
35 E.g. to select officers from federal states for service in federal states, and officers from centralized states for service in centralized states (Author’s interview with Detlef Buwitt, 3 October 2004).
36 ONUC was – in all respects – a striking example that if major member states did intervene for different sides of the conflict, the UN was deemed to fail even with a tentative executive mandate. After the traumatic experience of ONUC for the UN, culminating in Dag Hammerskjöld’s dramatic death in Congo (Urquhart 1986: 145-188), the UN refrained and was restrained by member states to deploy missions with executive functions until the missions in Kosovo and East Timor.
37 Call and Barnett 1996: 47
38 UNFICYP CIVPOL was limited to presence in sensitive areas, observing the conduct of local police, and could only investigate in incidents where Greek or Turkish Cypriots were involved with the opposite police (Chappell and Evans 1999: 9), and remained with few additions, like assisting local police when necessary, and patrolling the Buffer Zone, the same until today (ibid.: 10).
The first time that Civilian Police officers were deployed in significant numbers (1,500), was in the United Nations Transition Authority Group in Namibia (UNTAG, 1989-1990). The monitoring and supervision was refined in a further development towards direct monitoring of the local South-West African Police (SWAPO), which remained responsible for maintaining law and order but was constantly supervised by international police forces. For the first time, police were supposed to work together as an independent component with military forces, and were to provide support to maintain a secure environment during elections (Hansen 2002a: 17). After the success in Namibia, a similar mandate for international police was applied in the United Nations Transitional Authority in Cambodia (UNTAC, 1992-1993), which had an even stronger supervision component for the local police, and also assisted during elections (Hansen 2002a: 15), but still was considered a monitoring mission (Serafino 2004: 45). Responsibility for administration of the police remained with the Cambodia authorities, but under UNTAC supervision. Other examples of strong monitoring mandates include the United Nations Mission for the Referendum in South-West Sahara (MINURSO 1991-today) and the United Nations Angola Verification Missions (UNAVEM II and III, 1991-1995) (Serafino 2004: 44). Additionally to military components, UNPROFOR in Croatia (later UNCRO) and Bosnia had civilian police components to monitor human rights compliance of local police forces (Holm 2000: 137; Dziedzic and Bair 1998: 254).

Monitoring and observing remains – despite the considerable development of policing tasks for international police – a major part of each mission (there are even examples of truly “traditional” police missions in recent times, e.g. UNAMET in East Timor, deployed before the referendum on 30 August 1999 included to observe and monitor the behavior of the Indonesian police during the referendum for East Timor’s independence; Smith 2003: 42-43; cf. Hansen 2002a: 17-18). As soon as a new police force is created (see chapter 1.4.), its behavior also has to be monitored, as, in general, it takes a long time until attitudes change, and a new leadership created (Hansen 2002a: 98). The mandates for Kosovo, East Timor, and recent missions like UNMIL in Liberia and UNIB in Burundi, include monitoring as one important task. In other missions, monitoring of local police was the first – and the last task of a CIVPOL component: like in El Salvador, the CIVPOL component monitored the old police forces in the field for over two years until the deployment of the newly created Policía

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39 The success was also due to the fact that the UN had sufficient time to plan the mission which was decided on in 1978, as it took until 1989 that a starting date for implementation was agreed upon (Chappell and Evans 1999: 14).
**Nacional Civil** (PNC), which continued to be monitored (Stanley 2000: 113), or in East Timor, where the international executive police works in parallel with indigenous police forces (Hansen 2002a: 99). Monitoring can also be taken over by subsequent missions like in Eastern Slavonia: after UNTAES handed over training to the Croatian government, a smaller monitoring system/mission was set up for nine months (UNPSG), which again was replaced by a OSCE mission (Hansen 2002a: 100). In other cases we can estimate the impact of monitoring by the effects the withdrawal of monitoring police forces can have: when the assistance to Somali police during UNITAF was halted after the transition to UNOSOM II, local police disbanded again and realigned with warring groups (Hansen 2002a: 99).

1.7.3. Absence of political influence

Police reforms often face opposition from political, economic, or military sectors, which might play active oppositional roles towards international reform efforts. Furthermore, police forces can be – due their history in the conflict – politically dependent and influenced by political agendas. In Bosnia-Herzegovina, this became evident, when separate police administration, different budgets, and separate chains of command were maintained by the different ethnicities although they worked in the same building. Furthermore, incompetent leading police officials were kept in place, as politicians could be sure of their obedience to political chains of command (Dziedzic and Bair 1998: 284-285). In Kosovo, the local judicial system continued to be governed and staffed by local judges, who were to apply – with some modification and after some uncertainty about the applicable law – the former Yugoslav codes before 1989. However, the ethnic affiliation of the judge and the suspect largely influenced the outcome of the process (Strohmeyer 2001a: 123-124). Again in Bosnia-Herzegovina, the impartiality and professionalism of police leaders was to be upheld by the so-called “Police Commissioners Project”, which aimed to replace politically dependent, mostly on non-merit based appointments of police leaders with professionals (ICG 2002: 35). Furthermore, the co-location of officers directly to senior police officers and leaders led to continuous observation and advice from international officers to locals (Monk 1999: 2). As becomes apparent from this section, the need to create impartial police and judiciary, free from political influence, is a major component of these creation processes. For our analysis here, it is included into the police reform and judicial reform dimensions.

1.8. Conclusion

The five main dimensions mentioned above, (1) the bridging of the deployment gap and (2) the enforcement gap, (3) disarmament, demobilization and reintegration – or better restructuring, reorganization, and vetting – of former security officers, (4) the creation of a
democratic police force, and (5) the establishment of a functioning judicial sector, are defined as dimensions which are crucial for success of CIVPOL components in UN Peace Operations. The ideal-type of a CIVPOL mission would have to fully accomplish these dimensions to be successful. The other minor dimensions were included in the five main dimensions and will be included into the analysis if they contributed mainly to the success of missions in certain periods of the development of missions.

Success in this respect is defined as the provision of public security after the end of hostilities, and the creation of independent and local institutions, depending on the ability of the CIVPOL mission to implement its mandate, or to extend its mandate, and to build out functional relationships with other actors in case CIVPOL key challenges are not included in the mandate. Failure refers to a lack of public security and the failure to create independent local institutions due to inability of the CIVPOL mission to implement its mandate or as the lack of adaptation, cooperation, and reinterpretation in the key dimensions.

As will be shown empirically in chapter 3, key challenges have to be tackled by Civilian Police missions in the course of their mission by organizational and coordination-related processes. According to staff having served in peacekeeping missions, organizational change and adaptation is characterized by many ad-hoc solutions, by incremental developments, and by decisions taken without having the time to proof-check or test-run them (Chevallier 2001: 5; Kouchner 2001; Coutts 2001: 10). In a highly unstructured situation – for example (post-) conflict environments and the cooperation between international agencies in the beginning of a mission – it is likely that ad-hoc programs, un-programmed procedures, and piece-meal changes prevail over well-designed, routine approaches (cf. March and Olsen 1989: 70). In order to develop this argument further, chapter two focuses on institutional and organization theories seeking to explain organizational adaptation and change, and develops an analytical framework for analyzing change and adaptation in CIVPOL missions.

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41 Author’s interview with Thomas Pepper, 17 September 2004.
2. Organizational change and adaptation processes

This chapter seeks to identify theoretical approaches explaining internal and external adaptation of organization. As in organizational research many terms are used in parallel, and it remains difficult to determine what is meant by ‘organization’ regarding an ‘institution’, this relationship will be clarified after a discussion of the use of institutional analysis in International Relations. The main part of this chapter focuses on the development of a theoretical model using main insights of ‘Garbage Can’ and related models, which is applied to CIVPOL missions in the last part of this chapter.

2.1. Research on International Institutions and Organizations

In International Relations, research on international organizations has decreased since the initial work on operational questions and studies on the functioning of interest representation in international organizations (Martin and Simmons 1998: 730-736; Rochester 1986). Research on international organizations has largely remained outside the mainstream of both International Relations and institutional and organization theories (cf. Ness and Brechin 1989, Albert and Hilkermeier 2004). In this chapter it will be argued that current theories explaining international institutions do not adequately capture the adaptation and change of Civilian Police missions, and that these processes can be better analyzed with organizational theories. This will be done by briefly presenting the core assumptions of IR approaches explaining institutions, and discuss why they do not fit to the research question identified. In general, the design and development of organization is a very recent development in the discipline of international relations (Wendt 2001: 1019; cf. Koremenos, Lipson, and Snidal 2001).

In general, the debate about institutions is divided between arguments about the instrumental rationality of institutions (logic of consequentiality), and institutions as “appropriate” rules and norms, which prescribe behavior in a certain situation (logic of appropriateness) (cf. March and Olsen 1998).

Linking back to neo-functionalism, which is analyzing “task-expansion” of international organizations and “spillovers” (Citrin 1965: 4-5), constructivist approaches see institutions as “structures [that] spread because the wider environment supports and legitimizes” these kind of institutions and organizations (Finnemore 1996: 329; Finnemore and Sikkink 1996: 903). Barnett and Finnemore claim that International Organizations also create social knowledge

42 Like new tasks, e.g. Civilian Police, new actors, e.g. “refugees”, and new interests for actors, e.g. “promoting police reform” (Barnett and Finnemore 1999: 699).
and “define the work these [new] actors should do, giving it meaning and normative value”. They are themselves actors, and thus more than mechanisms through which other actors – such as states – act (Barnett and Finnemore 1999: 700). The development of new tasks of international institutions can also be seen as institutional nesting, i.e. the integration and “recycling” of existing institutions for new purposes (cf. Aggarwal 1998). However, operational activities of international organizations are not considered; the focus is on the development of general policies leading to new task of international organizations (cf. Citrin 1965; Barnett and Finnemore 1999) as well as the exploration of structural causes and questions of agency in institutional creation and development, and the perception of institutions as solutions to collective-action problems (Wendt 2001: 1021, 1027).

In contrast to constructivists, rational choice scholars perceive international organizations as Pareto-equilibriums and problems-solving mechanisms for states which “use international institutions to further their own goals, and they design institutions accordingly” (Koremenos, Lipson, and Snidal 2001: 762). They see the design process of international institutions as driven by states that try to advance their goals through institutions. In their definition, they show much overlap with ‘regime’ scholars: international institutions “are explicit arrangements, negotiated among international actors that prescribe, proscribe, and/or authorize behavior” (Koremenos, Lipson, and Snidal 2001: 762-763). Although some authors attribute some independence to international organizations, the main arguments remains that states use international organizations for their interests (cf. Abbott and Snidal 1998).43

Neo-liberal scholars perceive institutions in International Relations as either “attempts of states to improve their informational environment via the construction of international institutions” (Keohane and Martin 2003: 104), as “persistent and connected sets of rules (formal and informal) that prescribe behavioral roles, constrain activity and shape expectations” (Keohane 1989: 3), or as accounting for historical change, and the rise, form and spread of norms in functional terms, i.e. institutions and organizations in which they are embedded.

Both these definitions resemble those of regime theories (cf. Krasner 1983, Keohane 1984, Hasenclever, Meyer, and Rittberger 1997, 2000). In these approaches, institutions “provide information, reduce transaction costs, make commitments more credible, establish focal points for coordination, and in general facilitate the operation of reciprocity” (Keohane and

43 Although even decision by rational actors can lead to dysfunctional or suboptimal outcomes (cf. Miller 2000), as well as actors may not act instrumentally or institutions may develop characteristics or produce consequences that were not intended (Pierson 2000: 477).
Martin 1995: 42). “Institutions matter because they reduce transaction costs, provide information under uncertainty, and stabilize expectations about the behavior of others” (Risse 2000: 4). Regimes “are defined as principles, norms, rules, and decision-making procedures, around which actor expectations converge in a given-issue-area” (Krasner 1983: 275), with a more recent definition adding that “regimes are social institutions composed of agreed-upon principles, norms, rules, and decision-making procedures that govern the interactions of actors in specific issue-areas” (Oshorenko and Young 1993: 1). Other scholars distinguish between “meta-regimes” carrying norms and principles, and “international regimes” referring to rules and procedures (cf. Aggarwal 1998: 4). Some scholars propose that further research on the development, significance, and impact of institutions should be directed towards research areas in which it has not yet been systematically explored (Keohane and Martin 2003: 82) – such as peacekeeping institutions (cf. Daase 1999).

What becomes clear is that international organizations are only a small part of units of analysis used by scholars researching international institutions.

Regimes, agreements, and treaties between states are the centerpieces of current research; the – relatively independent – organization itself is hardly subject of analysis (with the noted exceptions of Abbott and Snidal 1998; Barnett and Finnemore 1999; Ness and Brechin 1988; Albert and Hilkermeier 2004). Approaches in International Relations can help us to explain the functioning of international organizations in their role as regimes and institutions but not as separate actors. The cooperation of UN member states concerning CIVPOL missions could well be analyzed, but the functioning and adaptation processes of Civilian Police components vis-à-vis their immediate local environment remain unexplained.

2.2. Research on Institutions, Organizations, and Environment in Organization Theories

As research on international institutions does not help from our perspective to explain organizational processes at the mission-level leading to success or failure, theories on institutions and organizations in domestic affairs could help us to produce further insights for the research question, as the focus shifts to how organizations function, and not merely the question of who is influencing them. This perspective is reflected by the legal status of peacekeeping missions in general: they can be characterized as subsidiary organs of the Security Council or as of the United Nations as a whole (Ruffert 2001: 622), meaning that they are organs acting as part of the United Nations in a particular country, in the case of transitional administration even taking over quasi-governmental functions. They are not international organizations consisting of member states, but subsidiary organs of an
international organization. It is not not argued that they are not at all influenced by member states, but member states’ actions do not explain their functioning alone. What is influenced by member states is the choice of the “umbrella organizations” more than their tasks and operational details (Hansen 2002a: 37). For analyzing the adaptation of tasks and operational policies on the ground, organization theories can be invoked to see how CIVPOL missions function and adapt to challenges in their local environment.

2.2.1. Institutions, organizations and environments

Before starting this section, it has to be stated that it is – due to the wide and often unintended use – difficult to arrive at an actual definition of or distinction between organization and institution. Although many scholars use institution as an analytical category or empirical description of a state of cooperation and collection of rules, even in domestic politics there is much confusion about what actually is an institution, respectively what is an organization and what is an environment.

In institutionalist approaches, Albert and Hilkermaier identify two dimensions: a) an endogenous dimension within which it is “necessary to inquire how organizations constitute and reproduce themselves as social systems through deciding on decisional premises and on membership”, and b) an exogenous dimension where it is “necessary to inquire how organizations are embedded in and interact with their environment” (2004: 180; cf. DiMaggio and Powell 1991, Scott 1995). According to the second dimension, relations to the environment can be characterized as institutions, which produce institutional expectations on organizations, which they attempt to implement into their internal structure. Institutional environments of organizations are emphasized over task environments, which largely deal with technologies of the organization (Scott 2003: 211; cf. Lawrence and Lorsch 1967).

According to New Institutionalists, institutions can be considered as “non-local” and not “co-opted” by the organization itself, in contrast to older institutionalist approaches, which see institutional processes within organizations and understand organizations as institutions, seeing them located in their local environment and tied to inter-organizational treaties (cf. Selznick 1949), or which focuses on ways in which collective entities create and shape institutions which shape individuals in turn (Goodin 1996: 6). In New Institutionalism, environments “penetrate the organization, creating […] the very categories of structure, action, and thought” (DiMaggio and Powell 1991: 13). This approach conceptualizes “institutions as external to organizations […], concentrating on processes of institutionalization within organizational environments and their effects on organizations”
The environment is an institutional environment comprised of “rationalized institutional elements” or “rational myths”, including rules, belief systems, and relational networks (cf. Meyer and Rowan 1977). Institutions in this respect are conceived of “as societal expectations, which can be normative, cognitive, as well as regulative […] and thus structure the field of possible action and the ways in which organizations meet specific expectations”. Accordingly, it is more of interest to analyze processes of how institutions influence behavior by carrying norms and values (cf. Finnemore 1996).

March and Olsen (1984, 1989, 1995) define political institutions as “collections of interrelated rules and routines that define appropriate actions in terms of relations between roles and situation. The process involves determining what the situation is, what role is being fulfilled, and what obligation of that role in that situation is”. Furthermore, “political institutions are collections of interrelated rules and routines that define appropriate action in terms of relations between roles and situations” (March and Olsen 1989: 21-22; cf. Peters 1999: 25). Summarizing the definitions above, it can be concluded that institutions are located in the environment, and the surroundings and have effects on organizations. Institutions represent values, norms, rules, and principles embodied in the environment of a Civilian Police Mission.

Following new institutionalism, we emphasize the “importance of the environment in determining the structure, behavior, and life changes of organizations” (Scott 1992: 107ff).

Institutionalism is an institutional perspective on organizations, without a clear definition what constitutes an institution per se; organizations and institutions in this sense are “virtually identical structures” (Peters 1999: 105). Institutions are thus influencing the organizational structure, its tasks, the setup, and provide the institutional background for the organization (Scott 2001: 195). However, as we see organizations as structures implementing institutions, they can be defined as task executing mechanisms, or formalized institutions (cf. Citrin 1965: 4-5). In accordance with a new institutionalist view of organizations, organizations can be seen as a formalized set of rules and practices, which acts according to institutions in the environment, but also develop internal rules and norms.

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44 They are rational, as they “identify specific social purposes and then specify in a rule-like manner which are to be carried out […] to achieve […]” the beliefs behind myths (Scott 1991: 14).
45 For the distinction between logic of consequentialism and logic of appropriateness see March and Olsen 1989: 160; 1998: 949-954.
47 Institutions can be seen as a “structure of norms and rules” (Goertz 2003: 15).
For Civilian Police missions, there are three different institutions. First, institutions embodied in the United Nations legal foundations and decisions that provide justification for most peacekeeping operations, such as UN Charter’s Chapter VI (Sanctions) or VII (Use of Force), Dag Hammerskjöld’s conceptualization of Peacekeeping as “Chapter VI 1/2”, Boutros-Ghali’s “Agenda for Peace” 1992, the Brahimi Report in 2000 (UN 2000), and the Report of the High-Level Panel Report of the High-level Panel on Threats, Challenges and Change in 2004 (UN 2004). Second, the mandate and the policies of the UN, as well as the positions of its member states set the main agenda for the mission. Each mission has a specific institutional environment, comprised of mandate and peace agreements providing the legal foundation for the intervention of international actors. Third, and most important, the institutional environment in the field has an impact on the necessity of adaptation and need of coordination of the CIVPOL mission. The organizational type of a peacekeeping mission, ranging from traditional peacekeeping missions over multidimensional peacekeeping missions with some government functions and competencies (cf. Doyle, Johnstone and Orr 1997) to transitional administrations providing a quasi-government for an entire territory (cf. Caplan 2002), and their changing degree of network-like character influences the CIVPOL missions and produces necessities to adapt.

2.2.2. CIVPOL Missions as Organizations

The concern with organizations is due to the focus on the organizational adaptation by CIVPOL missions during the implementation of the mandate. For being ‘successful’, five dimensions were defined in which CIVPOL missions need to achieve substantial progress. An ideal organization, i.e. CIVPOL mission, thus, should be comprised of all named five dimensions. In case the mandate does not provide for all of them, a CIVPOL mission should have effective functional relationships with relevant international actors working in sectors covering the dimensions, which are not included in the mandate of the CIVPOL mission, but which remain crucial for their success. For example, a CIVPOL mission mandated to reform the local police, in order to be successful, has to take into account that its actions concerning reform of the police are jeopardized if the judicial system does not change in the same way as the local police and undermines efforts and successes in the local police sector (cf. Call and Stanley 2002).

Rational choice literature on organizational adaptation in general refers to three different processes as factors of “birth” and change of organizations: social change by accident, by evolution, or by intentional design (Goodin 1996: 24). A large part of the literature on intentional design and reform draws on public choice theories and identifies the process of
designing an institution or organization as determined by the “nature of the game” with the aim of reaching a stable equilibrium between the actors involved (Goodin 1996: 11; Knight 1992). The assumption of intended design and rational structure change does comply with neorealist and neo-liberal assumptions about organizations in international politics, most importantly that international organizations are mere forums for member states to put through their interests (for an overview see Barnett and Finnemore 1999: 702-704), except that approaches to bureaucratic organizations, following Weber, do insist on an independent role of organizations (cf. Niskanen 1971; Barnett and Finnemore 1999: 707-710). In Rational Choice institutionalist approaches actors use organizations and institutions to achieve their goals. Actors are assumed to be utility maximizing. Some approaches include institutions into the analysis of preferences, and see organizations not only created through actors preferences but also “find that their [the actors’] behavior is shaped by the institutions” (Peters 1999: 44), which means that preferences can also be influenced by an institution through structure-induced equilibria (Shepsle 1979; Shepsle and Weingast 1981; Moe 1984). Older organization theories, like the work of Barnard, drawing on the basic model of organizational rationality formulated by Weber, try to identify processes, where human actions, which are considered as non-rational, become rational through organizations (cf. Barnard 1938/1970; cf. March and Olsen 1976). A rationalizing quality is ascribed to formal organizations.

However, if one looks at CIVPOL missions, it is not evident that CIVPOL missions are intentionally designed by UN member states, which would be the main actors in rational theories. Mandates, which can be seen as basic design of CIVPOL missions, do in most cases not provide guidelines for implementation and functioning of the respective mission. Furthermore, in the UN there is no real template for Civilian Police Missions, so that much

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48 Abbott and Snidal 1998 acknowledge even from their neo-realist perspective an autonomous role of international organizations.

49 Scott names external institutions regulatory (2001: 51-54).

50 In general, the situation of mission planning is improving according to lessons formulated in the Brahimi Report (UN: 2000) and the UNDG/ECHA February 2004 report indicate that the planning capacity of DPKO and the UN Secretariat is increasing through Integrated Mission Task Forces (IMTFs) and coordinated efforts among the different members of the UN family (UNDG/ECHA 2004).

51 There is the United Nations Civilian Police Handbook (UN DPKO 1995) and the United Nations Civilian Police Principles and Guidelines (UN DPKO 2000), which provide for very basic normative and operational frameworks, broad CIVPOL guidelines and mission structures. However, large responsibilities lie with the CPD and the respective Police Commissioner in designing and adjusting the mission’s structure and policies (Hansen 2002a: 57). This is also due to the fact that before the 2000 CIVPOL guidelines there was no coherent compendium comprising all operational, normative, security-related and deployment-related problems. The Police Commissioner probably bears the main responsibility of creating a functioning and apt mission for the tasks to be achieved in the borders provided for by the mandate. The Commissioner himself, however, receives only a short one-week training prior to his deployment to the field (Author’s interview with Detlef Buwitt, 3 October 2004).
of the structure and efficiency of the missions depends on the mission itself. The process of defining the mandate took place rather on the ground than in UN Headquarters” (Hansen 2002a: 34). Here, we argue that missions are not rationally designed, because mandates rather represent the political will of the UN Security Council member states at a given moment in time, than a functional need. After being deployed, the interest of the Security Council is quite low concerning the question of how, in detail, CIVPOL missions perform their tasks (cf. Hansen 2002a: 34), and change their structures and policies at a certain point of time after the formulation of the mandate. After being deployed, CIVPOL missions adapt and change according to challenges on the ground. In CIVPOL missions, rational design and decision-making only play a marginal role due to the inadequate mandate, large numbers of intervening factors (numbers of other actors in place and challenges arising during the tenure of the mission) so that decision processes are in many cases rather reactive, routine-oriented, and resistible to change. CIVPOL missions do develop their own policies, on the basis of broad guidelines of the mandate, but – in most cases – without an intended, detailed design or plan.

The work of Herbert Simon (1957), and James G. March and Simon (1958), develops the idea of processes where limited (“bounded”) rationality impedes organizational effectiveness – in other words, produces suboptimal equilibria according to the so-called Neo-Weberian model of organizations (Perrow 1986: 123). Furthermore, the infinite regress members of organizations would encounter by considering all possible alternatives in a decision situation is limited by processes of “satisficing” (Simon 1957), which refers the number and degree of attempts to find alternatives, which is limited by cognitive boundaries, i.e. incomplete knowledge and, through the application of habits, the development of routines. Herbert Simon’s introduction of bounded rationality led to the assumption of bounded rational decisions by individuals, who seek to achieve their own goals, and whose actions are not made more but even less rational through the organization (and the lack of complete information) in contrast to Barnard mentioned above (Bendor, Moe, and Shotts 2001: 174). Organizations coordinate actions by several participants, and guide their actions by limiting their search for alternatives through routines.

Linking back to new institutionalist conceptions of institutions, we turn to Cyert and March’s approach of adaptive organizations. In their approach, organizations learn and do not stay fixed in a given period of time but follow adapting regular procedures as well as reacts more to its environment than forecasting it (Cyert and March 1976: 120-122, 134). Decisions are

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52 Author’s interview with Richard Monk, former UNMIBH IPTF Police Commissioner, 21 September 2004.
executed according to appropriate rules and according to the logic of appropriateness (March and Olsen 1984, 1998). Following the theoretic discussion about institutions in section 2.2.1, CIVPOL missions can be seen as entities within their environment influencing them through institutions, providing appropriate rules. Reacting to an environment, CIVPOL missions have to provide essential components to their functioning themselves.

In most cases, CIVPOL institutions and mandates do not provide for operational guidelines and clear-cut goals nor do they provide for include well-formulated, transferable policies, but generally formulated goals with both long- or short-term implications. Mandates are inherently diplomatic as Security Council Resolutions have to include several positions into one document, and thus to remain largely imprecise about operational details (Williams 1998: 20-23; cf. Berdal 2003). The reality of CIVPOL missions is that “[…] the mandate for a peace operation will be a product of political wrangling […] ambiguous enough to accommodate the various irreconcilable view […] rather than providing] the details of police tasks” (Hansen 2002a: 33). Within the five dimensions, the focus rests on the mode and the mechanisms of change. The interest here is to analyze how, when, and why CIVPOL missions change, adapt, create new departments, formulate new policies, and build out new functional relationship to other actors.

Looking at adaptation processes of Civilian Police missions, the interest turns to the analysis of decision processes, including the identification of problems, solutions, other influencing factors, and decisions. It will then be argued that applying a problem-solving approach connected to organizational adaptation following the work of March and Olsen (1984, 1989, 1998; March 1988), and Kingdon (1984) can help us to explain organizational adaptation of Civilian Police missions. As it became clear in the theoretical discussion above, ‘garbage can’ approaches provide the best alternative to analyze organizational adaptation of CIVPOL missions due to the political and incomplete nature of mandates, and the highly contextual and coincidental decision opportunities in the institutional environment of CIVPOL missions.

2.3. Organizational Adaptation and ‘Garbage Can’

For analyzing the reaction of CIVPOL missions to challenges posed during the implementation of its mandate coming from its environment, ‘Garbage Can’ approaches will be used to explain organizational adaptation of Civilian Police Missions. In the last section, the relationship between the environment, institutions, and organizations was both defined and discussed. In this part, new institutionalist and ‘Garbage Can’ approaches will be discussed, dealing with the recognition of problems, the generation of policy alternatives or
solutions, their adoption, and political activities connected to decisions in CIVPOL missions. As a last part of this chapter, a conceptual model of how to analyze the adaptation processes of Civilian Police missions during their lifetime will be developed.

The basic idea behind ‘garbage can’ approaches is that organizational change is not anticipatory or “consequential” but rather history-dependent, using existing policies and components of solutions. Organizations change by looking at experiences, not by calculating expected outcomes from a certain choice (March 1988: 9). This is, it can be argued, especially true in unstructured situations, and unclear political environments, in which Civilian Police missions are deployed.

2.3.1. Basic assumptions of ‘Garbage Can’ Approaches

March and Olsen’s work (1989) is based on the analysis of administrative organizations, public policy, and re-organization attempts by the US government. Concerning the position in their environment, they see bureaucracies as organizations and autonomous actors in their own right. Institutions are neither reflections of an exogenous environment nor neutral arenas for the performances of individuals (March and Olsen 1984: 742). For CIVPOL missions this would mean that institutions coming from UN’s legal foundations, policies, and experiences surround them, but that they themselves have an influence on policy processes in their area of responsibility as well.

According to March and Olsen, preferences and meanings in politics are neither stable nor exogenous to organizations, but their development is a part of the organization’s functioning. Although organizations do respond to needs and preferences in environments, the “actions taken within and by […] them] change the distribution of political interests, resources, and rules by creating new actors, new criteria of success and failure, by constructing rules of appropriate behavior” (March and Olsen 1989: 164). Accordingly, pre-existing preferences in the environment are not the only measure of how organizations work. The development of preferences during the course of action inside the organization is an important aspect as well.

This makes it possible to regard CIVPOL missions as actors, which have influence on political processes and the initiation of change, and have influence on the political environment. As it will be seen in the next chapter, CIVPOL missions create new policies by

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53 Rational theories assume that political outcomes are a function of three factors: distribution of preferences, distribution of resources, and constraints imposed by the rules of the game. All are treated as exogenous to the political system: Preferences are developed within a society and transmitted through socialization, resources are distributed among political actors by broad social processes, the rules of the game are in most cases stable, and change only by a revolutionary intervention (March and Olsen 1984: 738).
learning, by trial and error, and when they are forced to act, by pragmatic inventions of necessity (Cohen, March, and Olsen 1972/1988: 294; Kingdon 1984: 89).

This is less the case in structured situations where organizations use repetitive, “routinized” procedures for changes. Given a highly unstructured situation – such is a (post-) conflict environment –, it is likely that ad-hoc programs, un-programmed procedures, and piece-meal changes are more common than well-designed, routine approaches (March and Olsen 1989: 70).

In both cases, although decisions seem understandable and even predictable, “neither the processes nor the outcomes appear to be closely related to the explicit intentions of actors”, and can have unanticipated consequences (March and Olsen 1989: 14; cf. Pierson 2000, 2004). This is, according to March and Olsen, due to complex processes at the micro-level of organizations. Cohen, March, and Olsen see the internal structure of organizations as organized anarchies, taking into account that possible outcomes are known but this knowledge does not necessarily lead to the choice of which one will be realized (Cohen, March and Olsen 1972/1988: 11). This is connected to the assumption concerning the “inefficiency of history” (March and Olsen 1984: 737, 741): organizations do accumulate knowledge, they do learn from history, but this does not necessarily lead to improvement or adaptation of the respective policy/rule/department. Thus, concerning Civilian Police, once policies are adopted, they are not necessarily changed even if it would be rational to change them.

Nonetheless, organizations do decide to change. According to ‘garbage can’ models, decisions and reorganizations in organizations are characterized by highly contextual combinations of people, choice opportunities, problems, and solutions, rather than by causal linkages of solutions to problems (March and Olsen 1984: 740, 1989: 80, 82; Olsen 2001: 191-192, 193). Garbage can approaches refer to a situation in which an organization is a “collection of choices looking for problems, issues, and feelings looking for decision situations in which they might be aired, solutions looking for issues to which they might be the answer, and decision makers looking for work” (Cohen, March and Olsen 1972/1988: 296-297). “[…] (P)roblems are not only looking for solutions, but solutions are looking for problems” (March and Olsen 1989: 15). “A choice opportunity thus is a garbage can into which various kinds of problems and solutions are dumped by participants […]. The mix of garbage depends on the mix of cans available, on the labels […], on what garbage is currently being produced, and on the speed with which garbage is collected and removed from the

Kingdon developed a revised version of Cohen, March, and Olsen’s model. Policymaking consists of three kinds of streams or processes: the recognition of problems, the generation of proposals for change, and political activities such as making pressure and lobbying (Kingdon 1984: 20, 92). Like in March and Olsen’s approach, the streams operate largely independently of each other, so e.g. proposals for change are developed whether or not they respond to a recognized problem. Alternatives, proposals and solutions are generated by participants, forming the “policy primeval soup”, in which ideas meet other ideas, form combinations and re-combinations, and get under consideration (Kingdon 1984: 209; cf. Gerston 2004: 8). If a problem arises (first stream), participants generate alternatives into the “policy soup” (second stream), which are then advocated by policy entrepreneurs (third stream).

In both approaches, decision-making is possible but leads rather to implementation of instant desires than of long-term strategic goals. In decisions, there are always elements of appropriateness: rules learned as ‘appropriate’ survive, as opposed to inferior rules being eliminated over time. Organizations learn and decide by summarizing implications of past events independent of subjective individual preferences, and adopt “surviving rules and organizational forms [that] will have properties of optimality” (March 1988: 8-9). The next part of this chapter focuses on two different processes of organizational change.

2.3.2. Two modes of change

March and Olsen propose that reorganization and changes in organizations can take place in two fundamentally different modes, both consisting of separate streams, which combine to reach results. In both modes, changes do occur only if solutions are joined by problems, and both of them become joined to favorable political forces (cf. Kingdon 1984: 21). The first mode, incremental change, applies to internal change, micro-level procedures, and day-to-day decisions, and to decision with small amount of problem pressure. The second mode, macro-level change, often abrupt, consequential change, is caused by high amounts of problem pressure.

54 For the successful coincidence, energy and problem allocation have to be assumed. “Each choice requires as much energy as the sum of all requirements of the several problems attached to it. […] The energy of each participant is allocated to no more than once choice during each time period. […] Each problem is attached to no more than one choice each time period” (Cohen, March and Olsen 1972/1988: 299).
pressure or political change, which make it possible to reframe problematic issues or reorganize a mission.

Concerning the first mode, March and Olsen’s ‘Garbage Can’ Model depicts a process where a temporal, piecemeal order is continuously created: the development of institutions is “less the product of intentions, plans and consistent decisions than incremental adaptation to changing problems with available solutions” (March and Olsen 1989: 94, cf. 69). Applied to CIVPOL missions, they learn by frequent, small, and reversible steps, which can be “surprisingly efficient instruments” for organizational learning (March and Olsen 1989: 170).\(^{55}\) March and Olsen, however, claim that changes will not be adopted immediately, but alternative steps can be taken, and “suboptimal strategies or technologies” may persist over a long time (“’stickiness’ of adaptation” March and Olsen 1989: 169). Organizations start searching for alternatives or solutions, and continue, “until a satisfactory alternative is discovered or created” (March 1988: 4). Furthermore, CIVPOL missions act under ambiguous circumstances, meaning that goals are unclear – vaguely formulated\(^{56}\) – or overwhelming – the number of problems is so high that prioritization is very difficult.\(^{57}\) In line with the assumption of bounded rationality, policy alternatives are only sought in a field of known alternatives, and decisions are dependent on whether decision-makers have access to choice opportunities. Small areas of the organization adapt to the problem by choosing one of the available solutions. The result may be more the sequential attending of demands placed on the organization than resolution of a problem. The solution of the problem requires the allocation of attention to a given problem (cf. March 1988: 3-4).

On the other hand, change can be initiated by political interventions “producing sporadic crusades, mostly in times of crisis, separated by long periods of relative quiet” (March and Olsen 1989: 105). This points to abrupt changes in the organizational foundations and principles by macro-political intervention. In CIVPOL missions, this can be the alteration of basic principles of the mandate, the intervention of a key member state of the UN (e.g. one of the P-5). Large micro-political, mission-level changes coincide with supportive patterns in the

\(^{55}\) Still, organizational adaptation is only partially efficient. In situations when adaptation seems to be necessary, a general feature is the trade-off between exploitation of known alternatives, and exploration of new areas of knowledge. In both cases, the objective is to define the optimal strategy for dividing resources between both. However, March and Olsen claim that “increases in competence or knowledge tend to lead to the substitution of exploitation for exploration”, which in turn limits the search for new possibilities (March and Olsen 1989: 169).

\(^{56}\) E.g. even Bernard Kouchner, the first SRSG of UNMIK, is said to have read SC Resolution 1244 every morning to understand, what “substantial autonomy” would mean, being one principal goal of UNMIK to achieve independent governance for the people of Kosovo (S/RES/1244, para.10) (Kouchner 2001).

\(^{57}\) This is especially true for the initial phase of a CIVPOL mission as the setup phase is long and characterized by piecemeal approaches, and (re-) structuring processes are present all the time (Coutts 2001: 10; Buwitt 2002: 217).
macro-political environment of the CIVPOL operation. It is argued that Kingdon’s model is more useful to describe macro-level, discontinuous and non-incremental change (Kingdon 1984: 87). For change, so-called policy windows are necessary, where the separate streams come together at critical times (Kingdon 1984: 173). These are opportunities for action on problems and alternatives. Policy windows open because of change in the political stream, or because of problems becoming pressing. If decision-makers – the CIVPOL mission leadership – become convinced that a problem is pressing, they reach into the policy stream for an alternative that can be considered as a solution. The pressing issue creates a problem window.

Or, for the first possibility, events in the political stream, political windows, open policy windows through shifts in ideological distribution, or changes of administration/government/leadership, which can be CIVPOL leadership or political leadership of a larger international organization involved in the CIVPOL operation (cf. Kingdon 1984: 182, 204).

Sociological scholars working on institutional change developed a similar categorization of change, which can be reached by practical versus political action. Practical actions are actions taken within a given framework of understanding, norms, and rules, serving to reproduce the institution or stimulate incremental change. Political actions are actions taken whose purpose is to change the rules or framework governing actions (Holm 1995, cf. Scott 2001: 197). The underlying mechanisms are the same: change can occur through internal change without requiring a new legal basis from a subordinate body, or through shifts on a larger level, concerning the agenda, major contributions or fundamental alterations to the legal foundation of the respective organization. Paul Pierson attributes a great importance to the question of timing and sequencing of events, and see two major processes at work when analyzing social phenomena over time: “critical conjunctures”, i.e. points in time where several events come together setting the further path of action, and “long trajectories”, i.e. relatively stable periods in which the path is followed (Pierson 2004: 67). A similar conception is found in “punctuated equilibria”, leading towards few moments with macro-political or agenda change induced by external shocks and/or the “confluence” of several events, followed by phases of incremental development of Civilian Police missions (cf. Baumgartner and Jones 1983; Goertz 2003, especially 127-144). The next two sections focus on conceptions of the two modes of change and provide details of both March and Olsen’s ‘Garbage Can Model’ as well as Kingdon’s “streams”. The concluding chapter of the theoretical part attempts to integrate both into a model of analyzing organizational adaptation and change in Civilian Police missions.
2.3.2.1. The ‘Garbage Can Model’ and incremental organizational change

March and Olsen’s work on explaining incremental and piece-meal change is in agreement with the idea that in organizations there is “substantial bureaucratic change over time […] caused by internal transformation” (March and Olsen 1989: 69) – in the CIVPOL case there is adaptation of the mission’s organizational structure or its policies.

The process of decision-making does not necessarily lead to resolving the problem. If a topic is conflict-laden, it is more difficult to reach a conclusion and find a solution. The higher the load on a decision the more difficult it is to reach a choice, the less likely it is that choices resolve problems, the more likely it is that decision makers shift from one problem to another, and the more energy is needed to resolve this specific issue (March and Olsen 1989: 13; Cohen, March and Olsen 1972/1988: 301-302). In the ‘Garbage Can’ Model, problems can also drift away from the choice at hand to another garbage can. Problems can also be ignored, possibly because there is no solution to them. Solutions and problems have equal status as separate streams in the system; the appearance of a certain solution at a given point in time often creates or affects the problems that come up for consideration.

Incrementalism is also predominant in the process of generating policy alternatives (Kingdon 1984: 216). Instead of considering each program from scratch, decision-makers take what they are currently doing as given. Former experiences, current procedures and standard operating procedures remain in many cases major components of new policies. The result is a combination of new and old policies, leading to small incremental, marginal adjustments in the current behavior (Kingdon 1984: 83), when there is no need for far-reaching changes, and where no time spent on defining goals, but manageable small adjustments.

March and Olsen state that “bureaucratic change” is either caused by “internal transformation”, or by “legislative mandate” or (March and Olsen 1984: 70). The two modes of organizational change, incrementalism and abrupt change, can also be found in Kingdon’s work . For explaining macro political change, however, it is argued that Kingdon’s model of policy change and agenda setting fits better than March and Olsen’s model, as the latter is more focused on processes at the organizational level than on processes taking into account outside support and political action. March and Olsen’s research is directed to explain decision and reorganization in organizations or firms, whereas Kingdon focused on explaining agenda-change by using March and Olsen’s model.
2.3.2.2. Policy Windows, Problem Pressure and Agenda Change

Kingdon is not concerned with how political actors make their decisions, but why participants deal at certain points in time with certain issues and neglect others, or in other words, what is decided when. The processes mentioned by Kingdon, which are “(1) the setting of the agenda, (2) the specification of alternatives from which a choice is to be made, (3) an authoritative choice among those specified alternatives […], and (4) the implementation of the decision” (Kingdon 1984: 3), can either act as impetus for change or as constraints on change (Kingdon 1984: 93). In his model Kingdon focuses on agenda setting and the specification of alternatives. However, parallels to March and Olsen do exist, as he is applying a modified ‘Garbage Can Model’ to analyze the two first processes (Kingdon 1984: 89-94). The basic arguments are quite similar: according to March and Olsen, organizations change abruptly due to political events or incrementally by subsequently attending to pressing problems. Kingdon agrees on this point: problems, politics, and participants generate proposals (leading to incremental processes) for adaptation of the agenda of the CIVPOL mission (Kingdon 1984: 205, 206), but abrupt change only happens if the streams are joined by critical events, so called policy windows, in which policy entrepreneurs advocate certain solutions.\footnote{For a similar account of coincidence and timing of confluence of events or “streams” see Pierson 2004, chapter two.}

There are predictable windows, e.g. if there are renewals of policies, budget cycles, or regular reports (such as reports by the Secretary-General to the Security Council). Renewals give policy entrepreneurs the possibility of advancing other ideas or raising problems (Kingdon 1984: 195). Unpredictable windows appear when the joining of streams is accidental, a problem is recognized, a solution is available, and the political climate appears to be right (Kingdon 1984: 198-199).\footnote{Furthermore, there can be spillovers: the appearance of a window in one subject increases the probability that a window will open for another similar subject (Kingdon 1984: 200). This could happen either by establishing a new principle, which does not mean that a policy had taken a dramatic turn, but rather represents the importance (precedent-setting nature) of the new principle, which determines, how future arguments surrounding the policy are framed, or how new policies are built into SOPs. The second possibility is the spillover to adjacent areas; once a precedent is established in one area, it can be used to further similar change in a similar area (Kingdon 1984: 201, 202). Success in one area increases success in adjacent areas.}

Windows close again for several reasons: there is a feeling that a problem is solved, participants fail to act, events that prompted windows to open passed from the scene (Kingdon 1984: 177). If change in personnel opened a window, the personnel may change again. And, a window may close because there is no available solution for the problem (Kingdon 1984: 178).
While these policy windows are open, the key to understanding policy change is the coupling of streams, which – in Kingdon’s model – is done by policy entrepreneurs, who advocate issues and solutions in influential government circles (Kingdon 1984: 188). Kingdon attributes the greatest importance to agenda setting: once the agenda is set, “control over the process is lost” (Kingdon 1984: 186).60 Solutions ‘float around’, searching for problems, or become attached to political events that increase the likelihood of adoption. Some couplings are more likely than others, not all solutions have an equal possibility of being discussed. Along the way there are partial couplings61, leading to partial solutions (Kingdon 1984: 211). Full solutions are only achieved if policy entrepreneurs commit their resources to one alternative and promote its adoption (Kingdon 1984: 185)62, thus increasing the likelihood of its adoption. Although for analyzing CIVPOL missions the same basic theoretical categories can be used, although some categories play a different role and have to be specifically adapted to analyzing reorganization and agenda-change in CIVPOL missions.

2.3.2.3. Streams and modes

Two basic modes of organizational change have been found: incremental organizational change, and agenda change. The distinction coined by March and Olsen into “internal transformation” and “legislative change” probably helps to clarify the difference between the two. Both mechanisms are important for the adaptation of CIVPOL missions during their functioning on the ground. For both, the streams play an important role: problems, solutions, the mandate, and political action by participants form separate streams coming together at critical times. Participants, however, assume different function in incremental change (March and Olsen) than in agenda change (Kingdon): whereas participants limit themselves to pursue goals within the given framework of the CIVPOL mission, and stick to its rules of appropriateness, we find that participants in agenda change play a double role in pursuing goals within an organization but reaching out of the organization depending on the political context, and on other key actors’ interests and attention, towards the CIVPOL mission. The next chapter clarifies these two modes of operation of CIVPOL missions by defining and identifying the separate streams floating through them.

60 Cf. Pierson 2004 for a similar, more broadly applied argument on the importance of timing, and the large influence of initial events leading towards one path in comparison to later events only have minor influence by providing alternatives to a self-reinforcing path.

61 Partial couplings can consist of solutions to problems but without receptive political climate, politics in support of proposals but without sense of solving it, and politics and problems but without viable solution to be promoted (Kingdon 1984: 211).

62 Policies become reality only with the provision of resources. This is especially true for peacekeeping missions. According to a former UNMIBH official, in the latter phase of the mission there was one person dedicated only to “knocking on donors’ doors” to come up with the promised funds for UNMIBH. Author’s interview with former UNIBH official, 16 October 2004.
2.4. Application to CIVPOL

For CIVPOL missions, the following streams can be identified: problems, consisting of rising to challenges to reach the dimensions outlined in chapter 1 of this work; solutions, which are produced by CIVPOL staff once the mission is on the ground; the mandate which provides the basic framework for action, but is a largely in-operational document providing the legal foundation of policy development and cooperation of each CIVPOL mission; and the context or political actions influencing the context, i.e. gathering political or financial support for the CIVPOL mission either by actions of the CIVPOL leadership or by the UN Secretariat from (key) member states of the UN or from other international organizations.

2.4.1. Problems and conditions

In the case of Civilian Police missions, the conditions in their policy field are not the same as in domestic politics. Politics of Civilian Police Missions are not the same as politics of national institutions embedded into a functioning political system with established rules of the game, and established key actors. Problems, for example, are abundant so that problem pressure is the predominant state for CIVPOL missions. According to Kingdon, problems float around, but may also fade away, if they are not framed as problems by conditions.\(^63\) Conditions become defined as problems by three processes: indicators assess the magnitude of conditions (incidence, cost); a “focusing event” such as a crisis or a disaster draws attention to some conditions; or, officials learn through feedback of operating programs about the conditions in these programs (Kingdon 1984: 206). Conditions become defined as problems when they are perceived as having to be changed: they either violate important values, show low performance, or the conditions are classified into categories that define them as problems (Kingdon 1984: 207). For CIVPOL missions this means, that if, for example, the constant obstruction of local officials to obey to international decisions on the application of human rights standards to detention procedures is named several times in a report sent to a superior level (feedback), or if an incident in a detention facility creates a focus on the conditions in this program (focusing event), these conditions become defined as problems and join the stream of problems floating through a CIVPOL mission.

2.4.2. Solutions

Organizations need to identify one feasible solution for a specific problem, as there are always several possibilities regarding how to resolve a problem. Moreover, for policy

\(^{63}\) E.g. if a problem is simply not addressed, or, although it is addressed, it might not be considered; if the conditions highlighting a problem change; if people might become accustomed to a condition or re-label a problem, other items emerge and push highly placed items aside (Kingdon 1984: 179, 207).
development, recombination, i.e. “the coupling of already-familiar elements”, is more important than “mutation (the appearance of wholly new forms)” (Kingdon 1984: 210). How do missions solve deficiencies not provided for in the mandate? How do missions “enforce or apply a policy” (Anderson 2003: 27)? Public policy literature mentions, that often the implementing agency, which here is the CIVPOL mission, must translate goals into an operational framework, and thereby take on not only a policy-implementing role, but also a policy-making role (Gerston 2004: 98-99; cf. for peace agreements Stedman 2002: 20). It is argued that observable changes in the structure, mandate, policies and cooperation patterns are solutions to perceived problems, both for political action (external, macro-level change) and practical action (internal, micro-level change and adaptation) mentioned above.

Solutions through which CIVPOL missions adapt to the challenges mentioned in chapter one can be 1) the adaptation or alteration of mission policies, 2) the adaptation or alteration of organizational structure of the mission, 3) the re-interpretation, extension, or alteration of the mandate, and the 4) the development or alteration of cooperation frameworks with other international actors.

According to Kingdon, the selection of policies is not a random process as the generation of policies. Criteria provide guidance in the way “out of chaos” (Kingdon 1984: 210). The criteria are, according to Kingdon: technical feasibility (according the resources and capacities of the CIVPOL mission), congruence with basic values (the mandate and UN legal foundations), and anticipation of future constraints (budget, public acceptability and receptivity of the local population).

The main components of the models mentioned above, problems and solutions, remain, thus, to be the main ingredients for our purposes. One of the basic streams for CIVPOL missions includes the responsibilities, duties, and power enshrined in the mandate. We consider the mandate as one of the “streams”.

2.4.3. Mandate

The UN Security Council, in most cases, gives the mandate to the Civilian Police mission, enclosed into a large catalogue of requirements and duties. It consists of the obligations of the conflict parties in the security sector, as well as the rights, tasks, and duties of the international presence, of which the CIVPOL mission is a part. Like in the case of UNMIBH, the mandate outlined the duties of the conflict parties, which were to uphold the rule of law, and initially restricted the mandate of UNMIBH to monitoring, human rights compliance, conducting human rights investigations, and reforming the judicial system.
Each problem or solution has to fit into the framework of the mandate. Many problems arise, but some cannot be tackled within the framework of the mandate and thus have to be disregarded by the CIVPOL mission. Or, solution alternatives to problems not provided for in the mandate, or other solutions generated by participants join the alternatives available from the mandate.

Staying close to March and Olsen’s model, one has to keep in mind that the stream run separately and come together only if solutions seem appropriate within the day-to-day operations of the missions or if political forces join them within favorable policy windows. The mandate adds to both modes of change; smaller as well as large-scale changes have to remain within the framework of the mandate, and receive their main justification and input from the provisions in the mandate. One further possibility can be included: the mandate is reinterpreted and the stream altered by actors in the CIVPOL mission. This, however, is not possible without a context that is conducive to the reinterpretation.

2.4.4. Contexts

The fourth crucial stream in March and Olsen’s model consists of international contexts. International contexts are limited to key member states of the UN and key participating international organizations on the ground (such as KFOR, OSCE and UNMIK for UNMIK Police in Kosovo). An international supportive context additional to the mandate is conducive to the development of single mission policies and programs. For example, the fact that in UNMIBH the first IPTF Commissioner Peter Fitzgerald was Irish, and that during his tenure the Irish government held the presidency of the European Union was conducive to create the UN Trust Fund for Police Assistance, which helped to equip local police forces in Bosnia-Herzegovina. Support from other international organizations present in the respective area of responsibility also contributes to the achievement of even goals and programs of the mission. This component, however, is connected to the international context as the Headquarters of each organization determine the basic politics on the ground.

2.4.5. Linking the streams

As in the basic Garbage Can Model, only if the four streams come together, can decisions on reorganization and adaptation be reached. Problems have to be defined as problems, solutions chosen, the mandate applied, and the context supportive to the situation. The creation of choice opportunities and allocation of sufficient energy by participants can link the four streams to both the macro-level mode of change and micro-level changes. Micro-level

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64 Author’s interview with Peter Fitzgerald, 16 September 2004.
changes require commitment by participants. Recalling the basic assumptions of the Garbage can model we find that the resolution of problems is only possible by resource commitment or the allocation of energy calculated by commitment of participants (Kingdon 1984: 185; Cohen, March, and Olsen 1972/1990: 299). The resulting resource allocation can be seen as a function of the CIVPOL mission’s staff commitment to the mission’s goals.

For the second mode of change, policy entrepreneurs inside the CIVPOL leadership are required to create conducive contexts or the ability to identify emerging positive contexts for the mission’s purposes. The above-mentioned creation of the UNMIBH-administered UN Trust Fund would not have been possible without the international situation being conducive, but even less possible without the “entrepreneurial spirit” by Peter Fitzgerald. This includes the ability of CIVPOL leadership to acquire support from other international organizations – such as KFOR and OSCE in Kosovo – present in the respective area of responsibility, which also contributes to the achievement of goals and programs of the mission.

The joining of the four streams happens through attention allocation or political activities. Peacekeeping in general and CIVPOL missions specifically do not attract governments or other international organizations to commitments on a continuous basis. For example, many governments often pledge large sums of money to the CIVPOL mission, but the final provision of political, financial or material support derives largely from constant lobbying by the CIVPOL mission itself or the UN Civilian Police Department in New York. In the end, what is needed is the ability of the CIVPOL mission to allocate attention and resources to the mission’s programs to reach the solution of problems within the mandate on the basis of favorable international contexts.

2.5. Linking Theory to Reality

Literature on public policy, organizational change, and peacekeeping missions mention all that step-by-step and incremental solutions are prevalent and remain so during an implementing agency’s tenure.\(^{65}\) There can be substantial gaps in the passage of laws (in our cases mandates) and their implementation (cf. Gerston 2004: 94), implementation happens more by degree than through wholesale solutions (cf. Gerston 2004: 98-99, 117), and “[...] each activity [in this case to increase coordination between CIVPOL and lawyers, TB] has been approached reactively and incrementally” (Plunkett 1999: 63).

\(^{65}\) Restructuring processes can take up to one year until all new mechanisms run smoothly. In general, restructuring periods are common features during the lifetime of a mission (Author’s interview with Justine van Diemen, Political Advisor EUPM, 8 September 2004).
The mentioned processes of incremental steps during a mission’s functioning and of finding support for policy alternatives to cope with the situation in the field are major parts of the functioning of a CIVPOL mission. These processes involves the process of finding alternatives, choosing between these alternatives, producing operational directives and organizational solutions to new policies and co-operations to “cope” with the situation in the field – despite the mandate’s formulations, despite previous agreements between e.g. international organizations and military, and despite planning and design processes before the set-up of the mission. The use of political opportunities to act, to change, and to institute new policies depends largely on the ability of CIVPOL leadership to act within short windows of opportunity in order to make institutional development possible once political support emerges (cf. Call and Stanley 2002: 311). In accordance with the above-mentioned theoretical arguments, the goal will be so analyze the process how CIVPOL missions respond to the key challenges identified in chapter one. Different phases of “political action” or “legislative change”, and “practical action” or “internal transformation” (Scott 2001: 197) will be observed and the respective streams identified. Changes in policies, new cooperation measures, and re-interpretation of the mandate, will be analyzed in order to detect how incremental organizational transformation and agenda change help Civilian Police missions to fill out their crucial role in policy-making as well as in implementing the mandate.

2.6. Methodological issues

2.6.1. Why Civilian Police?

Entire multi-dimensional peacekeeping missions are comprised of many components, such the military component, humanitarian aid, elections, economic reconstruction, police, rule of law, coordination functions, development work etc. (cf. UN DPKO 2002). There are three reasons in this framework to take Civilian Police Missions as an example for the functioning of peacekeeping missions in general.

Firstly, not only the environment of the respective organization can be limited to the environment surrounding International Civilian Police, but also internal constraints and problem are limited to one part of a peacekeeping mission. Thus, the number of intervening factors and variables decreases, which helps to draw more precise conclusions.

Secondly, civilian police as an organization, as well as the set of actors, is quite easily identifiable. It is comprised of the civilian police component, the military (cooperation issues), the judicial system, the local police, the institutional framework of the CIVPOL mission, the UN Security Council, and the UN DPKO Civilian Police Division. In some
cases, actors like EU, OSCE, or IOM have also to be taken into account, as several functions have been taken over or mandated to other organizations. Only when discussing the context stream, will positions of key UN member states and national governments contributing police contingents be added.

Thirdly, Civilian Police components of Peacekeeping Missions provide one of the most basic needs in a war-torn post-conflict society: law and order. Thus, they do play a large role in constructing a sustainable and peaceful societal framework after a conflict. Due to their importance Civilian Police did raise to one of the major pillars of peace building (Dwan 2002: 6; Broer and Emery 1998: 365; Hansen 2002a: 10).

2.6.2. Case selection

The proposed research will rely on two case studies. Due to research gaps on the organizational factors in UN peace operations one cannot be sure about the complexity and interdependence of variables. As there only a relatively small number of peace operations we only have a small N. In contrast to confirmatory research, the aim is to explore the relationships between variables and theory-guided propositions, “systematizing the information in descriptive case studies […] for] descriptive or causal inference” (King, Keohane, and Verba 1994: 45). In other words, the aim is to identify causal processes, which explain success or failure of Civilian Police missions through organizational adaptation, rather than testing them (McKeown 2004: 164-165; for a similar argument see Pierson 2004: 172-175). Further arguments about case selection focus on arguments concerning the comparability of cases, their structural differences, as well as arguments taken from recent theoretical work on few cases with many variables. Gerring argues that case studies are a valuable category of social science research being “an intensive study of a single unit with an aim to generalize across a larger set of units” (Gerring 2004:352).

For the purpose of this study, UNMIBH IPTF and UNMIK Police were selected, given that both provide sufficient comparable attributes from an empirical perspective. Firstly, both missions were deployed to territories after civil wars and ethnic cleansing. Secondly, both missions were deployed after peace agreements, which were more or less imposed by international pressure. Thirdly, both missions were present over a longer time period, so that adaptation processes and policy change can be recognized and analyzed from a long-time

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66 This problem exists in research with peacekeeping missions in general, as – despite the increase in peacekeeping missions since the end of the Cold War – there are not many cases, which can be easily compared, in the same dimensions, due to peculiarities of each conflict, and due to different factors influencing each mission set-up and mandate. For a thorough discussion of problems of case selections concerning traditional peacekeeping see Diehl 1993: 41-45.
perspective. Fourthly, both missions were deployed in the former Yugoslavia and received large amounts of Western public attention, which lead to a large number of research and other secondary sources, making data collection on a broad basis much easier than in other cases of peacekeeping missions. However, there are differences.

From a methodological point of view, the cases were chosen on the basis of their different institutional environment (cf. Doyle 2002: 85), influencing their necessity to adapt. UNMIBH was played only a small part of the international community’s efforts in Bosnia-Herzegovina. Although the overall operation is considered one of the largest peace-building efforts of the international community, overall responsibility was given to the Office of the High Representative, whose coordinative powers to oversee the implementation of the civilian parts of the Dayton Agreement, increased only slowly. The responsibility to monitor the implementation of military aspects was given to NATO’s Implementation Force (IFOR) and the subsequent Stabilization Force (SFOR). UNMIBH received the mandate to implement Annex 11 of the Dayton Peace Agreement, not a very prominent number, reflecting also only the reluctant will of the US to entrust the UN with prominent peace-building activities, and efforts to coordinate international agencies and troops in Bosnia only improved after the establishment of a stronger coordinative and executive control role of OHR.

In Kosovo, the situation was different. Civilian Police received greater attention from the beginning, and were included in the very first resolution by the Security Council. The following points were emphasized: unity of command for military and police (Annex 2 para 4), and “international civil and security presence” (Para 4). The police component was embedded into the larger UNMIK framework (except the military part), and not as a minor part entrusted to the UN. It is argued that internal adaptation processes, coordination and cooperation with other civil actors were less difficult and less piecemeal than in Bosnia – once the overall structure of UNMIK was set up. The effect of the structure of the institutional environment of the international presence, and its mandate (executive in contrast to observing and reforming) on the adaptation processes has to be taken into account in this work. A smaller outcome on the independent variable, the institutional adaptation processes, is likely for UNMIK. Consequently, the variance among organizational adaptation can be explained by structural factors such as the institutional environment (cf. Geddes 2002: 118).

Thus, we are likely to have an alteration on the independent variables in the case of UNMIK. Concerning the so-called selection bias, this work is more concerned with analyzing

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67 See King, Keohane, and Verba for the selection of cases; cf. Geddes 2002: 89-92, 118.
relationships between variables over time than explaining variance on the dependent variable. The large number of observable implications looking at two Civilian Police Missions over a time span of six respectably five years might help to diminish the “many variables, few cases” problem (cf. Pierson 2004: 174). The focus is more on processes explaining outcomes, i.e. success of the CIVPOL mission, than on variance of the cases.

Certainly, a big caveat applies to this case selection: the general validity of the model cannot be asserted. Both cases are located in the same region, the same continent, and the conclusions developed only hold on the basis of a two-case-study. But: the aim rather is to seek to identify and illustrate causal mechanisms of CIVPOL missions, and mechanisms between organizational adaptation and success of a CIVPOL mission, i.e. the capability to successfully adapt to challenges arising from the immediate environment.

2.6.3. Data collection

As stated in the introductory chapters, the literature on peacekeeping in general and Civilian Police in particular is mostly case- and policy-study based. Primary sources are available from the Headquarters of international organizations, but detailed documents from the field missions or from NATO are difficult to recover. Additional problems were created by the fact that UNMIBH had been terminated long before this thesis was started, so that few documents were still available. Most UNMIBH documents were received from former UNMIBH staff, who still possessed documents. The interviews were mainly carried out to receive insights for defining key dimensions of success as well as key events or organizational change in both missions.

In this work, research of micro-level changes and macro-level changes in Civilian Police Missions makes necessary a combined research strategy of analyzing secondary literature on the subject, to gather information from primary documents, and experiences by personnel involved in Civilian Police missions on several levels. For this purposes, the author conducted personal and phone interviews with former UNMIBH and UNMIK staff. The questionnaire (Appendix I) was sent to each respondent in advance, and subsequently personal or phone interviews were held. The questionnaire includes open questions, due to the small degree of systematic literature a necessity. The author reacted during the course of the interview to specific answers and problems indicated by the respondent.

2.6.4. Analytical scheme

In the following chapter, two cases will be analyzed. Firstly, the mandate and the institutional environment of the CIVPOL mission will be described. Secondly, a narrative account of the
five key dimensions of each mission will be given, and key changing points during the course of their tenure will be identified. Thirdly, the model developed in chapter two will be applied to both cases.
3.1. The IPTF in Bosnia-Herzegovina 1996-2002

The International Police Task Force (IPTF), within the framework of the United Nations Mission in Bosnia-Herzegovina (UNMIBH), was adopted together with IFOR in the UN Security Council Resolution 1035 on December 21, 1995\(^{68}\), on the basis of Annex 11 the Dayton Peace Agreement (DPA)\(^ {69}\) (Dziedzic and Bair 1998: 269).

3.1.1. Mandate and Institutional Environment

3.1.1.1. IPTF’s Mandate

In the DPA, the parties request UNMIBH to monitor, observe and inspect judicial and law enforcement activities, including conducting joint patrols with local police forces, to advise and train law enforcement personnel, to analyze the threats to public order, advise government authorities on the effective organization of their police forces, and to facilitate improvements in law enforcement (cf. ICG 2002: 5).\(^ {70}\) IPTF was not armed nor mandated to enforce local laws. It therefore depended in the implementation of their mandate or on the consent of the parties (Dziedzic and Bair 1998: 270). Where the implementation of the Dayton Agreement ran contrary to the will respective parties, IPTF was in essence unable to act and react, at least in the beginning of the mandate.

The mandate of UNMIBH was a political compromise from its beginning, and not the result of deliberate planning or a needs-means analysis. On the Bosnian level, the constitution, provided in Annex 4 of the Dayton Agreement, did not create a functional but rather a weak central state with two strong entities, three constituent people, ten quite independent cantons, and effectively three armies and three police forces (ICG 2001: 20) – a rather difficult environment to implement a wide mandate. The maintaining of a “safe and secure environment for all persons” rested with the signatories themselves, with IPTF and IFOR only in assisting roles (Dziedzic and Bair 1998: 269). Although Richard Holbrooke as the US Special Envoy wanted IPTF and IFOR to have strong mandates, the Pentagon rejected a robust mandate after the failures in Somalia and Rwanda, and rejected plans to integrate military and police functions, as this would involve UN staff in the military chain of command (ICG 2002: 4-5). As a result for IPTF, the Police Commissioner as head of IPTF had no enforcement powers, but only recourse to notify the High Representative or the

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\(^{68}\) S/RES/1035, 21 December 1995.


\(^{70}\) S/RES/1035, 21 December 1995, para. 2,3.
IFOR/SFOR Commander, of any violations. But notifications did not oblige any international actor to draw consequences or react.

The mandate of IPTF ended on 31 December 2002. Additional to this, significant changes concerning the scope of tasks given to IPTF have been made through the following Security Council Resolutions:

- Resolution 1088 outlined that IPTF should intensify its work in giving advice to law enforcement agencies on democratic policing principles, in investigating or assisting with investigations into human rights abuses by local law enforcement personnel, to report on their compliance with IPTF-prescribed guidelines and their actions to implement these. This could include dismissal where deemed appropriate by the IPTF Commissioner due to failing to cooperate with the IPTF or adhere to democratic policing principles.

- Resolution 1103 increases the international civilian police staff maintaining law and order in the internationally administered town of Brcko.

- Resolution 1107 again expands IPTF’s human rights investigation tasks. Its main points are the increase of staff of 120 additional officers for human rights investigations, acknowledging the fact that if IPTF was to implement its mandate in a satisfying manner, it would have to move from a police force with primarily generalist functions to one with a substantial number of police experts in specialized fields. A request to member states to provide “qualified police monitors” for these purposes was included.

- In following the conclusion of the Bonn Peace Implementation Council Conference of 9-10 December 1997, the Security Council endows IPTF with the task of creating special training units for “key public security issues” (returns, organized crime, drugs, corruption, terrorism, crowd control/crisis management) (Monk 1999 Annex 1:3), and calls for cooperation between agencies working on judicial and legal reforms (such as OSCE and Council of Europe).

- In order to be able to fulfill all new tasks, UNMIBH was granted an additional 30 posts.

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75 SC Res. 1107, 16 May 1997, para. 2
- With Resolution 1184, the Security Council approves the establishment of a “programme to monitor and assess the court system in Bosnia and Herzegovina, as part of an overall programme of legal reform”, and thus provides an important foundation of UNMIBH’s further work on judicial reform.\textsuperscript{78} The program became known as the Judicial System Assessment Program (JSAP).\textsuperscript{79}

IPTF’s mandate only provided a very basic framework for implementation.\textsuperscript{80} As stated by UN Staff, the key frustration was that the mandate was insufficiently “robust”. Policing was added to the DPA as the last part, Annex 11.\textsuperscript{81}

3.1.1.2. Institutional environment

UNMIBH consisted not only of IPTF, although it was its main part and task. A Civil Affairs Unit was responsible for policy advice as well as for the achievement of political support among local authorities for UNMIBH’s work. The SRSG was furthermore in charge of coordinating the UN System in Bosnia-Herzegovina, including the UN’s humanitarian assistance. Civilian Affairs Officers were co-deployed with the CIVPOL colleagues at 20 IPTF stations throughout the country, and monitored in cooperation with UNHCR population movements and political developments. UNMIBH furthermore was responsible for establishing a Mine Action Center, which was operational as of 20 May 1996, and thereafter the lead agency for de-mining and the development of indigenous de-mining capacity (US GAO 1998: 6). The Public Affairs Office was to support the mission by raising public awareness and level of information. Furthermore, the administration of UNMIBH covered the human resources and financial management of UNMIBH, UNMOP, and UN Liaison Offices in Belgrade and Zagreb. Two Trust Funds, established in 1994 (Restoration of Essential Public Services in Sarajevo) and 1996 (Police Assistance Programme), were administered as well.\textsuperscript{82}

Equally important for the cooperation concerning the implementation of the mandate was the presence of the Office of the High Representative, which was the main implementing body of the civilian parts of the DPA, in contrast to the military components, which were followed up by NATO’s Implementation Force (IFOR). The Office of the High Representative had

\textsuperscript{78} SC/RES/1184, 16 July 1998, para. 1
\textsuperscript{79} See \url{http://www.un.org/Depts/dpko/missions/unmibh/mandate.html} [seen 13 December 2004].
\textsuperscript{80} Shashi Tharoor formulates that the Dayton agreement was “a masterpiece of diplomatic drafting but largely unimplementable as an operational directive” (cited in Williams 1998: 25).
\textsuperscript{81} On the importance of policing in the DPA, Richard Monk brought up the example of Annex 8, which dealt with the restoration of public monuments, and only Annex 11 was concerned with policing. In today’s policy environment, it would be in place 2 (Author’s interview with Richard Monk, 21 September 2004).
difficulties in establishing its initial presence, and lacked authority to coordinate the international actors in place. Furthermore, it had no authority over IFOR, which made coordination and cooperation in the absence of consultation mechanisms a difficult task (Williams 1998: 61).

3.1.2. The deployment gap

The UN Assessment Team, deployed in December 1995, calculated the number of CIVPOL officers by a simple ratio of 1:30 local police officers. As a result, 1,721 monitors were authorized.\(^{83}\) SRSG Iqbal Razi was appointed in December 1995, and first UNMIBH officials were in action in late December. The IPTF deployment was to copy the structure of the Bosnian police forces. Just before the first deployment of newly established IPTF contingents\(^{84}\) in January 1996 (Dziedzic and Bair 1998: 273), the IPTF Commissioner reduced the number of stations from 109 to 54, thereby avoiding middle management posts taking away a large amount of staff. 14 district offices and three regional headquarters in Sarajevo, Tuzla, and Banja Luka, with the IPTF Headquarters in Sarajevo, backed up these stations as well (Dziedzic and Bair 1998: 273).

The first tasks for IPTF were to establish its presence in Bosnia-Herzegovina, to co-locate IPTF, and to restructure and downsize the police. As the mandated tasks to IPTF in the beginning did not include enforcement or substantial reform, there were no big problems in the beginning of IPTF’s deployment. IPTF police officers and UNMIBH civilians were co-located to supervise local police officers or officials in the ministries of interior (ICG 2002: 49-50). However, IPTF was left with vaguely defined responsibilities, with no provision for qualified personnel in its ranks, and with no access to funds (ICG 2002: 6).

The deployment was quite slow despite the 200 former UNPROFOR CIVPOL officers already in place: in March 1996, two months after the first contingent arrived, IPTF had only 392 officers in the country (Dziedzic and Bair 1998: 275). Finally, IPTF was declared operational on April 30, but was not fully staffed until 27 September 1996, which was due to two facts. Member states were slow in providing the promised contingents (e.g. Germany only decided in April 1996 to deploy a 150-man contingent of police officers), and many

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\(^{83}\) The actual number authorized was 1,721 instead of 1,429 monitors, so that full staffing levels could be guaranteed assuming that approximately 13% were on leave, sick or unavailable for duty (Dziedzic and Bair 1998: 272, fn. 28; cf. S/1997/468, para 8.2, 16 June 1997). The total number of CIVPOL officers was increased as well after the assumption of an international administration of the city of Brcko where an additional 186 officers were needed (Dziedzic and Bair 1998: 272, fn 28; Chesterman 2004: 77-78).

\(^{84}\) IPTF was taking over about 200 officers from the CIVPOL component of UNPROFOR (Dziedzic and Bair 1998: 273).
international police officers did not comply with the minimum CIVPOL standards so that about 15% had to be sent back to their home countries (Stodiek 2004a: 169-170).

The first months of a mission are considered as the structuring and organization phase: UNMIBH took about 6 months until it was properly functioning (Buwitt 2002: 217). However, it soon became clear that IPTF lacked funding for its own equipment and proper execution of vetting and certification processes, but without no moves made by the international community to improve IPTF’s equipment and staffing this was not possible. However, international staffing and financial support became better after IPTF’s recommendation to establish a funding program for both international and local police equipment, to the International Conference on Law Enforcement Assistance in Bosnia-Herzegovina taking place in Dublin in September 1996.

In March 1997, under IPTF Commissioner Manfred Seitner, IPTF had reached its strength of 1,721 officers. After the increase through Resolutions 1103 and 1107, IPTF had 1,960 officers of 2,027 planned, in September 1997, 2,020 officers (Stodiek 2004a: 183, 185). In June 1999, IPTF’s size was decreased by about 300 officers, which were deployed to assist the newly created UNMIK Police (Stodiek 2004a: 207). With fluctuations, IPTF kept 1,800 officers till October 2002, and was then downsized to the approximate size of the subsequent European Police Mission (EUPM) (Stodiek 2004a: 240).

What becomes apparent in analyzing the deployment gap in the case of IPTF is that low levels of staffing severely hindered the effectiveness and operational capacity of IPTF. IPTF was not operational in its first phase, also due to the refusal of IFOR to assist IPTF in logistical and technical questions (Williams 1998: 64). Examples will be discussed in the next chapter, as they also relate to the enforcement gap.

3.1.3. The enforcement gap

Not only due to its initial lack of manpower, in first phase of IPTF cooperation with IFOR was essential. IPTF suffered as well from the enforcement gap, which requires the military to provide more robust back up of law-enforcement to Civilian Police missions (Hansen 2002b: 73-78). Large-scale operations needed the logistical support and military backup of IFOR. To clarify the non-operational and difficult situation of IPTF in the first months, two examples of IPTF/IFOR cooperation in this first phases will be discussed: the transfer of the Bosnian-Serb Sarajevo suburbs to the Federation in February/March 1996, and the organization of the national elections on 14 September 1996.
In the former, IFOR passed responsibility for providing security to the IPTF — in accordance with the Dayton Agreement. However, IPTF was only comprised of 230 unarmed monitors, and was not operational at that point in time, nor did the mandate grant it enforcement powers so that robust action against security threats could be taken (Hansen 2002a: 86; Dziedzic and Bair 1998: 275-276, 281-284).

The fact that the operation was delayed after planning shortcomings by OHR and IFOR, gave IPTF the chance to increase its operational contingents. But it also gave the Bosnian Serbs the chance to design their own plans, and Serb police and military provided transport and protection during the evacuation. IFOR’s rules of engagement did only allow interventions where human lives would be endangered. As IPTF had no enforcement capacities, houses were emptied out and gutted by the leaving Serbs without the intervention of any of the international actors (Dziedzic and Bair 1998: 282-283). The whole operation suffered from the impression of lawlessness, leading to a huge loss of credibility of IPTF (Hansen 2002a: 86). However, it made IFOR realize that closer civil-military cooperation was necessary. Shortfalls were recognized as well in logistical questions (Dziedzic and Bair 1998: 275), which led to an IFOR/IPTF agreement on a Logistics Support Package to IPTF including emergency help and evacuation of IPTF staff. The failure to provide joint security during the evacuation of the Serb suburbs in Sarajevo, however, led to a general considerable improvement of cooperation (Dziedzic and Bair 1998: 279; Stodiek 2004a: 171).

In the second example, the national elections on 14 September 1996, coordination improved. IPTF’s patrolling patterns were coordinated with IFOR, and patrols included OSCE officials who were responsible for the organization of the elections. One of the most important tasks of IPTF was to ensure that at checkpoints and at controlling posts at the Inter-Entity Boundary Line (IEBL) no voters were detained by local police in order the prevent them giving their vote, but only wanted criminals were detained. IFOR was in place to enforce compliance. IFOR communication specialists and Civilian Affairs Officers deployed to IPTF HQ, and IPTF officials integrated into IFOR command ensured rapid communications. Additionally IPTF left only 600 of the total 1,700 staff in static positions: in order to supervise as many polling stations as possible, 400 two-man Mobile Patrol Teams, together with a dozen 25-men Hot-Spot-Teams, were strategically deployed throughout the country (Dziedzic and Bair 1998: 293-294).

Cooperation improved with SFOR, as both sides had realized the necessity to cooperate in order for both to fulfill their mandates (Stodiek 2004a: 254). The effectiveness of IPTF and its
credibility were increased after the introduction of joint SFOR/IPTF patrols in 1997 (Hansen 2002a: 66), which generally consisted of one IPTF car and 3 SFOR transporters, and provided quasi-enforcement ability for IPTF (Stodiek 2004a: 177). Visibility and credibility among the local police increased when IPTF introduced, in cooperation with OHR, strict rules concerning the setup of checkpoints by the local police, with IFOR providing the military backup and compliance enforcement part (Stodiek 2004a: 172, 182).

The same was valid for weapons inspections: whereas in 1996 most inspections were carried out by IFOR alone (Stodiek 2004a: 174), the IPTF continued, with the support of IFOR and later SFOR, to conduct monthly weapons inspections in police facilities since June 1997 (Stodiek 2004a: 183, 193), which decreased to inspections all 4-months as of July 1998. In the period from 25 November 1998 to 26 February 1999, 149 joint inspections were performed, 56 in the Republika Srpska and 93 in the Federation.

Within the police restructuring efforts of UNMIBH (see 3.1.4.), IFOR and SFOR did not play a large role except the control of Special Police Forces in the Republika Srpska (RS), which were handed over to SFOR control after their strong opposition and internal conflict between RS leaders hindering an agreement on restructuring between UNMIBH and RS. After their disarmament and training, control over the newly created anti-terror contingents was given back to IPTF (Stodiek 2004a: 194).

To fill the gap between military forces, and the unarmed police monitors in the event of public unrest and/or large-scale operations, Multinational Specialized Units (MSUs) under SFOR command were created in 1998. Among its tasks were the protection of returning refugees, and elected officials. IPTF could call the MSU to assist “in preserving public order” (Hansen 2002b: 71-72). The effectiveness of the MSU was hampered by its initial absence of a clear mandate. Although it had the same rules of engagement as SFOR, it did not mean that cooperation and coordination problems did not arise. MSU’s strength was increased in 2000 during a SFOR restructuring, and SFOR’s Multinational Brigade South-East built an international military police contingent, which had policing duties and cooperated with IPTF.

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85 This date was crucial as after this intra-Serb power and influence conflicts were used as politicians were distracted and police not unified behind one part.
86 S/1999/284, para. 21, 37
88 UNMIBH raised concerns about the role of MSU as either responsibility for law enforcement would be taken away from local police, or MSU would be confused with IPTF monitors (Cordone 2000: 208).
Furthermore, IPTF and SFOR signed an agreement providing joint riot-control training to local police support units in January 2002.\textsuperscript{89}

A major change in IPTF/SFOR cooperation took place in 1998, after first pilgrimages of minorities took place through territory inhabited mainly by hostile ethnic groups. OHR deemed these pilgrimages symbolic enough that they had to be carried out despite severe security concerns, but insisted that SFOR should take a leading role in protecting these pilgrimages. However, these actions failed due to the fact that IPTF and local police were not in charge of organizing security.\textsuperscript{90} What became clear again, is that both sides lacked a sufficient amount of planning staff, and coordinated patterns of cooperation, under normal situations.

Cooperation and coordination grew over time rather than a coherent joint approach, which was established from the beginning. Due to the fragmented nature of the international presence in Bosnia, NATO was not willing to concede more support to other international actors and to IPTF – at least in the initial period. As can be seen from the example of the organization of elections, coordination and cooperation improved after several months failing to integrate patrolling and operation plans. By the end of 1996, coordination and cooperation were good during special events. However, for day-to-day operations, the overall situation only improved with the exchange of liaison officers between IPTF and IFOR/SFOR. Respectable levels of cooperation were not reached before 1999 (Buwitt 2002: 227).

Although functional division between military forces and Civilian police may be clear – military being responsible for providing a stable environment, and Civilian police nurturing “capability, will and mutual confidence amongst local authorities required” for sustainable law enforcement reform – the need to coordinate, provide effective liaison, and provide mutual assistance is as important as clearly defined areas of responsibility (Hills 2001: 93).

\textsuperscript{89} Mission Implementation Plan 2002, p. 4.

\textsuperscript{90} Richard Monk, IPTF Police Commissioner at that time, warned that military assistance would not suffice to make civilian protesters move or give way to the other ethnicities’ pilgrimage, but insisted on an active role the local police should play under IPTF monitoring in protecting the pilgrimage. As predicted, SFOR could not dissolve a civilian blockade of the pilgrimage so that OHR ordered the pilgrimage to turn back. This was when SFOR realized for the first time that police should take over duties, which are connected to communities and civilians (Author’s interview with Richard Monk, 21 September 2004).
3.1.4. Demobilization, Disarmament, and Reintegration

The first task of UNMIBH was to implement a restructuring and downsizing process of the local police forces, which would lead to a professional and democratic police structure and administration.91

3.1.4.1. Structure of Bosnian police forces

3.1.4.1.1. General structure

The Bosnian police forces after the war were highly militarized, politicized, and overstuffed. Ethnic groups abused police forces to exert and to retain as much power as possible, despite the DPA. During the war, all ethnic parties were seeking to maintain internal control through inflating their police apparatuses, which was accomplished by hiring police officers with little or no experience or proper training (Dziedzic and Bair 1998: 264). Due to similar and simultaneous uses of military and police during the war, the divisions between the military and police forces, security services and Special Forces became unclear, as much as the police became mono-ethnic despite a considerable degree of multi-ethnicity before the war92 (Dziedzic and Bair 1998: 264; ICG 2002: 24). After the war, restructuring and downsizing were both necessary to create a democratic police force serving the public, to reach sustainable peace-time force levels, and to develop affordable salary structures that could be maintained without international financing (Hansen 2002a: 95). Due to wartime expansion, police strength ratio was higher than in Western Europe (1:330) with 29,750 in Moslem-controlled areas, 3,000 in Croat areas, and 12,000 in the Republika Srpska. International estimates of overall numbers of police forces range from 45,000 to 54,000 in 1995 (ICG 2002: 2; Hansen 2002a: 95).

Reflecting the results of the DPA, the police structure in Bosnia and Herzegovina was linked to the division into entities.93 Each entity, the Bosnian-Croat Federation94 and the Republika Srpska (RS), possessed completely distinct and autonomous police forces (Dziedzic and Bair 1998: 265).

3.1.4.1.2. The Federation restructuring process

Furthermore, each of the 10 cantons in the Federation possesses its own Ministry of Interior. The competencies of the Federation Ministry of Interior were limited: coordination of inter-

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91 Interview with former UNMIBH Civilian Affairs Officer, 21 September 2004.
92 Multi-ethnicity way predominantly present in larger urban areas, particularly in Sarajevo (Dziedzic and Bair 1998: 264).
93 The two entities were established in the Constitution contained in Annex 4 of the Dayton Peace Agreement (Dziedzic and Bair 1998: 262).
94 Hereafter called the Federation.
entity and inter-cantonal cooperation, protection of VIPs, and the protection of diplomatic premises. The cantonal ministries possess power over all other aspects of law enforcement, and have their own police administration (ICG 2002: 9). As if this quite decentralized police administration structure would not have been difficult enough to reform, the second major obstacle to achieve consistent and transparent policing were the parallel power structures in mixed Bosniak-Croat cantons, although their police forces were formally integrated at the municipal, cantonal, and entity level (Dziedzic and Bair 1998: 285). “Croat-majority cantons often coordinate their activities as if they were a third entity, while official Bosnia-Croat power-sharing in mixed cantons […] has given rise to parallel structures” within their Ministries of Interior (ICG 2002: 10). Although an agreement between UNMIBH and the Federation on restructuring and vetting the police forces was reached on 25 April 1996 (the so-called Bonn-Petersberg Agreement) (Dziedzic and Bair 1998: 287), the first canton in the Federation, Sarajevo, was restructured only by February/March 1997 under huge pressure by UNMIBH towards an ethnically mixed police force (Dziedzic and Bair 1998: 265; Stodiek 2004a: 181). In 2000, it had made progress in integrating Bosniak and Croat police forces. Seven out of ten cantons were restructured in September 1997 (Stodiek 2004a: 187). The first restructuring phase, the process of screening and readmitting police officers in the Federation was finished in spring 1998, except in two cantons (HRW 1998: 12; Stodiek 2004a: 191). However, especially in mixed cantons (such as 7, 8, 9, and 10), Croat police insisted on own uniforms and maintained separate lines of command (Stodiek 2004a: 191) until summer 1998 (Stodiek 2004a: 197). In Canton 4, an agreement between Croat and Bosniak officials to create joint police structures was only reached in 1999 (Monk 1999: 4). In 1997, the upper limit of police forces was set at 11,489 for the Federation96, and to 10,603 in 2000 (Stodiek 2004a: 222).

3.1.4.1.3. The restructuring process in the Republika Srpska

In Republika Srpska (RS), the Ministry of the Interior holds responsibility for all crime prevention and law enforcement in the Serb entity. Five Public Security Centers (PSCs) were located in areas covered by the district courts (ICG 2002: 10). Due to the unified chain of command in the RS, the Interior Minister is responsible for the whole entity (ICG 2002: 9, fn. 48). Nonetheless, relations between IPTF and the RS police were less constructive than with

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95 The ICG reports on the situation in Mostar that, although the “physical integration” of Bosniak and Croat police officers has proceeded, “their function integration remains elusive.” Striking examples are that the police in Mostar works with separate budgets, and along nationally distinct chains of command. In general, in mixed Cantons (6 and 7) parallel power structures are still in place, and informal parallel police troops were existent in 2002 (ICG 2002: 10).

96 IPTF-P03/2000, para 1.
the Federation (Dziedzic and Bair 1998: 284). Despite slow but considerable progress on the Federation side, the Bosnian Serbs did not seek to put effort into reform and downsizing, and even increased their police forces to 50,000 (Stodiek 2004a: 181).

The main causes for this refusal to cooperate were that the Serb side did not participate in the negotiations leading to the Dayton Agreement, and thus did not participate as readily. Attempts by IPTF at collaboration did not bear any results due to two reasons: RS disagreed to cut its forces to 6,000 (with the Federation maintaining a level of 11,000) and was reluctant to provide a list of all police officers, which was part of their obligations written down in the DPA (HRW 1998: 11; Dziedzic and Bair 1998: 284). Finally, on 9 December 1998, the “Framework Agreement on Police Restructuring, Reform and Democratization in the Republika Srpska” was signed. It resulted in the handover of official staffing lists from the Bosnia-Serb authorities as well as co-location of senior IPTF officials in the Ministry of Interior and the PSCs. The agreement on restructuring with RS equaled the regulations in the agreement with the Federation (HRW 1998: 12). The maximum police strength was set at 8,500 in 1997, and to 7,835 in 2000 (Stodiek 2004a: 222). However, police administrations in RS remained reluctant towards signing further agreements with UNMIBH, and made control through IPTF difficult (Stodiek 2004a: 245). After a transition period in the political leadership of the RS from September 1997 to 1999, and the occupation of SFOR with the former paramilitary units in 1997, the cooperation improved, but lagged behind the Federation efforts (Stodiek 2004a: 225).

IPTF emphasized the need for thorough restructuring several times after first progress was made (Monk 1999: 11), and kept the monitoring progress of restructuring in both entities (ICG 2002: 7).

3.1.5. Creation of a democratic police force

3.1.5.1. IPTF’s change from restructuring to reforming

As mentioned before, IPTF responded first by simply monitoring the processes of restructuring. Only in a later phase, by co-locating IPTF officers with local police, ranging from accompanying local police to senior UNMIBH officials in the Ministries of Interior (ICG 2002: 50), did IPTF grow into its role of thoroughly supervising the progress and being

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97 Interview with former IPTF Commissioner Peter Fitzgerald, 10 September 2004.
98 see S/1998/1174, para. 8
able to track political influence and patterned misbehavior. By their presence and advice, IPTF officers were supposed to provide security and create a stable environment for further reform, and restructuring by the combination of “soft monitoring” – observing, reporting, and lodging complaints – and “robust monitoring” involving “quasi-enforcement activities” – human rights investigations, police stations and detention facilities inspections (Cordone 2000: 192).

3.1.5.3. Phase One: Registering and Initial Screening

In attacking the second part of its mandate, IPTF started the individual screening of former police officers as part of the downsizing and restructuring as a three-stage process: registration, preliminary authorization, and final certification. The basic elements and minimal criteria of the restructuring agreement with the Federation were spelled out in IPTF Commissioner Peter Fitzgerald’s “Commissioner’s Guidance” and “Commissioner’s Guidance Notes” issued in May 1996, and included: 1) no record with the ICTY, 2) no allegation of human rights abuses as police officer, and 3) no official complaints from UN IPTF for non-compliance (HRW 1998: 12). In order to ensure equal treatment of every police officer, and in order to re-check all war-crime histories, education, and performance of police officers, the entire Bosnian police force was dismissed in summer 1996, and could re-apply the next day. In the case of non-compliance with regulations of the Dayton Peace Agreement or action contrary to IPTF’s policies, the IPTF Commissioner was entitled to issue a non-compliance report, which revoked “the rights of individual police officers to ‘exercise police powers’” on an ad-hoc basis “when an officer commits a serious violation of duty or law” (Cordone 2000: 193). For this purpose, the mandate had been enlarged by Resolution 1088 (Buwitt 2002: 229).

The final check included a thorough background-check of the educational qualifications of all officers, and, in cooperation with the ICTY, vetting against the war criminals list (ICG 2002: 51). Other measures to exert pressure on the exclusion of policemen with a criminal or non-compliance background were the deployment of IPTF officers to the ICTY premises in

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100 Author’s interview with Richard Monk, 21 September 2004, and with former UNMIBH Civil Affairs Officer, 21 September 2004.
101 S/2002/1314, p. 3.
102 Author’s interview with Detlef Buwitt, 3 October 2004.
104 UNMIBH put a large part of its work into this element of screening. In 1999, UNMIBH had checked about 900 school, high-school, university and other education institutions’ files for the validity of certificates and qualifications (Author’s interview with former Civil Affairs Officer, 21 September 2001).
The Hague\textsuperscript{105} in order to facilitate cooperation (ICG 2002: 51; HRW 1998: 15), and the publication of Police Candidate lists in the local newspapers so that additional hints to war criminals could be given from the local population (HRW 1998: 16). At the end of 1997, IPTF completed the preliminary certification process of Bosniak police officers, and started with the Croat police forces (ICG 2002: 6).

However, the re-application of officers suffered from some practical gaps and mistakes for example, applications did not go to IPTF but to cantonal Ministries of Interior\textsuperscript{106}, and that the success rate and frequency of newspaper publication of candidate lists were quite low (HRW 1998: 17).\textsuperscript{107} Moreover, very few IPTF officers were aware of their power to conduct independent human rights investigations still in 1998 (HRW 1998: 17). Consequences of reports did not have a big impact. During this period of IPTF, there was no integrated and coordinated information system, and reliable non-compliance reports were only produced after May 1997. However, the impact of IPTF’s more and more systematic approach increased despite the initial shortcomings (HRW 1998: 19). This approach of combining monitoring and interventions into ongoing police operations and administrative processes could only be “slow and labor-intensive” (Cordone 2000: 194). This is also valid for the second dimension of the creation of new Bosnian police forces: the development of democratic policing.

\textit{3.1.5.4. Phase Two: Democratic Policing and the Human Rights Office}

In May 1996, the IPTF Police Commissioner Peter Fitzgerald (January 1996-February 1997) had established Democratic Policing as a conceptual framework for international police\textsuperscript{108} (Dziedzic and Bair 1998: 296). Without referring to earlier UN efforts, he deemed international standards of democratic policing as non-existent\textsuperscript{109}, and promoted the view that democratic standards of policing had to change the function of the police to be a public service and not a state service (Dziedzic and Bair 1998: 314; Hansen 2002a: 42). A CIVPOL mission for the first time stated an explicit link between reform of the police with the transformation of the political context, or as Fitzgerald put it, “democratic transition as a

\textsuperscript{105}This was not done on a continuous basis but rather temporarily as far it can be seen from secondary sources (HRW 1998: 24; ICG 2002: 51).

\textsuperscript{106}The only exception to this was the police force in Brcko, where IPTF would accept applications directly (HRW 1998: 16).

\textsuperscript{107}The success of the latter category was quite low. This was probably due to the facts that only few lists actually were published, IPTF received only very few answers, and the lack of continuity in IPTF’s institutional memory as there were no adds after October 1997 anymore.


\textsuperscript{109}The UN had published the UN Civilian Police Handbook in 1995 (UN DPKO Office of Planning & Support/Training Unit 1995), and the UN Criminal Justice Standards for Peacekeeping Police in 1994 (cf. Hansen 2002a: 42-43; Thony 2003: 11).
byproduct of IPTF’s activities” (cited in Dziedzic and Bair 1998: 295). According to Fitzgerald, all parties accepted the Principles without any resistance. However, their implementation was another question. For the purpose of implementing democratic policing in Bosnia, the depth and quality of IPTF’s approach were changed. IPTF adapted its focus from simple monitoring and restructuring to co-location, training, human rights investigations, and advisory functions.

The Human Rights Office (HRO) became operational in November 1997, with strength of 120 IPTF police monitors and ten non-police civilians including the Chief of the HRO (Cordone 2000: 192). The duties included coordination of information, advice on detention and trials, provision of safety for returnees, combating gender discrimination, providing Human Rights training for IPTF officers, and coordination with other international organizations working on Human Rights (HRW 1998: 23). Furthermore, the HRO monitored direct human rights violations by law-enforcement agencies, and “violations resulting from negligent inaction”, which could be the failure to investigate incidents (Cordone 2000: 192). The establishment of a human rights office was a step forward to implementing IPTF’s full mandate, as human rights abuses by police forces were not sufficiently tackled before. The decisions of the London Peace Implementation Council Conference from 4 to 5 December 1996 to allow IPTF “to investigate or assist with investigations into allegations of misconduct by police and to propose the sanctioning of offenders” made IPTF’s powers clear to screen local police forces concerning their wartime background, and their performance on the job. After the formal acknowledgment by the Security Council of the expansion of mandate, and the increase of staff given to UNMIBH for the HRO, IPTF was prepared to act on the supervision and conduct of Human Rights investigations. Still, the HRO had difficulties in implementing their duties as IPTF leadership refrained from participating in investigations, and maintained monitoring positions. This was probably a

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110 Interview with former IPTF Commissioner Peter Fitzgerald, 10 September 2004.
111 Author’s interview with Detlef Buwitt, former IPTF Chief of Staff under Fitzgerald, and IPTF Police Commissioner from 1999-2000, 3 October 2004.
112 The HRO thereby fell between IPTF and UNMIBH’s civilian component, with the chief of HRO reporting to the SRSG and the IPTF Commissioner (Cordone 2000: 203).
116 According to a former IPTF official, HRO was set up that late because the set-up phase of a peacekeeping mission is quite long. As first task, the contingents have to arrive and provide the first measures of security. Second, the security for IPTF itself, and the provision of equipment and office buildings had to be ensured. This all posed challenges to IPTF, which it had to meet first before being able to address the whole range of tasks mentioned in the mandate (Author’s interview with former Policy Advisor to the IPTF Commissioner, 2 September 2004).
result of the friction between the duty to conduct human rights investigations and improve relations with local police (HRW 1998: 13-14). Critical sources state that it was also a cause of the lack of political will to implement vetting efficiently. Human Rights Watch noticed that it was “particularly troubling,” that Police Commissioner Seitner did not see Human Rights investigations as part of IPTF’s tasks, “[…] given that IPTF’s mandate was revised in December 1996, to make clear that human rights investigations” were “one of IPTF’s primary responsibilities.” According to HRW, IPTF insisted on role of local police in inquiring Human Rights abuses (HRW 1998: 14), and saw IPTF’s tasks more in monitoring than in assuring proper investigations by the local police. This indecisive policy led to the bizarre situation whereby after complaints about human rights violations to IPTF, officers would often accompany victims to the local police station so that an official complaint could be filed with the local police, which itself was subject of the complaint (HRW 1998: 21).

IPTF’s role was not interpreted unfavorably at this time: IPTF should “mainly initiate, assist and monitor investigations by local police.”\(^{117}\) Furthermore, pressure should be exerted through the police hierarchy, up to the political level (Cordone 2000:193).\(^{118}\) However, IPTF should have engaged parallel in independent investigations, according to the mandate extension, which was not the case under Seitner.

Accordingly, the results of HRO’s work were unsatisfactory during its first year, which was also a result of lack of training of Human Rights officers.\(^{119}\) Realizing this, UNMIBH initiated a training course undertaken by UNHCR, DPKO and UNHCHR, but only few states participated (HRW 1998: 22). Training for IPTF on Human Rights was, consequently continuously provided by UNHCHR (Dziedzic and Bair 1998: 274).

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\(^{118}\) The role of the SRSG, and the Civilian Affairs officers, of UNMIBH is described as negotiating and lobbying for the goals of IPTF. Interview with former Policy Advisor to the IPTF Commissioner.

\(^{119}\) UNMIBH/IPTF was principally a police mission and traditionally, police officers do not have much experience to look at human rights. Western police are not used to have human rights abuses happening in police forces, and are thus sort of a blind spot (Interview by the author with former Policy Advisor to the IPTF Commissioner, 2 September 2004). This statement comes close to HRW’s analysis on the situation that among police there is “a reluctance to investigate other police, and, furthermore, IPTF officers in order to be deployed, did not have to have a clean record of human rights violations (HRW 1998: 22).
3.1.5.5. New Wind: The Bonn Powers, restructuring IPTF, and redefinition of objectives

Two decisions changed the status of IPTF Human Rights investigations. Firstly, the conclusions of the Bonn Peace Implementation Council Conference in December 1997 resulted in the powers of the HR to dismiss obstructive officials, and also in the subsequent Security Council request to police contributing countries for qualified personnel for human rights on the one hand, and the need for law reforms in order to proceed with the implementation of IPTF’s mandate. Secondl

Secondly, the change of UNMIBH and IPTF leadership in February 1998 (SRSG Elisabeth Rehn, and IPTF Police Commissioner Richard Monk) led to a new structure of IPTF, which was implemented as of April 6 1998. In 1998, there were 62 IPTF stations throughout the country, and seven regional centers headed by regional commanders, reporting to the Deputy Police Commissioner (Operations) in Sarajevo Headquarters (HRW 1998: 10; Monk 1999: 10). After the restructuring, IPTF consisted of two main parts: the Operations Division (including the Human Rights Office, Local Police Certification, Local Police Training Administration, and background investigation units), and the Operations Support Division (including Civil Affairs, a Special Projects Division, Policy Analysis and Development Sections, Personnel, Logistics, and Internal Training and Support Section) (HRW 1998: 10; Monk 1999: 10). During 1998, IPTF has created three new units: a Drug Control Unit, an Organized Crime Unit and a Public Order and Critical Incident Management Unit which provided specialized training and advice to the local police.

Richard Monk also requested an increase in the numbers of civilian staff in order to increase institutional memory and provide analytic information on policy and background in public administration (Monk 1999: 9). A further major internal change Monk implemented was the distribution of higher IPTF management posts only on merit and not on national influence.

This made possible an internal review system for IPTF monitors, and competitive selection processes for all command and specialized positions in IPTF, all in place since June 1998 (Monk 1999: 11). Through co-location of IPTF personnel, IPTF could easier track and tackle political influence and obstacles, as senior officers were deployed to local chiefs of police.

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120 S/RES/1144, 19 December 1997, para. 4 and 5. For legal reform, see OHR 1997: I 2c.
121 As of 4 March 1998, IPTF had 2011 monitors from 44 countries.
122 The Special Projects Division was located in the Civil Affairs Department and a result of the need for IPTF to develop benchmarks and to assess progress of local police reform and restructuring, and to revise key IPTF policies (Monk 1999: 11; Dziedzic and Bair 1998: 287 fn. 56).
124 Before this, the 43 contingent commanders of each contributing country tried to provide their own contingent with representative posts, without regards to experience or merit of each individuals (Author’s interview with Richard Monk, 21 September 2004).
heads of police units, and the ministries of Interior. This improved the situation for IPTF dramatically, and made it especially easier to put through personnel decisions after non-compliance reports, which were politically influenced.

As well as the internal structure, IPTF’s main objectives were refined after this change in leadership: reduction and restructuring of local police forces with respect to multi-ethnicity and gender balance, reform of policing principles and practices, training of the local police in common, basic and specialist skills, professionalization of equipment of the local police, standardization of the operating procedures, making sure that human rights investigations and disciplinary measures are carried out properly and thoroughly, ensure a safe and secure environment for elections, and for the return of refugees/displaced persons (Monk 1999: 2). Training and development of local police, and human rights investigations were emphasized as main tasks (HRW 1998: 3; ICG 2002: 6). The main part of the training program was the introduction of mandatory courses for both entities’ police forces: a one-week course in “Human Dignity”, and a three-week “Transitional Training”, preparing officers for democratic policing. The two main components of the new objectives, reform of the police, and intensification of training, will be analyzed in the next two chapters.

3.1.5.6. Progress in reforming the local police

As mentioned before, IPTF had concluded phase one of police reform, i.e. downsizing and restructuring of police forces, and could move on to intensify training and advising (Monk 1999: 4). In a second phase, IPTF was to constantly monitor the implemented changes (Stodiek 2004a: 191, 197). In order to be able to gather knowledge, keep local police controlled, and deal better with difficulties encountered in local police missions such as political influence and non-cooperation between the different ethnicities, IPTF launched in Summer 1998 so-called Contract Assurance Teams, which had the task of monitoring ethnic composition, lines of command, cooperation between ethnicities, the degree of freedom of movement and the quality of investigations conducted by the local police (Stodiek 2004a: 194). They were renamed into Police Assessment Teams in fall 1998, and issued checklists for the subsequent phase of restructuring process (Stodiek 2004a: 197).

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125 In the Federation, a senior IPTF official was even collocated with the Minister of Interior himself, the same happened in the cantons. In RS, senior IPTF could no deploy a co-locator to the Minister, but to high-ranking advisory posts. Author’s interview with Richard Monk, 21 September 2004.
126 It is important to state, that all police reform efforts are rather cumulative than consecutive. Once one process is finalized, it does not mean that further monitoring and supervision of this finished component does not take place anymore or is not important.
127 S/1999/284, 16 March 1999, para. 11.
Concerning the inclusion of minority police officers as well as female police officers, IPTF also made progress with recruitment campaigns and voluntary redeployment of officers: in 2002, there were 935 minority cadets trained in the police academies, and 450 police officers.\(^\text{129}\) Other figures estimate 15.5% minority officers in the Federation, and 4.9% in the RS (Stodiek 2004a: 241).

A three-point plan issued by IPTF in January 1999 stated that for further success and progress in the vetting and training processes the following components should be re-intensified and assessed: more rigorous training and certification procedures, and democratization by establishing impartial forces (ICG 2002: 7).

Progress remained slower in RS than in the Federation. After Resolution 1168\(^\text{130}\), IPTF was mandated to deploy one IPTF advisor to each local police commander. In fall 1998, 87 advisors were deployed to decision-makers in the Federation, cantonal and local police administrations, and 13 to RS administrations (Stodiek 2004a: 197). In the beginning of 1999, IPTF advisors were present in all 9 PSCs and 79 police stations in RS as well as in the 10 cantonal Ministries of Interior and 89 police stations in the Federation (Stodiek 2004a: 204). In December 1999 about 500 IPTF officers were co-located to advise and monitor local police (Stodiek 2004a: 210).

3.1.5.7. Auditing and strategic coordination

The development of IPTF auditing and assessment mechanisms for measuring progress of the local police forces was started as well under Richard Monk in 1998. Civil Affairs officers and the IPTF Advisory and Assessment Section developed mechanisms and tools for auditing the performance of all Bosnian police forces. The international police in Brcko was the “guinea-pig” for these procedures, where three related projects were implemented: the Police Information Management Task Force, the Police Management Review Task Force, and a Community Policing Task Force which has the responsibility to develop a coherent community policing program. Furthermore, programs were started to assess and poll police performance in Mostar and Tuzla regions (Monk 1999: 5).

To implement a Bosnia-wide program to set common police standards and to gain confidence and commitment of both entities and all cantons, the Police Commissioner and Deputy Commissioner of Operations had set up regular meetings with the Ministers of Interior and Deputies of both entities, choosing issues, which were to be tackled on a national level (it was

\(^{129}\) S/2002/1314, para. 15.
\(^{130}\) S/RES/1168, 21 May 1998.
started with apolitical issues such as car theft) (Monk 1999: 5-6). Further measures for sustainable restructuring of police forces in Bosnia included the program to create Professional Standards Units (PSUs) in order to build indigenous accountability structures as a crucial element of institution building, after the exit of the international community. Effective mechanisms need to be in place to hold police officers accountable for their conduct, by the police force itself, the judiciary and the public. ICITAP and UNMIBH administered a project to form and co-locate PSUs in RS and the Federation (ICG 2002: 36), although the impact of these units remains undetermined due to continuous ignoring by the rest of the police forces (ICG 2002: 37). After a comprehensive systems analysis of all law enforcement agencies in 2002, a reform package was developed in cooperation with local staff. To ensure that every police administration had adequate resources, had an efficient organizational structure including external and internal redress mechanisms, was insulated from political interference, and had appropriate multi-ethnic representation and gender balance, local management teams under the supervision of IPTF were in charge of implementing the basic and longer-term recommendations in all police administrations. In the framework of these efforts, three police administration received accreditation in 2002 from IPTF; the rest was envisaged to follow by the end of 2002.131

3.1.5.8. Intensification of training

IPTF started to provide training to local police, out of which three courses were obligatory (a basic course, “Human Dignity”, and “Transition”). Local police trainers were trained in Human Rights Issues. Resolution 1144132 urged IPTF to provide 43 trainers for training local police forces on ways of dealing with organized crime (Stodiek 2004a: 183, 188). Furthermore, for recruitment of ethnic minority officers, IPTF cooperated with UNHCR and UNMIBH Civil Affairs Officers for the training of IPTF and local police officers.

During 1998, IPTF has created three new units: a Drug Control Unit, an Organized Crime Unit and a Public Order and Critical Incident Management Unit which were to provide specialized training and advice to the local police (Stodiek 2004a: 206).133 IPTF also provided training in criminal investigations, and anti-terror measures (Stodiek 2004a: 233), and was to enlarge the training of the Bosnian police forces134. In 2000, local forces took over the administration of the Transition and Human Dignity courses (Stodiek 2004a: 217).

3.1.5.9. The Mission Implementation Plan and upper-management restructuring

In general, the progress in operational enactment of democratic policing was greater in the Federation compared to the RS. In both entities, all components of police reform comprising the checking of wartime backgrounds, professional performance, legality of housing, verification of educational credentials, completion of IPTF compulsory training, proof of citizenship and criminal records, was only successfully implemented after the introduction of the UNMIBH Mission Implementation Plan (MIP) drawn up in 2000, which was formulated as a concise implementation program once it became clear that UNMIBH’s mandate would not be “endlessly renewed” by the UN Security Council. It was the result of a general improvement of the situation and performance of local police (Stodiek 2004a: 233).

The MIP was a concise formulation of issues that were left to implement. The six core programs included police restructuring, police reform, police/criminal justice system, institution building and inter-police force cooperation, public awareness, and participation of Bosnian military and police forces in United Nations peacekeeping. The MIP streamlined existing programs into six core programs, intensified coordination functions of UNMIBH by more transparent and coherent information systems, and formulated stricter guidelines and benchmarks.

The restructuring of upper-management levels was part of the MIP. Although both entities had achieved some progress on restructuring and downsizing their police forces, political interference in, and difficult coordination of the work of the police was still commonplace due to the fragmented lines of authority especially in the Federation, but also in the RS. Wolfgang Petritsch, the High Representative, demanded that the parties would standardize command structures in the police forces (Stodiek 2004a: 213).

To respond to the continued obtrusive behavior and nepotism in several upper-level management posts, IPTF initiated the Police Commissioner’s Project in 2000, to ensure impartial day-to-day operations by local police forces (ICG 2002: 35). Screening and professionalizing the upper management of police forces became an important issue as well. The posts of the Director of Police in entities ministries and of Police Commissioners in the Federation cantons and in the RS Public Security Centers were to be filled with non-political and functionally independent police professionals. The selection process was supervised by

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135 S/2002/1314, p. 3.
136 Interview with former Policy Advisor to the IPTF Commissioner, 2 September 2004).
137 The German Police Commissioner Detlef Buwitt stated that before his tenure with IPTF (April 1999 – April 2000) strategic concepts and cooperation plans with other international organizations were not existent (Buwitt 2002: 219).
IPTF according to specified criteria.\textsuperscript{138} The search for qualified candidates, and the political pressure on respective parliaments to adopt the necessary legislation was met with strong opposition from entity and cantonal political authorities, and forced UNMIBH to accept compromises in its selection process to keep the project alive (ICG 2002: 34-35).

3.1.5.10. MIP Core Program 1: Police Reform

To achieve progress in the screening process of local police, re-applications after 14 February 2000 as well as transfer requests had to be sent to IPTF first, which started a screening process before they could be forwarded to the relevant interior ministries.\textsuperscript{139} This procedure has changed the practice whereby previously applications went to the Ministries of Interior. The Local Police Registry was introduced – a comprehensive database containing personal data, information on professional and educational background, and the current professional assignment and performance –\textsuperscript{140} in November 1999, and was completed only by June 2002 (Stodiek 2004a: 231). Non-compliance Reports were still issued if officers acted contrary to their duties or Dayton, as well as performance reports were issued if there were minor incidents in a police officer’s work. After two non-compliance reports, the police officer’s authorization was withdrawn (Stodiek 2004a: 233). Removed police officers also had the possibility to demand that an independent review panel, which had the power to overrule the IPTF Commissioner, would review his or her case.\textsuperscript{141} Since March 2000, 4,000 new police officers have been released into service – in total, about 50 percent of the overall 30,000 Bosnian police officers had received complete UN certification (Stodiek 2004a: 216). Despite the progress achieved during the mission’s tenure, it was acknowledged in 2002 by the Bosnian police itself, that there was still a need to downsize police forces by approximately 20% (ICG 2002: 47, fn. 347). The police forces were still characterized by a mismatch between professional skills and numbers, as in general there were too many police officers, but too few with special functions (ICG 2002: 46-47). It is estimated and realized by local and international sources, that 20 percent of police officers do not have the proper education for their job. At the end of IPTF’s mandate, 23,751 police officers out of originally 44,000 law enforcement personnel including administrative staff were registered. 16,803 were granted provisional authorization, out of which 15,786 received full certification (8,311 in the Federation, 5,692 in the RS, 263 in Brcko, 1,351 in SBS, and 169 in the Federation Court

\textsuperscript{138} IPTF-P06/2001, p. 2-4.
\textsuperscript{139} IPTF-P01/2001A. This IPTF Policy spelled out as well the accepted diplomas, and levels of experience requiring respective mandatory training by IPTF.
\textsuperscript{140} IPTF-P02/2000: 1.
\textsuperscript{141} S/2002/1314, para. 11.
Police). Certification was denied to 481 officers (251 in Federation, 184 in RS, 1 in Breko, 1 in Federation Court Police and 41 in SBS), whereby 228 cases were pending.\footnote{S/2002/1314, para. 11.}

As the administrative structure, mission statements, rules and procedures of police missions and departments in the ministries of interior were still characterized more by political, nepotistic influence, and personal gains than by efficiency and practical concerns, UNMIBH started to introduce auditing, and a fiscal and organizational reform of the police administrations in 2002 (ICG 2002: 47-48).

IPTF, so far, had no knowledge of which organization had been doing which training, and had achieved what results. Many bilateral and international donors have worked on the same issues as IPTF and IFOR/SFOR were already doing. One example is riot control training, which was done by IPTF and SFOR, but as well by ICITAP, Germany, and France. Coordination became better after the establishment of the Rule of Law Task Force under the OHR in December 2001 (ICG 2002: 7-8). IPTF itself increased training programs of local police in cooperation with the two police academies in Banja Luka and Sarajevo, and provided mandatory courses and specialized courses for police forces. The most important aspect of its work was to make training self-sustaining by “training the trainers”.\footnote{S/2002/1314, para. 12.}

3.1.5.11. MIP Core Program 4: Institution building and inter-police force cooperation

The weakest link in the regulations of the Dayton Peace Agreement was the Bosnian state, which was the framework for the entities’ political cooperation, and should provide inter-entity and international criminal law enforcement (ICG 2002: 10).\footnote{Cf. DPA Annex IV, Art. 1, para. 3.} Attempts of UNMIBH to foster and increase inter-entity cooperation of police forces have not been too successful for a long time due to resistance from both entities, and the Federal cantons.\footnote{S/1999/284, para. 55} Still in 1999, efforts of UNMIBH to increase inter-entity cooperation relied heavily on “making and taking opportunities (frequently political) as local circumstances permit” and informal meetings of senior officers from both entities (Monk 1999: 4-5). One major achievement of UNMIBH was the creation of the State Border Service (SBS) in 2000.\footnote{Although the three-men presidency agreed to establish SBS by signing the New York Declaration on 19 November 1999, HR Paddy Ashdown had to create the agency by imposing the law on 13 January 2000. The Bosnian Parliament ratified the law in July 2001 (ICG 2002: 16).} Not only its functional meaning – the protection of international borders, which so far was managed only by the ethnically separate police forces, and gave room to bribery, ethnic discrimination and criminal activities – but also its political meaning, the creation of a federal police unit with functions other than...
guarding VIPs and diplomatic premises – was an important step forward, and met at first resistance, mostly among Bosnian-Croat and Bosnian-Serb authorities.\textsuperscript{147} Its main duties are the reduction in customs evasion and to control the flow of illegal migrants into Bosnia-Herzegovina.\textsuperscript{148} The UNMIBH Border Service Department, created in 1999, administers and oversees its development. Other international actors perceive the importance of a national border service as well.\textsuperscript{149} Still, the efficiency of SBS is severely hampered by the fact that major crossing points in RS remain outside the control of SBS (ICG 2002: 17). Still, performance gradually improved since its first border crossing in June 2000 (control of 62 percent of the border in March 2001, 75 percent end of 2001, and 88 percent in June 2002; cf. Stodiek 2004a: 234, 237, 241). Furthermore, the State Investigation and Protection Agency (SIPA), which was established in 2002 but did not become operational until 14 July 2004\textsuperscript{150}, is responsible for the exchange of law enforcement information, and the provision of protection for national institutions and representatives, as well as “inter-entity and regional cooperation in the fight against organized crime, human trafficking, and international terrorism” (ICG 2002: 10).

The Special Tracking Operations Program (STOP), created in July 2000, enhanced efforts by UNMIBH against trafficking in place since March 1999 (UNMIBH 2002: 3). In addition to accompanying local police to brothels and raids, STOP worked in cooperation with CJAU on the proper follow up on arrests by monitoring investigations and court procedures, although UNMIBH was in most courts not a welcomed guest (ICG 2002: 29).

To enhance regional cooperation, UNMIBH created in 2001 a regional task force comprised of members of Ministries of Interior from Croatia, the Federal Republic of Yugoslavia, the Bosnian entities and SBS, mainly to coordinate actions against organized crime, and to improve surveillance of terrorist groups (ICG 2002: 19). Among the international coordination mechanisms supervised by OHR, UNMIBH led the Joint Task Force for Inter-Entity Police Cooperation.\textsuperscript{151}

\textsuperscript{147}The maximum police strength was reduced in the Federation to 10,603 down from 11,489 (IPTF-P03/2000, para. 4), and in RS to 7,835 down from 8,500 (IPTF-P04/2000, para. 3).
\textsuperscript{148}In May 2002, SBS controlled 88\% of Bosnia’s borders and deployed 1,750 officers, raising to 2,700 at the end of 2002 (ICG 2002: 16).
\textsuperscript{149}The EU Immigration Pact Team (IMMPACT) and UNHCR have given training on how to deal with illegal immigrants (ICG 2002: 8).
\textsuperscript{151}S/2002/1314, para. 18.
3.1.6. Judicial reform

The legal sector in Bosnia-Herzegovina after the war was operating – just as the police – in three separate systems, one for each ethnic group. Furthermore, it had – due to communist legacies – the same basic structure, and the same basic problem of being highly politicized as well as being short of trained personnel. Furthermore, the legal codes were designed to maintain the state’s power – and not the rule of law (Dziedzic and Bair 1998: 263). Until late 1997, the Communist-era code of Criminal Procedure and the Bosnian Penal Code remained in force (Dziedzic and Bair 1998: 290). In the Federation, a new Criminal Code and Criminal Procedure Code came into effect in 1998\textsuperscript{152}. In RS a new Criminal Code\textsuperscript{153} came into force on October 2000, and a new criminal procedure code was being drafted in 2000. On the state level, a nationwide Constitutional Court was established in April 1997 as one of the last institutions decided in the DPA to come into existence (Dziedzic and Bair 1998: 292). A state court with competency in specific penal matters and administrative litigation was imposed by the decision of the OHR on 12 November 2000.\textsuperscript{154} However, the law enforcement system in Bosnia-Herzegovina after the change was characterized by an inadequate cooperation between police, prosecutors and judges, and the intentional obstruction of duties. This meant either non-consistent or inadequate investigations, deliberate misuse of procedures, constant failure to cooperate with prosecutors, and false or conflicting testimony in court. Improving the effectiveness, accountability, impartial functioning, and capacity of the judicial system was necessary if a functioning police force was to be created, and Human Rights abuse investigations and non-compliance reports were to be followed through (ICG 2002: 52).

Several, quite uncoordinated, attempts were carried out before JSAP came into being, but without coordination these attempts were deemed to have only a partial impact. The American Bar Association’s Central and Eastern Europe Law Initiative (ABA/CEELI), under the considerably late supervision of OHR and UNMIBH, helped the Federation Ministry of Justice to launch a reform process of the Criminal Procedure and Penal Codes, and its drafts were presented to the Council of Europe in mid-1997.

For the corrections system, the Crime Prevention and Criminal Justice Division of UNDP developed a procedural manual, and the OSCE Rule of Law Program\textsuperscript{155} tackled democratic

\textsuperscript{152} Official Gazette of FBH No 43/98 on November 20, 1998.
\textsuperscript{153} Published at the Official Gazette of RS 22/00 of September 2000.
\textsuperscript{154} OHR led this project, with the cooperation of the Council of Europe and judges of both entities, which resulted in the creation of the State Court of Bosnia and Herzegovina. JSAP Final Report, Sarajevo Team, November 2000: 5.
\textsuperscript{155} The OSCE staff could similarly intervene in cases of human rights abuses by the local police, but UNMIBH remained having the stronger and larger mandate (Cordone 2000: 201).
rights and human rights investigations as well (Dziedzic and Bair 1998: 291-292). ICITAP was involved in formulating a procedural manual for human rights investigations, but UNMIBH seemed to be unaware of this (Cordone 2000: 201).

After UNMIBH’s first attempts in 1997 to reform the judicial sector in cooperation with the Council for Europe and the OSCE (ICG 2002: 7), the Security Council, after a request from the HR (OHR 1997: I 2 c), decided to put in place the Judicial System Assessment Program (JSAP) in July 1998 to monitor and assess the court and judicial system in BiH.156 JSAP consisted of 18 international and eight Bosnian legal experts and judges (Cordone 2000: 200; Stodiek 2004a: 199).

JSAP Teams were deployed in November 1998 to seven regional offices (Sarajevo, Banja Luka, Mostar, Bihac, Doboj, Tuzla, and Livno),157 with each office capturing the neighboring district courts (for example the Sarajevo Office covering the courts in Sarajevo and Gorazde in the Federation and the courts of Srpsko Sarajevo, Foca, Sokolac Vlasenica, Rogatica and Visegrad in Republika Srpska).158 The teams were working on assessing the judicial system, identifying obstacles in the judicial system, and developed a database on the performance of the judicial administration and judges during trials and in court procedures (Stodiek 2004a: 204).159 Each team produced final reports as a “snapshot” of the judicial system in its area of responsibility in November 2000160, which should feed into subsequent efforts of the international community to reform the judiciary. JSAP ended in December 2000, and its tasks were taken over by then newly created the Independent Judicial Council (IJC) of the OHR.161

The Criminal Justice Advisory Unit (CJAU) was created in order to follow up on UNMIBH’s efforts to monitor the judicial system and court cases from the police point of view. After the conclusion of JSAP, the Independent Judicial Commission coordinated the international community’s efforts to reform Bosnia’s legal system. ICJ was evolving into the Rule of Law Task Force in 2002, which brought together units within OHR involved in the judicial reform program, law enforcement reform and fight against crime and corruption.162 The main tasks of CJAU were to clarify the status of investigations not finalized and/or not forwarded to the

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159 S/1999/284, Para. 34.
160 E.g. JSAP Final Report, Mostar Team, November 2000: 3. The Mostar team produced weekly reports during its two-year tenure.
161 S/2002/1314, p. 5, and http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content_id=4127, seen 2 September 2004. Independent sources say that JSAP was ended and transferred to OHR because it was deemed more a nation-building than a peacekeeping task (ICG 2001: 2, fn. 8).
prosecutors. Furthermore, CJAU, in cooperation with HRO, was examining court and police records to identify police officers accused of crimes, who remained in the force (ICG 2002: 37). In cooperation with ICITAP and ABA/CEELI, CJAU engaged in a project on standardized reporting by police officers in all districts (ICG 2002: 14), and made a large contribution towards creating a uniform Court Police in BiH, which was operational by the end of 2002.  

3.1.7. Conclusion

After the narrative presentation of the key processes and developments in UNMIBH and IPTF, this chapter seeks to analyze the case of UNMIBH IPTF according to chapter two. The two modes of change, incremental change and macro-level change, as well as proposed that the confluence of the four streams of problems, solutions, the mandate, and the context, and the adaptation of CIVPOL missions are analyzed. Following the analytical scheme proposed in chapter 2.6.4, we first detect major points of change in the mission’s history, again organized around the five key dimensions, and then attribute the mode of change leading to adaptation of the CIVPOL Mission.

3.1.7.1. Deployment and Enforcement Gap: Cooperation with IFOR/SFOR

As mentioned before, IPTF initially suffered in its performance from the deployment gap. As stated in chapter one, timely deployment, combined with the appropriate strength to carry out the mandate given to CIVPOL is essential especially in the very first days of the operation (Hills 2001; Hansen 2002a: 65-67). IPTF reached its full deployment in May 1997, more than a year after the mission’s deployment.

3.1.7.2. The Enforcement Gap

Concerning the enforcement gap In the case of IPTF, cooperation improved incrementally after the change from IFOR to SFOR. Before the new mandate given to SFOR, and before the set-up of new cooperation measures between IPTF and SFOR, IFOR only provided logistics to IPTF and did refrain to cooperate more closely in providing robust backup to IPTF. Cooperation was not managed on a day-to-day basis but consisted of special arrangements in large-scale operations, like the transfer of the Sarajevo suburbs and the September 1996 elections.

Although incremental change prevailed during IFOR, macro-level change contributed to the improvement of cooperation with SFOR. IPTF realized that cooperation with IFOR was ineffective. A solution was found in increasing cooperation efforts for special situations, like

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163 S/2002/1314, para. 16.
happened during the national elections in September 1996. Cooperation improved incrementally and culminated in the cooperation agreement in place with SFOR. IFOR initially refused to take over policing tasks, but realized that both sides’ efforts would be hampered if they would not coordinate their policies and cooperate in day-to-day matters. Context-induced change through the decision by NATO in July 1997 to assist in the implementation of the civilian parts of the DPA after the successful implementation of the military part through IFOR led to the continuation of SFOR after IFOR and the broadening of SFOR’s mandate (Williams 1998: 64). NATO and SFOR realized that cooperation had to be intensified to assist their civilian counterparts in not failing to implement their mandate, and made a major step forward in allocating resources to joint structures, to civil-military cooperation (CIMIC) in reconstructing infrastructure, introducing the MSUs in 1998 as a military police force for riot control, installing liaison officers to civil organizations, and cooperating more closely in all technical operational and communication problems (Williams 1998: 62). IPTF, in this case, adapted its policies and structure to incorporate military liaison officers, as well as advocated an improvement of relations with the military on the political level. Slowly but steadily, the enforcement gap was filled. The policy change by NATO on the macro-level to assist implementation of the civilian parts of the DPA, occurred after it became apparent that the conditions of cooperation were problematic. This, combined with the NATO member states decision in July 1997, led to a gradual improvement and institutionalization of cooperation between, and the institutionalization of joint patrols and weapons inspections by, IPTF and SFOR, and resulted in an effective functional relationship. On the timeline, the enforcement gap can be located between begin of the IPTF mission, January 1996, to mid-1997, when cooperation with SFOR was institutionalized. After this point in time, the gap narrowed until effective functional relationships were in place in 1999 (Buwitt 2002: 227-228).

3.1.7.3. Restructuring

Until Police Commissioner Fitzgerald had pushed for an International Donors Conference on reforming the police in Bosnia, few funds were available for IPTF. It barely could equip itself, and thus had little to offer to the local police forces, which were to be downsized, restructured, and reformed. As in many cases in post-conflict reconstruction, funds are the most important “ingredient” for progress. Fitzgerald realized this, defined the lack of equipment and incentives to local police to comply with IPTF’s decisions as problems,
proposed the solution of an UN administered fund\(^{166}\), and “reached” into the political stream: He made use of the Irish presidency of the European Union, and succeeded to gather donors for an international conference.\(^{167}\) UNMIBH’s mandate did not mention explicitly the provision of equipment to local police forces, and neither did the UNMIBH budget provide for special equipment like investigative equipment for IPTF but only for staff, fuel, and basic equipment.\(^{168}\) But it soon became clear that without investment into the local police forces, few improvements would take place and too few incentives for local actors to cooperate would be in place if no funds would be available. The result of the efforts was the creation of the UN Trust Fund for the Police Assistance Programme, which provided equipment to all three police forces. The four streams are joined: a solution (UN Trust Fund) becomes linked to the problem (no additional resources), fits and enlarges the mandate, and is nurtured by a supportive political context.

3.1.7.3. Creating a democratic local police force

Even before some progress was achieved on the restructuring of local police forces – a process, which took until 1997 in the Federation and until 1999 in the RS – it became clear that monitoring alone would not be sufficient for implementing the mandate of UNMIBH. Monitoring had to be supplemented with “robust monitoring” involving human rights investigations and quasi-enforcement activities if the performance of the local police was to be improved (Cordone 2000: 192). Not only concerning enforcement possibilities as discussed above, but also concerning the content of police reform, the establishment of the Human Rights Office and of the right for IPTF to engage in investigations, can both be seen as a solution to the problem of ethnic bias and lack of local professionalism in conducting investigations. IPTF’s tasks were expanded towards the competence to conduct human rights investigations, as well as to request police experts in specialized fields like human rights investigations and the provision of training. Although the original mandate specified the responsibility of IPTF to monitor the compliance of the parties with the DPA, a new resolution was adopted giving the necessary competences to IPTF.\(^{169}\) Due to the fact that an own resolution was adopted for this change, we argue that this change was as well made possible through a context being conducive to adaptation of IPTF. However, not only political

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\(^{167}\) Author’s interview with Peter Fitzgerald.

\(^{168}\) In the later stages of UNMIBH, one person was tasked only with constantly calling governments and donors in order to fulfil pledges they had previously done (Author’s interview with former UNMIBH official, 16 October 2004).

\(^{169}\) SC/RES/1107, 16 May 1997, para. 2
action but also problem pressure can create “policy windows” for adaptation. The growing
dissatisfaction inside IPTF with human rights compliance and IPTF’s own competences
became apparent in getting through this major change of competencies by adapting training
and investigation policies, changing the organizational structure by establishing the HRO, as
well as by alternating the mandate towards the assumption of investigative competences by
IPTF.

After that, a second major change in the enforcement dimension occurred with the adaptation
of the powers of the OHR in 1997. UNMIBH as well as OHR had realized that without any
sanctioning power over local actors, which continued to spoil the DPA, their efforts were
seriously hampered, and the DPA could not properly be implemented. From the point of view
of IPTF, a reform and restructuring program could be very good, but is doomed to fail, if the
degree of cooperativeness of local political authorities of the mandate is not supportive to
implementation, (Hansen 2002a: 79). First, coordination in general was not very strong, as no
authority over other international actors was given to OHR (Dziedzic and Bair 1998: 271).
Again, we find an incremental change process within the boundaries of the mandate and the
DPA. Before the “Bonn Powers” of December 1997, which gave the OHR larger
responsibility in coordinating international efforts and controlling local actors, the OHR
slowly improved its function in holding daily “Principal meetings” between UNMIBH, OHR,
IFOR/SFOR, IPTF, in addition if related matters were discussed, the OSCE or UNHCR
(Chesterman 2004: 77). At the operational level, coordination forums were created such as the
Joint Elections Operations Center comprising IFOR/SFOR, IPTF, OSCE, and OHR (Dziedzic
and Bair 1998: 271-272). The solution for dealing with obtrusive local officials, promoted as
well by UNMIBH170, was to remove individuals from office who obstructed the
implementation of the DPA or violated their legal commitments (cf. Caplan 2004a: 56-57).
The enlargement of the mandate by Resolution 1088 was ultimately confirmed by the Peace
Implementation Council’s decision.171 The coordination between the international
organizations and actors in place improved and made possible the effective sanctioning of
“spoilers”. For this change, more than with the cooperation with IFOR/SFOR, the political
context had to be supportive, as only the Peace Implementation Council, which consisted of
the G-8 states and international civil and military organizations, could decide on a major
change of the mandate and competences given the international authority in Bosnia (Williams
1998: 64-65). The result was an adaptation of IPTF’s policies concerning obtrusive actors, an

170 Author’s interview with Peter Fitzgerald, 16 September 2004.
improvement of cooperation with the OHR, and an extension of the mandate towards the competency of IPTF to dismiss local police officers.  

Another event initiated the adaptation of IPTF: in the beginning of 1998, both a new SRSG and Police Commissioner assumed their duties. Richard Monk used this possibility for both changing the structure of IPTF and defining new tasks for IPTF. Four dimensions added to this move. First, to further diminish political influence on the police, the monitoring and investigation approach was complemented by a stricter co-location scheme ranging from the Ministries of Interior to the local police stations. Second, to enhance professionalism among the police officers, IPTF introduced specialized and obligatory training modules as well as auditing units in the local polices. Third, as of the moment when IPTF was backed up by broader political competencies of the OHR and UNMIBH including the removal of uncooperative officials, strictly democratic police reform, reaching into the societal environment of the police, became a matter in Bosnia as well. Fourth, the augmentation of the number of Civilian Affairs Officers improved the relationship of IPTF to the local politicians, and made IPTF as well more sensitive towards local conditions, dynamics, and developments. Both the Bonn powers, as well as the change in leadership can be seen as context changes that made these solutions to existing problems concerning police reform possible. We find that the structure of UNMIBH and IPTF was changed, that policies were adapted, and that the mandate had been reinterpreted.

Three further points concerning the creation of a new police force are worth noting here. First, the institution-building part of UNMIBH’s efforts in reforming the police grew out of the successes in restructuring, vetting, and training the local police. Once these initial processes were coming to bear respectable results, the creation internal supervision mechanisms as well of inter-entity police cooperation rose onto the agenda of UNMIBH. The creation of the Bosnia-wide State Border Service (SBS) in 2000 was a result of a large amount of political pressure by the OHR on the local actors – the Bosnian Parliament only adopted the new agency in July 2001 – as well as the proposition of a coherent creation plan for SBS by UMIBH. Included in this point is as well the establishment of training facilities (UNMIBH 2002a: 9). Furthermore, the foundation of a Bosnia-wide State Information and Protection Agency (SIPA) in 2002 was initiated in order to improve inter-entity and regional cooperation concerning organized crime. Second, the cooperation between the various police forces was improved by the creation of various Ministerial Committees, regional task forces, and special programs, like e.g. the Special Tracking Operations Program (STOP), which cooperated with

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the Criminal Justice Advisory Unit in order to fight trafficking in human beings. The main goal was to establish effective working level relationships between the various police forces between the entities as well as with neighboring states (UNMIBH 2002a: 10).

Both points would not have been possible without the strict Mission Implementation Plan established by UNMIBH (see section 3.1.7.5.), and the commitment of OHR towards a more comprehensive view on the reform of rule of law agencies in Bosnia.

3.1.7.4. Judicial reform

After police reform had been initiated, “UNMIBH recognized that the judicial monitoring function would have to be developed significantly” as well (Cordone 2000: 200). As was mentioned already in its original mandate, UNMIBH was responsible as well for judicial reform. Until 1998, IPTF was concentrating on police restructuring and reform. However, the conditions in the judicial system, and the knowledge of police officers concerning judicial standards seemed to negatively influence continuing success of police reform. UNMIBH created the Judicial System Assessment Program with the approval of the Security Council, which brought UNMIBH to initiate judicial reform efforts by the OHR.

Once OHR had developed the capacity, and the interest, to engage in judicial reform in Bosnia, the main coordinating body moved from UNMIBH’s JSAP to the Independent Judicial Commission under the umbrella of the OHR. To maintain a role in judicial reform, and link reform in the police sector to the judicial sector and vice versa, the Criminal Justice Advisory Unit was created, which focused mainly on creating a uniform Court Police, standardized reporting of incidents throughout Bosnia (in cooperation with ICITAP and ABA/CEELI), and the provision of new Criminal Law Codes to local police officers.

Concerning judicial reform, we find two processes: once police restructuring and reform was initiated and implemented, UNMIBH realized that the conditions in the judicial sector were unsatisfying in comparison to the achievements of the police sector. The mandate provided for a role of UNMIBH in judicial reform as well, and a solution was found by introducing the JSAP. Once cooperation became necessary due to a change in OHR’s coordination functions in 2000, UNMIBH adapted its structure and policies, and implemented the CJAU, which maintained UNMIBH involvement into judicial reform.

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173 E.g. the definition of human rights violations, the police officers’ knowledge of the Criminal Justice Code, the standardized reporting on incidents, and the proper and efficient cooperation between police and prosecutors were fields in which most police officers were not well trained or which were not institutionalized in the police administrations (HRW 1998: 25).
3.1.7.5. A mission-wide implementation program – the Mission Implementation Plan

The UNMIBH MIP was introduced as a multi-dimensional solution to parts of the mandate not implemented, “as a comprehensive two-year plan of six programmes to complete its core mandate” (UNMIBH 2002a: 1). The MIP outlined timelines and categories of projects\textsuperscript{176} within the six core programs – police reform, police restructuring, police-criminal justice cooperation, institution-building, police-public awareness, and support for UN activities – in order to finish off the mandate of UNMIBH in a shortening time frame\textsuperscript{177}, and after a reduction of the general budget due to new CIVPOL missions in Kosovo and East Timor. A combination of change in leadership with Jacques-Paul Klein as SRSG and a change towards a dedicated academic planning staff\textsuperscript{178}, of problem pressure of still existing problems in the local police sector, as well as decreasing funds due to the deployment of new missions, created the possibility to enhance UNMIBH’s efforts in its last period. Outstanding tasks were defined as problems, and solutions were strictly followed up through a coherent, coordinated implementation plan for the entire mission to bring the mission’s mandate to a successful end. Not only the reform components were included, but also the coordinative function of UNMIBH and the OHR Rule of Law Task Force were emphasized in the implementation plans. UNMIBH and the OHR Rule of Law Task Force improved the provision of training and technical assistance to various police and justice agencies by introducing joint mechanisms and committees (ICG 2002: 7).


\textsuperscript{176} 1) Projects to be finished with UNMIBH resources, 2) projects that need additional financial support, 3) projects that require political support by the OHR, 4) projects that set up self-sustaining mechanisms, which will require monitoring and further assistance by the successor mission, and 5) projects that establish foundations for long-term projects (UNMIBH 2002a: 1).

\textsuperscript{177} Author’s interview with EUPM Political Advisor, 8 September 2004.

\textsuperscript{178} Author’s interview with EUPM Political Advisor, 8 September 2004.
3.2. Kosovo: UNMIK Police

Kosovo so far represents a unique case of a combination of diplomatic pressure, military threat, and humanitarian intervention with the consent of the respective countries, and the installation of a transitional administration (Chevallier 2001: 4; for humanitarian intervention see Falk 1999, Vesel 2004: 3-15, 41-49). The specific difficulty of administering Kosovo temporarily was already included in the SC Resolution 1244: UNMIK should provide Kosovo with “substantial autonomy” and “meaningful self-administration” (Kouchner 2001: 139), but had to avoid taking a final position on the key political question of Kosovo’s relationship to Serbia. The Resolution reaffirms the legal sovereignty of the Federal Republic of Yugoslavia over the province, which contradicts the position of most Albanian Kosovars, who aim for a Kosovo independent from Serbia (Chesterman 2004: 80; DeMello 1999: 2; Caplan 2002: 76-77). The international presence in Kosovo made clear that the province was completely under international control. KFOR rejected the request of the Former Yugoslav Republic’s (FRY) government to sign a Standards of Forces Agreement (SOFA) to reaffirm its sovereignty over Kosovo province, and made an SOFA with UNMIK as the provisional authority instead (ICG 2000: 9-10).

The special difficulty of Kosovo is that “the UN has been tasked with (re)constructing law and order, and is to take responsibility for the whole range of issues from day-to-day policing tasks to the long-term establishment of the security sector ‘triad’ of police, judiciaries and penal systems as well as the development of new legal codes” (Holm and Eide 2000: 212). Kosovo presented a security vacuum, with hardly any “normal policing” for more than a decade. That the UN agreed to take over the dual task of setting up a civil administration as well as a police force, can be explained by its desire to regain a role in resolving the Kosovo conflict after OSCE, NATO and USA which had dominated the diplomatic efforts for almost two years (Holm and Eide 2000: 212-215). The mandate shows the determination of the UN and the international community to bring peace to Kosovo and provide assistance to rebuild foundations of a functioning civil society and government of the province.

179 Eric Chevallier points out the difficulty of interpreting the meaning of “substantial autonomy”. While on his way to Kosovo on the plane, Kouchner and his staff still did not have a clear picture of what substantial should mean, and how this should look like in practice. Seminar at the IEP de Paris, November 2003.

180 However, KFOR and the governments of the Federal Republic of Yugoslavia and the Republic of Serbia had signed a Military Technical Agreement, which regulated KFOR’s status in Kosovo (HRW 2004: 11).
3.2.1. Mandate and Institutional Environment

3.2.1.1. Mandate

The legal basis for the United Nations Interim Administration in Kosovo (UNMIK), the NATO-led KFOR as military force, and the UNMIK Police, is included in the Security Council Resolution 1244. In the latter, paragraph 11 i) sets the framework and tasks for UNMIK CIVPOL, including maintenance of law and order and the establishment of a local police force. For the first time, a peacekeeping mission has received the mandate to set up an international police force with executive functions (Chevallier 2001:12; Hansen 2002a: 25), “taking over [the host state’s] monopoly on legitimate violence” (Hansen 2002a: 9). UNMIK Police was armed, and its tasks included to carry out investigations and arrests, to controlling traffic, to patrolling borders, to gathering, analyzing, and using criminal intelligence as well as forensic evidence, and to training local police and managing the organization and administration of the police force, the latter in cooperation with OSCE (Hansen 2002a: 28).

The mandate authorized the deployment of an “international civil and security presence”, which would constitute a “transitional administration, while establishing and overseeing the development of provisional democratic self-governing institutions”, whose tasks would be:

- Maintaining civil law and order through the exercise of executive police powers during an initial period,
- Performing police border duties at international border crossings during an initial period,
- To advise and assist KFOR in the maintenance of public security and order during the initial period following withdrawal of FRY forces, and
- To recruit, train, and organize a Kosovo Police Service, including border police, in cooperation with OSCE,
- To advise, train, and monitor the KPS once created,
- To protect and promote human rights, and
- To assist the activities of ICTY in Kosovo (UNMIK Police 2000: 10).

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181 S/RES/1244, 10 June 1999.
182 S/RES/1244, 10 June 1999, para. 9 refers to “consideration” that should be given to arming the police confronted with the executive mandate and the difficult security situation in Kosovo. Kofi Annan insisted on the necessity of arming the UNMIK police force, as officers would have all executive tasks national police forces have as well (Stodiek 2004a: 265).
183 Cf. S/RES/1244, 10 June 1999, para 9, 10, 11.
Security Sector reconstruction and reform was divided into a three stage-strategy:

1) KFOR took responsibility for ensuring public safety and order in the first months of UNMIK, as was laid out in the mandate\(^\text{184}\), due to the security situation and insufficient deployment of CIVPOL.

2) Once UNMIK was capable of ensuring law and order, UNMIK CIVPOL carried out normal police duties, was armed, had executive law enforcement authority, and initiated on-the-job training for, and advising and monitoring of the local police force.

3) As soon as the local police force, the Kosovo Police Service (KPS), will be entirely functional, UNMIK CIVPOL will transfer more and more responsibilities for law and order, and will revert to training, advisory and monitoring functions (UNMIK Police 2000: 11; cf. Hansen 2002b).\(^\text{185}\)

The division of labor between UNMIK and KFOR made UNMIK responsible for the maintenance of everyday security, and KFOR for public security and a stable environment only in the initial stage of the mission (Holm and Eide 2000: 214). The role of UNMIK Police was “to invent itself, following no previous models, and to impose its presence on Kosovo in such a way as to re-establish confidence in the very institution of the police“ (UNMIK Police 2002: 34). The concept, planning, and implementation for UNMIK Police was developed on the ground, as it is the first executive police mission in the history of the UN (cf. Dziedzic 2002). Despite its slow start, UNMIK Police later achieved a visible presence, and was carrying out normal police functions and monitoring KPS. However, the security situation improved only significantly in August 2001, which was due to both the increased effectiveness of UNMIK Police and an increased commitment of KFOR since the end of 1999 (Stodiek 2004a: 335). The extent of the fragility of the security situation remained, became manifest only in the March 2004 riots.\(^\text{186}\) It becomes apparent in the following sections, how external shocks and changes of the mission’s leadership influence the adaptation of missions to its local surroundings. More importantly is the fact that routine policies and developments prevailed after the initial set-up of UNMIK during long periods under the same leadership. Policies and patterns of cooperation will be described and analyzed in the next sections.

\(^{184}\) “Ensuring public safety and order until the international civil presence can take responsibility for this task.” S/RES/1244, para. 9d).

\(^{185}\) [http://www.unmikonline.org/CivPol/mandate.htm][seen 20 June 2004].

\(^{186}\) However, a latent rise in ethnic violence and attacks on international personnel already in 2003 was stated even in official UN reports (S/2003/996, 15 October 2003, para. 16-17).
3.2.1.2. Structure of UNMIK – Institutional Environment

The United Nations Interim Administration Mission in Kosovo (UNMIK) received its preliminary operational concepts through the Report of the SG on 12 June 1999, and promulgated its authority by its first regulation. Avoiding the mistakes of Bosnia, the activities of the international community were integrated and a clear, unified chain of command was established. Under the UNMIK umbrella, four pillars were formed whose administration and lead responsibility was assigned to different international agencies: Pillar I, Humanitarian Affairs, was entrusted to UNHCR; Pillar II, Interim Civil Administration, was given to UN; OSCE took over Pillar III, Institution Building; and the EU was given the task of Pillar IV, Economic Reconstruction. On 22 May 2001, Pillar I was re-branded as Police and Justice, taking over parts of Pillar I. The major part of UN’s role was entrusted to the SRSG and Head of UNMIK, who had “overall authority to manage the Mission” and was to “coordinate the activities of all UN agencies and other international organizations operating as part of UNMIK”. For coordination with the military, the imperative was added to the report, that UNMIK and KFOR coordinate their activities closely, establish effective coordination mechanisms for regular consultations, and establish a military liaison unit. UNMIK was given “all legislative and administrative authority with respect to Kosovo, including the administration of the judiciary.” Also included in the mandate was the “promotion of the establishment […] of substantial autonomy and self-government”, despite absence of clarity about Kosovo’s future (ICG 2000: 23). Starting in 1999, UNMIK tried to convene all ethnicities in the Joint Interim Administrative Structures (JIAS), which were expanded to Provisional Institutions of Self-Government (PISG) in May 2001. In December 1999 it became clear, that the plan of a multi-ethnic Kosovo was not likely to be continued. Kouchner issued a plan to further ethnic coexistence rather than integration, and set as main targets a secure access of minorities to communal service and public institutions (Stodiek 2004a: 280).

Due to the lack of any public or judicial infrastructure and legal foundations of any Kosovar institution, it remained unclear, which law could be seen as the legal basis for civil and criminal jurisdiction (see chapter 3.2.6 for a detailed description). Kouchner tried to solve the

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188 In the beginning, due to lack of funding and qualified personnel, the main sources of funding and staffing did not come from EU countries but from USAID. Nonetheless, EU members accounted for approximately 70 percent of all reconstruction assistance, and total US government support was decided to be limited to 15 percent of the overall international investments (ICG 2000: 34).
189 S/1999/672, 12 June 1999, para. 3.
question of applicable law in December 1999 by issuing a decree that the law in effect should be the one in effect prior to 1989 with modification in respect to International Human Rights. Legal issues, however, remained difficult in several areas, not only for the judiciary due to lack of qualified judges and resistance from the Albanian side (ICG 2000: 30-31), but also for developing a market economy and framework for investment (ICG 2000: 35).

In order to channel ongoing conflicts between Serbs and Albanians on the question of status of Kosovo, but also between different Albanian groups (especially between Thaci’s UCK/PDK and Rugova’s LDK), into more peaceful aims, UNMIK tried to incorporate local elites into a process of consultation and confidence-building. This strategy included the provision of incentives and the sharing of political power for those who supported Resolution 1244, and to oppose those who obstructed (Dziedzic 2002: 37).

International attention to Kosovo was high during the entire post-conflict era until 2001; in 1999, large donor conferences were held in order to collect enough funding for humanitarian as well as for state-building purposes. After large-scale violence in February 2001, Solana, Patten and Powell threatened to withdraw international support to Kosovo if the permanent danger of riots was not diminished. The international community also feared a spillover of rising tensions between Slavs and Albanians in FYROM (Stodiek 2004a: 320). The overall strategy in Kosovo in the first years was to improve the living conditions and access to political rights for all ethnic groups as well as the economic situation. Steps towards “substantial autonomy” became manifest through establishment of the Joint Interim Administration Structures (JIAS) creating Kosovar ministries, headed by international and local co-heads, the Constitutional Framework for Provisional Self-Government in May 2001 and the elections for the Kosovo Assembly on 17 November 2001. Hans Häkkerup, who succeeded Bernard Kouchner as SRSG in December 2001, succeeded in giving all ethnic groups access to parliamentary and ministerial posts (Stodiek 2004a: 327).

In February 2002, Michael Steiner became SRSG and Head of UNMIK. According to ICG, his dynamic and ambitious leadership and guidance brought renewed energy to the mission. He launched large initiatives on improving the actual situation, and addressed the problem of political future of Kosovo by introducing eight “Benchmarks” or “Standards“ with 32 sub-goals, including job creation, security, substantial multi-ethnicity, the transfer of power to the PISG, the establishment of direct Pristina-Belgrade dialogue, and the preparation for

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192 So were e.g. the transformation of the UCK into KPC, and the set-up of JIAS, majors steps in bringing Rugova and Thaci together, and the Kosovo-wide elections in November 2001 a major incentive for the Kosovo Serb leadership to cooperate (Dziedzic 2003: 39).
European integration. The implementation, unfortunately, did not maintain the same innovative and quick approach as the ideas behind it (ICG 2003: 2). After Steiner, Harri Holkeri became UNMIK SRSG in September 2003. He pushed further the plan to reach standards before any negotiations about the future of Kosovo could be reached (“standards before status”), and issued the Kosovo Implementation Plan, including sub-goals to be achieved within strict deadlines.\(^\text{193}\) After the riots leading to large-scale ethnic violence against the Serb minority on 17 and 18 March 2004, Holkeri resigned in April 2004 due to health problems. His successor Søren Jessen-Petersen has changed the course of the mission towards achieving substantial transfer of competences and true transition of governmental as well as police functions in close cooperation with KFOR as soon as possible.\(^\text{194}\)

As established in chapter one of this work, the five dimensions will be analyzed in the context of being essential for CIVPOL success: the filling of the deployment gap and the enforcement gap, disarmament and demobilization, the creation of a multiethnic democratic police force, and the creation of a functioning judicial system.

### 3.2.2. The deployment gap

The deployment of UNMIK Police was a slow process.\(^\text{195}\) On 13 June 1999, the interim Police Commissioner Halvor Hartz arrived in Kosovo with the UN Advance Team. On 27 June, 27 officers from UNMIBH arrived. On 6 July, Sven Frederiksen, the first UNMIK Police Commissioner arrived. On July 1st, about 35 CIVPOL officers were in place, of which the majority had trained KFOR in policing duties, and some of which were present at border crossings and municipalities (Stodiek 2004a: 266). Initial UN plans deemed 3,100 officers to be sufficient for policing Kosovo; in July 1999 it became apparent that around 6,000\(^\text{196}\) would be more appropriate for the situation in which Kosovo was. Member states objected this demand, as both difficulties in recruiting and high costs of the force made it not make how this proposal could be put into reality (ICG 2000: 42). In the end, a force of 4,718 was authorized, of which 3,629 were deployed in May 2000.\(^\text{197}\)

\(^{193}\) The Kosovo Standards Implementation Plan was published on 10 December 2003.

\(^{194}\) Author’s interview with Eric Chevallier, 19 October 2004.

\(^{195}\) This was also due to the fact that UN CPU was only informed a few days before Resolution 1244 was passed, that the UN would provide the Civilian Police Component, and – due to Russian diplomatic pressure – not the OSCE, which was USA’s first choice (Hansen 2002a: 37). More pragmatic or diplomatic accounts of the situation proclaim, that – despite the surprise of OSCE’s chairmanship of the choice for UN as main actor in policing – OSCE had not run missions of that scope before, and that her capacities were not seen to be too prepared for running a whole police mission (Holm and Eide 2000: 215).

\(^{196}\) Kouchner repeated the request of Kofi Annan to authorize 6,000 officers on 10 September 1999 (Stodiek 2004a: 275).

\(^{197}\) Stodiek 2004a: 296.
As Eric Chevallier, former Special Advisor to SRSG Bernard Kouchner of UNMIK, points out that in August 1999 723 of the total number of 4,718 officers envisaged in the resolution were present (Chevallier 2001: 12). This slow deployment was due to four facts: Firstly, UNMIK Police was the first UN police operation of this scale with a never tested, executive, mandate. “Rather than devising a sound concept of what was to be achieved by the international police and how, the challenges that resulted from the sweeping mandate [of UNMIK] were addressed by deploying a police force of unprecedented size” (Hansen 2002a: 11). This task was new for the UN, and thus there were no institutional memories that could be used. This point is made even clearer by the fact that the first high-level report on the functions to be performed of CIVPOL in Kosovo, was only issued on 12 July 1999 by the Secretary General (Blumi 2003: 20). The second challenge was the reluctance of UN member states to provide UNMIK with the necessary quantity and quality of staff, due to the perception of the assignment as dangerous, which led to large shortcomings especially in the first months of the mission (Chevallier 2001: 13; Hansen 2002a: 28). The third aspect is closely linked: once the contingents were deployed by the member states, UNMIK was overcharged with the “difficulty of processing large number of new arrivals all at once” (ICG 1999: 8). Fourthly, the unexpectedly rapid return of Albanian Kosovars (having fled during the Serbian military actions against UCK and during the NATO bombing), and the simultaneous exodus of Kosovar Serbs to proper Serbia (exceeded the capacities of international agencies providing humanitarian assistance and security (Blumi 2003: 20). These factors caused the delay of CIVPOL effective functioning until well into 2000 (Caplan 2002: 70, 77). In December 1999, there were 1,896 CIVPOL officers, in 39 police stations and substations, 6 border checkpoints, 5 regional offices and the Headquarters in Pristina (Stodiek 2004a: 278). UNMIK’s officers came from 48 countries, and recruitment caused the same problems as in many Civilian Police Missions: insufficient qualifications of the officers concerning driving, weapon use, and the level of English proficiency, led to necessary repatriations. Additionally, officers from very different legal and policing cultures had to

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198 To explain the main impact in Pristina, and the lack of security in the rural and more problematic areas: 479 officers in Pristina, 49 in Mitrovica, 35 in Prizren, 26 in Peja/Pec, and 78 officers deployed at border crossing points (Stodiek 2004a: 274).
200 ICG pointed out that the longer the international community would hesitate, the more they would be right in perceiving the environment as dangerous (ICG 1999: 6).
201 Over the course of 3 weeks, half a million Albanians returned to Kosovo (ICG 2000: 15).
202 Due to the concentration of Serb settlements, which led to a de facto partition of Kosovo, only 100,000 Serbs remained in Kosovo in Winter 1999, either in the enclaves Grakanica, Stripce, Gnjilane, in smaller settlements west and south of Pristina, in North Mitrovica, and the region towards Serbia (ICG 2000: 16). Other sources estimate that of 200,000 Serbs in Kosovo on 164,000 fled to Serbia (Stodiek 2004a: 270).
work together, and the commanders had no control over which officers were sent to them (ICG 1999: 6).

UNMIK Police, additionally, arrived in a “blank-slate situation”, meaning that no infrastructure, no office furniture, no radios, few vehicles, no stationery, and “no law” were available to start working from. In the first two months of the mission, however, police officers were literally sitting around in Pristina and drinking coffee, because they could not do much without the necessary basic equipment, which gave a very bad perception of UNMIK Police in the beginning. This led to the fact that UNMIK had to bring in large portion of specialized police equipment. The initial lack of forensic and evidence analysis resources, witness protection programs, and experienced personnel for organized crime enforcement hindered the mission to “kick-off” from the beginning (ICG 2000: 23). Furthermore, the need for establishing criminal investigation departments at the central and regional level had to face the largely spread violence against minorities and amongst Albanians. Numerous non-police functions, the movement of prisoners, for example had to be taken over by UNMIK Police as well. Cooperation between KFOR and UNMIK Police was all the more necessary, as KFOR was forced to include maintenance of law and order into its mandate (Hansen 2002a: 66). The initial 20,000 KFOR troops present in Kosovo hardly succeeded in creating a secure environment. Both UNMIK and KFOR had to struggle to abandon UCK presence as security forces and local administration (Stodiek 2004a: 265). Still, KFOR was able to provide basic security, and reached its full 50,000 troops after some weeks (Stodiek 2004a: 353). According to former UNMIK officials, a large breakthrough for UNMIK CIVPOL was the visit of Richard Holbrooke to Kosovo and to the UNMIK Police Commissioner on 30 August 1999. He was told about the main problems of UNMIK. One week after this visit, Holbrooke voiced the need for logistics and police officers before the Security Council, and two weeks after, a large number of needed, qualified, police officers arrived in Kosovo, as well as 650 cars from Japan.203 In July 2001, UNMIK Police reached the number 4,500 international officers in Kosovo (Stodiek 2004a: 329, UNMIK Police 2002: 4), but never in its history succeeded to reach the envisaged number of 4,718 (Stodiek 2004a: 353). Due to the improving security situation in the course of 2003, whole UNMIK implemented a downsizing strategy in mid-2003, which led to the decrease of the number of CIVPOL officers to 3,735.204

203 Author’s interview with John Henriksen, 8 October 2004.
3.2.3. The enforcement gap

The enforcement gap had another significance in the Kosovo case than in Bosnia. As it was stated in the mandate, that KFOR had to provide public security until the civilian presence was ready to take over, the initial roles were set. In the beginning, only KFOR had the capability to stop the violence, but it could not provide the full scope of policing tasks, as policing was not its only task.\(^{205}\) Neither was there much enthusiasm within NATO and KFOR to take on policing roles (Holm and Eide 2000: 14). However, personal interpretation, by the respective COMSFOR or national contingents, resulted in different perceptions of the mandate, and thus in different actions taken by troops facing daily ethnic violence.\(^{206}\) The interpretation of the first COMSFOR, General Jackson, saw KFOR’s Rules of Engagement valid for intervention into public security affairs only if human lives were endangered, and thus saw KFOR more in a role to “help to underpin the civilian reconstruction efforts” than providing policing functions (Holm and Eide 2000: 215).\(^{207}\) The German General Dr. Reinhardt, taking over KFOR command on 8 August 1999, reversed this strategy. He put his capacity under the overall command of SRSG Kouchner, and extended KFOR’s tasks towards community patrolling and general policing tasks (Holm and Eide 2000: 215). These different interpretations of the role of the military in multidimensional peace operations represent two schools of thought within the military: the “minimalists” and the “vacuum-fillers” (Jakobsen 2003: 137). Although KFOR maintained its cooperative attitude towards UNMIK Police, the functional relationship was always a function of the personal relationship between the respective Heads. Successful cooperation between UNMIK Police and KFOR remained based on personal contacts on regional, local, and Kosovo-wide level, despite all institutionalized cooperation mechanisms. Differences existed in the degree of support UNMIK Police received from national contingents, e.g. French troops failed repeatedly to back up UNMIK Police against Serb riots in North Mitrovica (ICG 2000: 43). Differing from region to region, cooperation between UNMIK Police and KFOR went more or less smoothly.

Tasks of UNMIK Police in the beginning were to assist KFOR and to assume executive policing powers, on the background of a complete lack of any legal or police infrastructure,

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\(^{205}\) Additionally, KFOR had three main military tasks: monitoring withdrawal of Serb forces, deterring renewed Serb intervention, and negotiating agreement on disbanding and disarming the UCK. However, KFOR largely failed to protect remaining Serbs and other nationalities from Albanian attacks (ICG 2000: 43).

\(^{206}\) COMSFOR Jackson stated repeatedly that KFOR is overloaded with policing tasks (Stodiek 2004a: 266). Furthermore, if witnessing crimes, the national contingents reacted differently. Italy and France refrained to monitoring, whereas German, British, and Dutch soldiers intervened. The related question of applicable law will be treated in chapter 3.2.6. (Stodiek 2004a: 266).

\(^{207}\) This is in line with findings of individual behaviour of US troops in severe security situations: US soldiers tend to draw back its troops when things get difficult rather than staying in and getting into contact with the local population in order to mediate conflicts between ethnic groups (Wall and Druckman 2003).
including law or judicial organization. The aftermath of the conflict, however, made it necessary to establish order quickly and to construct a framework to investigate crimes and detain suspects. KFOR and UNMIK Police reconstructed prisons in order to have the necessary capacities for detention in place (Marshall 2003: 169-171). The prisons were subsequently handed over from KFOR to UNMIK Police (Stodiek 2004a: 278).

Increasing capacity and equipment led the Police Commissioner Frederiksen to declare UNMIK Police operational in Pristina on the weekend of 7 to 8 August 1999 (ICG 1999: 6). The more UNMIK Police became operational, the more tasks were handed over from KFOR to UNMIK. The basis of this progressive take-over by UNMIK Police was an agreement between KFOR and UNMIK Police, after which UNMIK Police would not take full responsibility for law enforcement until enough officers, and the logistical support and equipment were in place, and until the international police could handle the situation. This resulted in a step-by-step process, with benchmarks and approximate hand-over dates for investigative and police primacy, and tactical primacy. Already on August 22 in 1999, KFOR officially handed over responsibility for crime investigation to UNMIK Police (Stodiek 2004a: 272), which took over full responsibility on 19 September (UNMIK Police 2000: 11).

In mid-2000, the security situation improved, but only in Prizren and Pristina regions UNMIK Police had police primacy and tactical primary; in all other regions KFOR kept tactical primacy, and UN CIVPOL had the responsibility for investigations (Stodiek 2004a: 286). At the end of 2000, UNMIK Police assumed primacy in all regions except Mitrovica (Rausch 2002: 27). Although the situation calmed down in 2001, and UNMIK Police could engage in routine patrolling, controls of illegal businesses, and the searching of cars crossing the checkpoint between the two parts of the city, riots following larger search action were not unusual in the entire period (cf. UNMIK Police 2002: 6). Cooperation in Mitrovica remained special until today. Although UNMIK Police conducted patrols with and without KFOR in 2000 (UNMIK Police 2000: 15), the handover of tactical primacy was in process only in 2004 and was brought to a halt after the March 2004 riots.

208 Author’s interview with John Henriksen, 8 October 2004.
209 UN CIVPOL acquired control over Pristina in September 1999, with 4 substations having 60-90 officers at hand (Stodiek 2004a: 274), and over Prizren in October (Stodiek 2004a: 277).
210 This overall primacy was brought to a halt after the March 2004 riots. French KFOR argued that the process of handover was one of the reasons for their initial absence in ‘hot spots’, such as Ibar Bridge linking North and South Mitrovica, on 17 and 18 March 2004. Whereas cooperation between KFOR, UNMIK Police, and KPS in North Mitrovica was excellent after the setup of a joint HQ, cooperation in the South was extremely bad. French KFOR took over police and tactical primacy, and ordered UNMIK police and KPS to leave their premises, and told KPS not to come to work the next days (ICG 2004: 20-21).
As soon as UNMIK Police was operational in 1999, the pattern was reversed: CIVPOL officers were accompanied by KFOR troops as police patrols were too vulnerable, and had no enforcement power without military backup against still well-armed former UCK fighters still in place (Stodiek 2004a: 269). In order to improve efficiency of cooperation, KFOR and UNMIK Police introduced a Joint Operation Center (Stodiek 2004a: 286). Regional Operation Centers were introduced soon afterwards in all regional UNMIK Police offices, and in Pristina, Prizren, and Gnjilane on station-level (Stodiek 2004a: 308). These coordination mechanisms served both for day-to-day and strategic purposes, and were set-up from command to street levels (UNMIK Police 2000: 11). For strategic and policy coordination with KFOR, UNMIK had 38 military liaison officers. The cooperation between UNMIK Police and KFOR resulted in an alternating chain of command, in which responsibility for coordination of security forces and intervention remained with UNMIK Police during normal and low tension situations ("green" and "yellow" stages), and went to KFOR in severe situations ("red") (Hansen 2002a: 69, fn. 55).

Once UNMIK had taken over both police and tactical primacy in more and more regions, KFOR – in its second year – faced the challenge of reorienting the mission, as progress was achieved on disbanding UCK into KPC, the security for minorities had improved, and the need for deterrence of outside aggression decreased (ICG 2000: 46). The insecurity of KFOR, concerning the nature and number of weapons to remain in Kosovo, and to which degree of organization the UCK and other paramilitary groups such as the Liberation Army of Presevo (UCPMB) operating in the north-east of Kosovo and bordering parts of Serbia was still in place, made counter-terrorism rather than a classical military task a major challenge for KFOR (ICG 2000: 8, 20). Both KFOR and its Multinational Special Unit (MSU), consisting of Italian Carabinieri, Estonian, and British police (Stodiek 2004a: 353), provided mobile check posts, and conducted regular house searches to reduce the amount of weapons and the freedom of movement of extremist armed groups (Dziedzic 2002: 42). A major part of weapons searches aimed to contain the influence and power of former UCK (see chapter 3.2.4.).

In the face of continuing ethnic violence evidenced in a high number of assaults and incidents against minorities in 2000 and 2001, KFOR had to reconfigure deployments, develop intelligence capacities, and integrate operations more closely with UNMIK Police. In order to

211 The attitude of KFOR towards policing and implementation of long-term goals is in general described as more European than American, with KFOR not repeating the mistakes of the "‘quick-fix’ approach" applied in Bosnia (Holm and Eide 2000: 216).

keep contact with the population to extract useful information, it was of utmost necessity to keep in contact with local forces (such as KPC) and to develop local intelligence in order to infiltrate clandestine forces (ICG 2000: 47). Furthermore, spoilers within the ethnic groups had to be identified and isolated; the international security forces could not adopt a tactic of simply watching and waiting, as the potential disturbing strength of these groups could not be underestimated (ICG 2000: 47; cf. Dziedzic 2002: 42-44). To furthermore halt the supply to extremist groups, KFOR engaged in operations to locate covert weapons caches (Rausch 2002: 27). Due to lack of capacity of UNMIK police, KFOR initiated checkpoints all over Kosovo to search for weapons and ammunition transports (Stodiek 2004a: 278). Some KFOR contingents were equipped with tear gas and riot control gear to assist the UNMIK Special Police Units (see below) in case of public disorder (Stodiek 2004a: 315; 353). Cooperation between UNMIK Police and KFOR’s paramilitary units (MSU and SPUs) was not always smooth (Dziedzic 2002: 43) nor coordinated, so that some investigation efforts by one side were jeopardized by the other side’s actions (Stodiek 2004a: 350).

A further task for KFOR was the establishment of fixed checkpoints in ethnic minority communities, many of which were disbanded in the end of 2002 but reestablished after the March 2004 riots. One of the main tasks of KFOR was to give military backup escorting civil Serb convoys through Kosovo. Due to the improved security situation, KFOR reduced these escorts by half in 2002. The large reduction of escorts in 2003 did not lead to a decreasing security situation, but led to a decrease in minority movements and mobility, so that KFOR continued to maintain presence in many minority communities to provide “general area security”. After the March riots in 2004, minorities were even more unwilling to leave their homes without KFOR escorts, as they did not trust KPS.

Border Police achieved police primacy in late 2000 with area security provided by KFOR. As well as patrolling more remote areas, KFOR road patrols were used due to insufficient resources of UNMIK Police (UNMIK Police 2000: 19). Furthermore, KFOR specialized units took care of guarding the green border crossings into Albania (Stodiek 2004a: 278) and into FYROM (Rausch 2002: 27). Throughout the entire period close cooperation prevailed and resulted in conducting joint patrols, information sharing through surveillance systems and helicopter patrols, performing joint cordon and search operations, and coordination of

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operational issues (UNMIK Police 2001: 12, 13). For several occasions, special forces of both KFOR and UNMIK Border Police conducted joint operations searching for false and altered passports, seized weapons and ammunition, controlled vehicle registrations, detected illegal immigrants. Border Police also cooperated with UNHCR and IOM during 2001 to work jointly with refugees fleeing from Macedonia into Kosovo (UNMIK Police 2001: 13). Despite the establishment of special mobile police units dealing with ethnic violence, a better coordination of intelligence, surveillance and criminal investigation between KFOR and UNMIK Police were repeatedly demanded (cf. ICG 2000 p. 49), but remained uncoordinated and difficult until 2002 (see chapter 3.2.5.1.2.). By the end of 2003, KFOR and UNMIK Police enhanced security measures in Serb minority areas and around Orthodox churches. Despite increased ethnic tensions, NATO as well as UNMIK Police engaged in a downsizing strategy, a trend, which was only shortly reversed after the March 2004 riots.  

The next section focuses on the demobilization of former combatants, their disarmament and their reintegration into new security or civil forces.

3.2.4. Disarmament, Demobilization and Reintegration

The UCK, although demilitarized and dissolved after an agreement between NATO and UCK on 20 June 1999, remains an important embodiment of Kosovo Albanian identity. Its successor, the Kosovo Protection Corps, has no law enforcement capacities, but was to keep 200 small weapons for its own security, with further 2,000 guarded by KFOR in trust for UCK). (Stodiek 2004a: 275). KFOR engaged in disbanding UCK according to its mandate with the goal of channeling the discussion of possible alternatives for Kosovo’s external defense in the direction of a civil protection force. Together with IOM and KFOR, UNMIK was responsible for demobilization and reintegration of former UCK combatants. In October 1999, the first KPC training courses started (Stodiek 2004a: 276). The Serb side demanded, similarly to the KPC, the creation of a Serb Protection Force, which was rejected by UNMIK. For this reason, the Kosovar Serbs abstained from participating in the Kosovo Transition Council (Stodiek 2004a: 277).

The relationship between KFOR and KPC was unstable; initially, KFOR refrained from a rigid course against KPC out of fear losing contact and support in the local population. In 2002, the arrest of high-ranking KPC officials led to violent demonstrations (Stodiek 2004a: 353-354). The creation of the KPC was a result of UNMIK’s mandate to build an indigenous

221 S/RES/1244, 10 June 1999, 9b), 15.
civil protection according to Resolution 1244\textsuperscript{222}, under central UN administration\textsuperscript{223} and with KFOR providing the day-to-day management.\textsuperscript{224} Strategic reasons for building a civil protection corps included the ownership of the Kosovar population of the process of increasing security in Kosovo, of building ethnically-mixed public bodies\textsuperscript{225}, but also the long-term process of “strategically fixing”, i.e. depoliticizing and embedding the UCK into larger social structures, and reintegrating its members into society (Dziedzic 2002: 43; cf. Özerden 2003). Reintegration and training for KPC was carried out through the International Organization for Migration (IOM)\textsuperscript{226}.

In order to secure a non-criminal commitment of the KPC, the UNMIK Police Central Criminal Investigation Unit (see below) in cooperation with KPC KFOR Regional Liaison Officers screened all KPS officers and applicants. UNMIK Police and KFOR co-founded a Board to detect suspected extremist infiltration into KPC.\textsuperscript{227} In parallel to maintaining good relations to KPC, KFOR investigated and tried to uncover how much KPC leadership was informed about major weapon caches that were still found in 2000 despite a formal Undertaking on Demilitarization between KFOR and UCK (ICG 2000: 11).

The relationship that would be crafted within the first months between KPC, KPS, and the international security presence, was identified as key to understanding the future shape the Kosovo security sector (Holm and Eide 2000: 217). What can be seen from the March 2004 riots is that KFOR Units (American and German) both relied in some case on KPC to mediate and patrol sensitive areas – rather than KPS (HRW 2004: 10-11). In 2002, KPC had 3,048 members, which were separated into several contingents providing rapid response, search and rescue, explosive ordinance disposal, engineering, and civil protection.\textsuperscript{228}

Further to the disarmament of the UCK and the creation of the KPC, UNMIK was mandated with the provision of an international interim police force, and the development and training of to-be-created local police force.

\textsuperscript{222} S/RES/1244, para. 11 i).
\textsuperscript{223} In contrast to initial plans of the Contact Group to create an Albanian community-based police force with their leaders elected by local councils (cf. Perito 2002: 86).
\textsuperscript{224} S/1999/987, 16 September 1999, para. 4
\textsuperscript{225} The official rate for minority slots in KPC was 10 percent. However, this rate has never been reached: in January 2003, there were only 1 percent Serb officers of the overall 3,048 KPC members (S/2003/113, 29 January 2003, para.54).
\textsuperscript{226} S/1999/987, 16 September 1999, para. 4
\textsuperscript{227} S/2003/675, 26 June 2003, para. 55.
\textsuperscript{228} S/2003/113, 29 January 2003, para. 54
3.2.5. Creating a multi-ethnic democratic police force

The creation of a multi-ethnic democratic police force in Kosovo was different from most previous CIVPOL missions. As mentioned in the beginning of this chapter, SC Resolution 1244 mandated an international police force to take over all police functions for an interim period, which are supposed to be handed over to a local police force, the Kosovo Police Service (KPS), as soon as it would have the personal and material capacity to operate independently. Furthermore, the whole scale of capacity building of structural checks and balances within the administration and society had to be established from scratch (performance of personnel, sanctioning mechanisms, independent oversight bodies, transparency, accountability, free press, civil society organizations), including all components of the internal security sector, i.e. police, judiciary, and a penal system (Marshall 2003: 156). Additionally, the only police officers in office during the last ten years before 1999 were Serbian, who left Kosovo after the NATO invasion in June 1999. Kosovar Albanian officers had not been serving since 1989, although Albanians represent the majority of population in Kosovo (Holm and Eide 2000: 216). In Kosovo not only the law enforcement agencies, but also the local capacity to adjudicate disputes, had to be addressed for creating a functioning police force (Dziedzic 2002: 48).

This unique situation led to the parallel development of two police structures, the one supervising the other: UNMIK Police had to be established as an entire police service providing all necessary policing functions to Kosovo. KPS was developed parallel to the establishment of the international UNMIK Police. The following section addresses the development of UNMIK, and consequently the development of KPS including the cooperation with UNMIK Police and transfer of competences from KFOR and UNMIK Police to KPS.

3.2.5.1. The provision of interim police services by UNMIK Police

3.2.5.1.1. Evolving UNMIK Police structure

Due to the full-scale mandate given in SC Resolution 1244 and specified in UNMIK Regulation 1999/24, UNMIK Police developed specialized units and departments to provide a full police service as well as to react to arising security challenges such as trafficking and organized crime. The special executive function of UNMIK Police made specialized units, such as the Central Criminal Investigation Unit and Special (formed) Police...
Units, necessary, which also received highly specialized and professional staff, in contrast to regular UNMIK Police service, which was filled by file and rank police officers (Dziedzic 2002: 52).

UNMIK Police is led by the Police Commissioner, who has three deputy commissioners heading the departments of Operations, Administration, and Planning and Development, which each have their own subordinate structures. The Department of Operations covers the five police regions of Kosovo (Pristina, Gjilan/Gnjilane, Pec/Peja, Mitrovica, and Prizren), and has three main components: the Regular Police Component, the Special Police Units (SPU), and Border Police (UNMIK Police 2000: 11).

3.2.5.1.2. The Regular Police Component

UNMIK Police, being the only police force in place before the development of KPS, was – as formulated heroically in a Police Report – “charged with creating order from chaos, confidence from distrust, and consensus from conflict” (UNMIK Police 2000: 12). This included task ranging from regular police tasks such as traffic control, regular patrolling, and investigating minor criminal offences to major security operations such as weapons search programs in cooperation with KFOR, as well as investigations and actions against organized crime.

Traffic control had to be established especially due to an increasing amount of traffic in Kosovo after 1999. In the beginning, traffic control was jointly undertaken with KFOR military police. Under the joint effort of UNMIK Civil Administration and UNMIK Police, general jurisdiction concerning road security was put in place. Vehicles had to be registered, which began in November 1999. A Kosovar Road Traffic Act was established in October 2000. In 2000, UNMIK Police gave specialized traffic control training to KPS (UNMIK Police 2000: 28).

In order to fulfill investigative tasks slowly taken over from KFOR, UNMIK Police founded the Criminal Investigation Unit (CIU) in June 1999, which was originally tasked with the investigation of homicides. This task was soon taken over by regional investigation units in the five police regions. The newly established CCIU started to refocus its mandate on three main areas: the investigation of homicides in Kosovo prior to UNMIK Police’s mandate; the investigation of war crimes between 1998-1999 that did not fall into the competency of ICTY; and the investigation of specific criminal incidents (UNMIK Police 2000: 21-22). However, CIU lacked intelligence information, and its efforts were hampered by the reluctance of the
security services of the Quint countries\textsuperscript{232} to share classified information, and the slow integration of procedures to convert intelligence so that UNMIK Police could use it for investigations UNMIK Police reached a final agreement of the Contact Group countries on the creation of a UNMIK Police criminal intelligence within KFOR premises for more effective intelligence coordination (Dziedzic 2002: 42). It established five investigation teams and the Trafficking and Prostitution Investigative Unit (TPIU) evolving into a specialized department in Autumn 2000, which became operational only in 2002 (Stodiek 2004a: 311; UNMIK Police 2001: 16-17). The TPIU carried out raids all over Kosovo, and cooperated with IOM and OSCE (Stodiek 2004b: 213).\textsuperscript{233} CIU developed further in 2001 into the Central Criminal Investigative Unit (CCIU) with central investigative authority and specialist resources, which was to provide intelligence and operational capacity for organized crime operations (UNMIK Police 2001: 14). From 2000 to 2001, several specialized subsections were added.\textsuperscript{234} A specialized task force for combating organized crime was created under the new SRSG Hans Häkkerup in January 2001 (Stodiek 2004a: 316). Both KFOR and UNMIK Police tried to better coordinate their activities against organized crime in order to avoid double work, or loss of information due to unanticipated interventions of one force (Rausch 2002: 27). Additionally, for better cooperation with the ICTY concerning war crimes investigation, a legal advisor was assigned to CCIU for a year to act as liaison officer between CCIU and ICTY. However, at the end of 2002, the legal framework, adequate resources and for these special programs were still missing (Rausch 2002: 24). Inadequacies in the legal framework made it difficult for the international police to investigate and pursue serious cases until SRSG Steiner signed a regulation in March 2002 allowing UNMIK Police to engage in electronic surveillance, which made it less dependent on assistance from KFOR (Rausch 2002: 23; Stodiek 2004a: 340).\textsuperscript{235} These regulations were adopted immediately after Stefan Feller became Police Commissioner in February 2002. Shortly after, UNMIK Pillar I created a Sensitive Information and Operations Unit, which would combat organized crime, terrorism,

\textsuperscript{232} The Quint countries are members of the Contact Group for Kosovo: France, Germany, Italy, the UK, and the USA. The entire Contact Group includes Russia as well.

\textsuperscript{233} The Trafficking and Prostitution Investigation Unit consisted of 22 officers, and was supported by teams of investigators in the five regions (S/2003/113, 29 January 2003, para. 31).

\textsuperscript{234} These special units include: a War Crime Section; a Counterfeit Investigation Unit; an Auto Crime Investigation Unit; a Central Drug Investigation Team; a UNMIK Police delegation both attending the Joint Implementation Mission meetings between KFOR and the Serb military, and coordinating with the Serb Ministry of Interior on issues affecting the MTA and Resolution 1244; Liaison Unit to UN Civil Administration; intelligence units combating Political Organized Crime and the Special Operations Offices, which were to investigate KPC and supply information to KFOR for disciplinary measures; a Liaison Team to neighboring country police forces; and the UNMIK Police Interpol Liaison Office (UNMIK Police 2001: 14).

and illegal border crossings (Stodiek 2004a: 339). Together with the mentioned units, a Legal Policy Unit, a coordinative Kosovo Organized Crime Bureau, a Victims Advocacy and Assistance Unit, and a Special Task Force for Terrorism/Extremism by KFOR, UNMIK Police and UNMIK Department of Justice, were created in 2001 to further enhance UNMIK Police’s capacity to investigate serious crimes. The efforts in increasing intelligence capacities showed positive results in investigation results in 2003.

A Missing Persons Unit (MPU) was founded in November 1999 as a central coordination and collection point of investigations on missing persons. It also helped to exchange information amongst all relevant agencies. For improving cooperation with Serb authorities, UNMIK Police established a Liaison Office in Belgrade in 2002.

A Forensic Unit was founded in November 1999, and was to provide forensic support to CIVPOL and train KPS in forensic methods. However, the unit had to rely on assistance from MSUs, on the delivery of old gear from their home countries, and on outside help for larger forensic investigations well into 2002 (Stodiek 2004a: 352). It took until 2001 before forensic evidence produced by UNMIK Police could be used in severe and war crime trials (Marshall 2003: 161). Regarding special challenges resulting from municipal or Kosovo-wide elections, KFOR and UNMIK responded by forming a task force, which carried out a risk assessment of regions and all candidates. The results were transformed into a scheduled patrolling pattern, with KFOR and UNMIK Police providing presence near candidates’ homes and campaign sites (Dziedzic 2002: 40). UNMIK Police was responsible for providing security and monitoring election-related violence during campaigns and the elections days (UNMIK Police 2001: 33).

The UNMIK Police Special Legal Advisor on Organized Crime initiated the Witness Protection Program in 2001 and made clear that there is a need for a comprehensive legal framework for how to cooperate with defendants, to make it a substantive offence to engage in organized crime, and to provide protection for witnesses. Other aspects of the program included the construction of ‘safe sites’. A major concern remained the staffing of the Program, which was then staffed with 6 field officers and one witness protection coordinator, operating directly under Deputy Commissioner of Operations (UNMIK Police 2001: 18). In

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239 In 2001, it was comprised of 19 international officers and 7 KPS officers on training, which are to become the nucleus of a then future KPS Forensic Unit (UNMIK Police 2001: 11).
240 The German BKA Forensic Laboratory in Wiesbaden did the forensic analysis of evidence of the bombing of a Serb convoy protected by KFOR on 16 February 2001 (UNMIK Police 2001: 25).
2002, because of lack of resources and political will, the program was still not properly functioning (Rausch 2002: 23). Furthermore, society in Kosovo remains reluctant to cooperate, as “a code of silence is often the norm” (Rausch 2002: 24), especially involving trials against members of the same ethnicity.\textsuperscript{241} In the beginning of 2003, UNMIK was seeking assistance from UN member states to accept witnesses into their national witness protection programs.\textsuperscript{242}

In order to provide Kosovo-wide special policing services and quick response to special situations, Regional Headquarters developed specialized units such as the Regional Murder Squads, Serious Crime Squads, Regional Investigation Units and Regional Intelligence Units (UNMIK Police 2000: 14, 17). However, the scope of different specialized departments varied from region to region.\textsuperscript{243}

Not only the control of roads but also the contact with the local population is of utmost importance for any police force. This was especially difficult in Kosovo due to the traditionally closed environment to outsiders. Referring to the Golden Decade in the 1970s, Kosovo Albanians reconstructed their history on the basis of romantic nationalist attitudes, and focused their aims on driving out foreign bodies – be they Serb or international.\textsuperscript{244} For decades of suppression, Albanians tended to rely rather on internal and individual conflict resolution mechanisms than seeing police as a public service for protecting its citizens. Distrust of the police, resulting from Serb oppression, led to insufficient or non-existing cooperation of the local population with the police, a link that is paramount for a police force to gather essential knowledge from the population (ICG 1999: 6). To bridge this gap, UNMIK Police engaged in Community Policing, which can be defined as “community-based policing with the strategy to change the police from a force to be feared to a service to be valued and trusted” (IPA 2004: 1). In Kosovo, this principle was applied only where possible, and where some inter-ethnic trust was re-established, e.g. in Kamenica (UNMIK Police 2001: 20). Its main components comprised of regular school visits, the formation of committees of citizens for peaceful resolution of disputes, and the deployment of KPS specialized Community

\textsuperscript{241} Rather the opposite was the case if a trial was instated against a member of another ethnicity: all of the sudden, abundant information was accessible (Rausch 2002: 24).
\textsuperscript{243} In Gnjilane region, for example, the RHQ in 2000 had a Regional Special Operations Unit, a Drug Squad, a Homicide Squad, a Forensic Unit, and a Trafficking and Prostitution Investigation Unit due to its problems with organized crime in the border regions to FYROM and FRY (UNMIK Police 2000: 20). Pristina RHQ, on the other hand, working as a blueprint for the other RHQ, had on top of the mentioned units a Regional Murder Squad, a Serious Crime Squad, and a Regional Intelligence Unit (UNMIK Police 2000: 14).
\textsuperscript{244} This became obvious once again in the March 2004 riots, when latent Albanian discontent with the unresolved final status Kosovo grew into large-scale public unrest, and brought the capacities of UNMIK Police and KFOR to their limits (ICG 2004: 3).
Policing Units comprising both Albanian and Serb officers (UNMIK Police 2001: 26). Other aspects focus on traffic safety, drug safety, business visits, village visits, community activities, radio stations like Radio Mitrovica, and conversationalist programs teaching English to adult students, as well as “Toys for guns” programs leading to demilitarize education and leisure time of children. In early 2003 UNMIK Police increased community-policing efforts and handed over to KPS.\textsuperscript{245} Although the situation improved after the October 2004 elections for the Kosovo Assembly, trends in 2003 and the riots in 2004 show the small amount of sustainability and the slow progress the international community had achieved in creating trust among the different ethnicities. After the March 2004 riots, in order to detect latent distrust and growing preparedness for violent action, local crime prevention councils were established, which convened municipal and local authorities, community representatives as well as KFOR, UNMIK Police and KPS in order to regularly assess the local security situation and prevent major outbreaks of violence through consultation.\textsuperscript{246} As a high-level counterpart, the Kosovo Security Advisor Group was established to coordinate communication and information about local communities and security problems.\textsuperscript{247}

3.2.5.1.3. Special Police Units (SPUs)

As stated in the SG Report of 12 June 1999\textsuperscript{248}, UNMIK Police was to establish Special Police Units due to the difficult security situation in Kosovo, in which it often would be difficult to maintain security without militarily organized forces facing large-scale riots. The principal duties of the SPU were to respond to public disorder, conduct crowd control during violent demonstrations and civil unrest, provide facility protection and assistance to UN agencies where necessary, and to provide protection, security, operational support, and backup to UN officials, UNMIK Police and the Border Police.

As most public unrest was taking place in Mitrovica, the first Jordanian SPU was deployed there. Spanish, Indian, Pakistan, Polish, and Ukrainian\textsuperscript{249} SPUs followed and were deployed all over Kosovo with a focus on Mitrovica and Pristina (UNMIK Police 2000: 26), numbering approximately 1300 at the end of 2001. Argentinean and Romanian SPUs joined the mission at the end of 2001 and in the course of 2002 (UNMIK Police 2001: 39).

\textsuperscript{245} S/2003/675, 26 June 2003, para. 19.
\textsuperscript{246} S/2004/655, 17 August 2004.
\textsuperscript{248} S/1999/672, 12 June 1999, para. 9b).
\textsuperscript{249} The Ukrainian SPU provided the first special canine unit in UN peace operations (USPCU), and assisted the Border Police through their special K-9 Unit with experience in detecting explosives and drugs (UNMIK Police 2001: 40).
The general tasks of SPUs consisted of riot control, providing manpower and assistance to other parts of the mission, guarding highly sensitive sites, escorting Kosovar and International VIPs, and providing security for money transports during the exchange of currency in 2001 and 2002 (UNMIK Police 2001: 39). The equipment of SPUs as of 2002 consisted of sticks, automatic guns, tear gas, and dog units (Stodiek 2004a: 352). The tasks of escorting VIPs and protecting local politicians were soon transferred to the Special Operations Division (UNMIK Police 2001: 27), which grew out of the SPUs, and was founded as Close Protection Unit (CPU) with the task of guarding the international judges and prosecutors working in the judicial system (UNMIK Police 2001: 19). As soon as the moderate Serb leadership led by Bishop Artemije decided to join JIAS in April 2000, close protection became even more necessary. Members of the CPU were drawn from the rank and file of UNMIK Police, and trained by the SPU once they were in place (Dziedzic 2002: 39-40). A High Risk Escort Unit and Regional Escort Units were founded to complement CPUs to provide escort and protection to members of the Kosovo Assembly in December 2001. “Team Mike” evolved out of the protection team of the Regional Police Commander in Mitrovica, and now provides backup to the Mitrovica North Station. “Team 6” undertakes directed action against high-risk-criminals (concentration on arrests and hostage rescue operations) (UNMIK Police 2001: 20) in cooperation with KFOR, often targeting spoilers (Dziedzic 2002: 43).

3.2.5.1.4. UNMIK Border Police

Like the Special Police Units, Border Police was included as one major component of the international police presence in the first SG’s report on Kosovo. Its main duties are the “enforcement of law at the borders and ensuring compliance with immigration laws and border regulations”.

It started its operations on 31 July controlling at four posts on the international border between Kosovo and Albania, and the former Yugoslav Republic of Macedonia. As one of the main sections of UNMIK Police, the Border Police is responsible for securing the mountainous, porous, and towards FYROM – newly established border crossings. The routes through Kosovo have been referred to as the “Balkan Route”, as a historical lack of anti-drug legislation, a poorly equipped police force, a cash based economy, weak banking regulations, and a government with close links to organized crime, has encouraged smuggling of drugs, weapons, vehicles, cigarettes, fuel, and alcohol (UNMIK Police 2001: 10).

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Technical cooperation takes place between UNMIK Police, KFOR, and UNMIK Customs in order to control immigration and smuggling into Kosovo. In 2000, UNMIK’s Border Police Service had 223 officers; in 2004 the overall number amounted to 355. As stated in the chapter concerning the enforcement gap, the green border remains within the responsibility of KFOR, although general border control was handed over to UNMIK Police on 29 January 2002, which in turn handed over some responsibility to KPS (Stodiek 2004a: 338), e.g. at Pristina Airport (UNMIK Police 2002: 4).

3.2.5.1.5. UNMIK Police General Units

3.2.5.1.5.1. Internal Investigation Section

The UNMIK Police Internal Investigation Section was founded in January 2000, and was primarily tasked with the formation of UNMIK Standard Operation Procedures (SOPs), which were completed in January 2000. As in Bosnia, no SOPs were provided before the setup of the mission, so that UNMIK Police used the SOPs from UNMIBH, which was problematic due to the different nature of mandates given to the two missions. The legal basis of SOPs was provided by the principle of immunity of UNMIK personnel (Rausch 2002: 29).

3.2.5.1.5.2. Induction Training Centre

During the entire period of UNMIK Police, the Induction Training Centre (ITC) provided preparation courses for all officers upon arrival for the mission. Furthermore, ITC sends a Selection Assistance Team for recruitment assistance on the request of member states (UNMIK Police 2000: 30).

3.2.5.1.5.3. Human Rights Office

All police actions are supervised by the Human Rights Office attached to the Main Headquarters under the supervision of the Police Commissioner, led by the Special Advisor for Human Rights (UNMIK Police 2000: 9). Being tasked with UNMIK Police and KPS complaints about police actions only, the Human Rights Office had a different function than in UNMIBH.

3.2.5.1.6. UNMIK Police Development

As was mentioned in section 3.2.2 about the deployment gap, UNMIK Police was only fully deployed in July 2001. During its tenure, it had to implement a fully functioning interim police force, and simultaneously build, train, and equip a local police force (see the following section). As stated above, UNMIK Police had to fully established police structure, similar to

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one in a “normal” state. The process leading to the full structure of UNMIK, which is in place today, was an incremental development. During the first UNMIK Police Commissioner, Frederiksen, the main task was to set up UNMIK Police, to provide basic security together with KFOR in general, and for ethnic minority enclaves and transports in special, and to initiate cooperation with OSCE and UNMIK for the development of the KPS. As soon as the political institutions of Kosovo developed, large-scale operations for providing security during election campaigns and on the election days became necessary. When the principle functions of police were established, the investigation into continuing ethnic crimes and incidents, as well as into war crimes before and during the war between UCK and the Serb Army became more important. These deficiencies have now been countered.

Through 2002 the police in Kosovo have made great improvements towards reaching a level of capability similar to that of police forces in Western Europe. Policy and procedure have been standardized, specialist units created to address particular problems (UNMIK Police 2002: 3). Being the only functional police force in place, UNMIK Police took over the tasks of a local police force within a crime-battered region. Accordingly, it engaged in regional cooperation concerning organized crime and trafficking with Interpol and police forces in Serbia and Montenegro, Albania, and the Former Yugoslav Republic of Macedonia\textsuperscript{255}, with the first successful operation against organized crime between Serb police and UNMIK in October 2003.\textsuperscript{256} Formal Memorandums of Understanding have been signed with Albania, Macedonia and Serbia to allow for formal police co-operation (UNMIK Police 2002: 3). This late development shows that cooperation with neighboring countries remains difficult due to political reasons.

The March 2004 riots also altered UNMIK Police’s downsizing strategy, which was implemented as of autumn 2003. The downsizing became necessary as UNMIK was facing decreasing funds as of 2003, and realized that transfer to local authorities was getting crucial to nurture the development of genuine Kosovar institutions.\textsuperscript{257} However, an increasing number of attacks on UNMIK personnel not only foreshadowed the March 2004 riots (ICG 2004: 10-13), but also made large downsizing plans impossible.\textsuperscript{258} After the March 2004 riots, UNMIK Police maintained the core police functions, and put a priority on investigating the incidents. A Task Force was set up and UNMIK Police requested 100 further special

\textsuperscript{255} S/2003/675, 25 January 2003, para. 27, 32.
\textsuperscript{256} S/2004/71, 26 January 2004, para. 23.
\textsuperscript{257} S/2003/996, 15 October 2003, para. 52.
\textsuperscript{258} S/2003/996, 15 October 2003, para. 57.
investigators and six international prosecutors to be able to cope with the increased workload of investigations.\(^{259}\)

Parallel to the development of an international police force, UNMIK Police’s second main task was the development of democratic local police force.

3.2.5.2. KPS - The creation of a local democratic police force

At the same time, when UNMIK Police had to build up its police force, preparations for the selection, vetting, and training for the local police were to be started (ICG 1999: 7). The creation of the KPS was a three-step-process concerning its development, and a four-phase process on the hand-over dimension from international police to local police.

3.2.5.2.1. Main Dimensions of Building KPS

The construction of KPS was established under the overall responsibility of the UNMIK Police Commissioner and a Deputy Commissioner for Planning and Development, supervised by UNMIK Civil Administration, UNMIK Police, and OSCE’s Department of Institution-building\(^{260}\) (UNMIK Police 2001: 31), and was phased into three stages: 1) the applications and the vetting were administered by UNMIK Police in cooperation with UNMIK Civil Administration and the OSCE Department for Police Education and Development; 2) the training of vetted applicants was held in the Kosovo Police Service School (KPSS), administered by the OSCE under the overall responsibility of the UNMIK Police Commissioner (Mobbekk 2002: 86); and 3) the on-the-job training was done by UNMIK Police.\(^{261}\) Operational control over KPS was in the hands of the UNMIK Police Planning and Development Department (ICG 2000: 45).

With the assistance of OSCE, UNMIK handed out approximately 25,000 application forms for the new police force, and had to choose from a pool of about 28,995 applications (Perito 2002: 87). A team of UNMIK and OSCE officials screened applicants on their health, education, and psychical agility. (Perito 2002: 94).

In order to build an impartial and apolitical police force, UNMIK Police leadership declared an agreement for invalid, which was taken between COMKFOR Jackson and the leaders of

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\(^{259}\) Apparently, UNMIK Police had engaged in a downsizing strategy and had anticipated the levels foreseen for mid-2004 already in the end of 2003, so that the overall level of UNMIK was lower than originally planned (Author’s interview with former OSCE official, 3 December 2004).

\(^{260}\) OSCE’s involvement grew out of its activities in Kosovo before NATO intervention in the framework of the Kosovo Verification Mission, whose 2,000 men observation force included 500 police, and had – in cooperation with ICITAP – developed a recruiting, vetting, selecting, and training program for a potential local police (Perito 2002: 87)

\(^{261}\) Author’s interview with John Henriksen, 8 October 2004.
the UCK to fill half of the new police force with former UCK fighters.\textsuperscript{262} Still, UNMIK Police agreed to reserve slots for demobilized UCK fighters – but apparently only few officers in the first round of cadets were former UCK members.\textsuperscript{263} The attention of the former UCK’s was then turned away from KPS, as KPC became the more interesting alternative in building a Kosovar security corps. UNMIK Police had also concluded an agreement with the Association of Former Kosovar Yugoslav National Police Officers, who had served during Kosovar autonomy before 1989, that 25 per cent of KPSS slots would be reserved for their members (Perito 2002: 95). Other quotas were set at 15 per cent for minorities (including 7,5 per cent for Kosovar Serbs), and 20 per cent women (Perito 2002: 88). Moreover, the UNMIK and OSCE reserved the right to dismiss KPS officers in their first three years of service, if information about the background of individual officers changed or of compliance with Human Rights and other standards of policing was not upheld (Hansen 2002a: 95).

3.2.5.2.2. Training of KPS

On 7 September 1999, the KPSS began in Vushtri to train the first round of cadets (approximately 200). Of the first 400 candidates (including the second round), about 80 percent were Albanian, 13 percent Serbs, and 7 percent other minorities. This was close to the goals set by the UN of 15 per cent Serb and minority participation, and 20 per cent women officers (Perito 2002: 95). Of the Albanian share of cadets, only 20 percent had been in police service before (Stodieck 2004a: 272). The KPSS became fully operational in March 2000, with a total international training staff of 208 police instructors from 23 OSCE member countries, 265 local staff, and about 600 trainees at any one time (Perito 2002: 87-88).

OSCE provided police trainers, which gave five weeks of basic training. Cadets received subsequent 19 weeks of field training by UNMIK Police. The basic course curriculum was provided by ICITAP tailored to KPS’ needs, although during the initial periods, international police trainers provided training on the basis of their national experience (Perito 2002: 96). For the field training, all UNMIK Police officers had to take a Field Training Officer course (FTO). As it soon became clear that not all officers would be able to properly train future KPS officers, a special group of mentors received the Primary Field Training Officer (PFTO) course that would allow them to supervise a larger number of KPS cadets (UNMIK Police 2000: 32; Perito 2002: 88). In several steps during the training period, the impartiality and professionalism of KPS cadets was supervised and proof-checked.

\textsuperscript{262} Author’s interview with John Henriksen, 8 October 2004. This statement is in contrast to arguments in the literature stating that half of the KPS slots were indeed reserved for former UCK fighters (cf. Perito 2002: 95).
\textsuperscript{263} Author’s interview with John Henriksen, 8 October 2004.
\textsuperscript{264} Author’s interview with John Henriksen, 8 October 2004.
The KPSS run by OSCE was, and still is, regarded as highly professional, much in contrast to UNMIK on-the-job training (Dziedzic 2002: 52). Despite the criticism towards UNMIK and the overall brief period of training, 6-9 weeks of academy training and 15 weeks of field training yielded surprisingly good results (ICG 2000: 45). In later stages, UNMIK introduced a complementary training during the on-the-job deployment.

It soon became obvious that KPS would need specialized departments if it were to take over UNMIK Police tasks in future. In 2000, there were no special training programs available, and problems sometimes arose due to differing degrees of experience of experienced officers from the time before 1989 and “fresh” recruits (ICG 2000: 45). The special training possibilities improved during 2000 after both KPS and UNMIK Police obligatorily attended Human Rights Training in KPSS, as both the UNMIK Police and KPS Code of Conduct required compliance with international human rights standards.

Furthermore, KPS could voluntarily apply for specialized training courses in investigation at the UNMIK Police Induction Training Centre. KPSS in cooperation with the In-Service Training Unit of UNMIK Police offered specialized courses for KPS officers on Criminal Investigation, Traffic Accident Investigation, Driving and Re-Certification Programs in Basic Skills of Firearms, Defensive Tactics, First Aid, Drug Identification, and Combating Domestic Violence. The Promotion Coordination Unit of UNMIK Police administered these further courses (UNMIK Police 2000: 33). In 2001, KPS training facilities were extended to regional training centers in Gnjilane, Peja, and Prizren. As of July 2001, mid-level management courses were available for KPS (Stodiek 2004a: 329). In August 2001, the first local KPS trainers were admitted (one Serb, Roma, two Bosniaks and 12 Albanians) (Stodiek 2004a: 331). In September 2001, KPSS reached the number of 4,106 trained officers, and trained parallel 2,103 UNMIK police officers as Field Training Officers (FTOs) (Perito 2002: 89).

3.2.5.2.3. Structure of KPS and Transition from UNMIK Police to KPS

In mid-July 2000, 842 KPS were in action; 4,000 were projected for February 2001. However, Serb and Albanian KPS trained and served, exclusively in their ethnic areas (ICG 2000: 45). In autumn 2000, first KPS personnel were assigned to their permanent stations (Dziedzic 2002: 50). In mid-2002, there were 5,000 local police officers, including mid-level and

265 Autor’s interview with Dr. Thomas Mühlmann, 10 September 2004.
266 In both forces, there are internal auditing units, the UNMIK Police Internal Investigations Unit and KPS Professional Standards Unit. In these regards, UNMIK and KPS cooperate as well with the OSCE Human Rights Division and the UNHCR (UNMIK Police 2000: 9).
higher-level management, as well as specialized personnel in criminal investigation and training. 16 percent of KPS were ethnic minorities, and 17 percent women\textsuperscript{267} (UNMIK Police 2002: 4; Stodiek 2004a: 345). The total number of KPS officers amounted to 6,282 officers in November 2004.\textsuperscript{268}

Over the course of 2000, KPS made significant advances in operational proficiency, and developed special capacities, e.g. women officers combating domestic violence, as well as prostitution and trafficking. KPS officers received easy, independent duties, such as patrolling. Since late 2000, KPS officers are deployed all over Kosovo. KPS is coordinated through Headquarters in Pristina and its regional headquarters, reflecting the regional structure of UNMIK Police. Today, KPS consists of two main departments, the KPS, responsible for all operational duties, criminal investigations, and detention, and the KPSSD, tasked with the security of public buildings (UNMIK Pillar I 2004: 10).

Since the deployment of the first KPS officers in 2000 until 2002, UNMIK Police and KPS carried out most operations together. The general transition from UNMIK Police to KPS was and is a long and still ongoing process, and can be separated into four distinct phases (UNMIK Police 2000: 33).

In Phase I, independent patrol and other duties were given to all KPS officers after 27 weeks of basic and field training. This phase started in October 2000, and was not a uniform process all across Kosovo. KPS executed other tasks under supervision and guidance of UNMIK Police. Dissatisfaction with slow pace of investigations and arrests, and the continuing absence of judicial system led to frustrations among the newly created police force (ICG 2000: 45), as well as the continuing lack of funding for modern police equipment (ICG 2000: 45). The KPS budget is drawn from the Kosovo Consolidated Budget, but was for its equipment largely dependent on contributions from UN member states.\textsuperscript{269}

Phase II envisaged to introduce KPS officers into supervisory positions. This phase was not initiated before July 2001, when management training for KPS officers was available (see section above). Specialized administrative field units were established, in which KPS officers could start their promotion into supervisory levels. The process of building ranks and

\textsuperscript{267} Which is a very high rate especially for the Balkans.
\textsuperscript{268} S/2004/907, 17 November 2004, Appendix I.
\textsuperscript{269} Unfortunately, there are no detailed sources about which donor gave which kind of equipment to KPS. KPS uniforms were for example a donation from Denmark. Author’s interview with John Henriksen, 8 October 2004.
management structures of KPS went well into 2002\textsuperscript{270}, and critical voices say that independent management of KPS was still not in place in 2004\textsuperscript{271}.

Phase III includes the handing over of tactical primacy in some areas from UNMIK Police to KPS. The development of KPS started with the increase of joint patrols of UNMIK Police and KPS officers, and joint units of UNMIK and KPS officers with the aim of developing similar specialized KPS units. Among the first units, KPS formed a Close Protection Unit for the protection of local politicians (UNMIK Police 2001: 19), which became fully operational in February 2002.\textsuperscript{272} In mid-November 2002, the first two police stations were handed over to KPS, and further plans to transfer authority to KPS were in progress.\textsuperscript{273}

As soon as KPS had reached a number of officers higher than UNMIK in mid-2003\textsuperscript{274}, more and more law and order functions were given to KPS from UNMIK Police and KFOR.\textsuperscript{275} This closer cooperation was true for most of the regions in Kosovo. The development in North Mitrovica was different: in 23 September 2002, two years after the rest of Kosovo, the first 20 Serb KPS officers assumed their duties.\textsuperscript{276} In October 2003, six police stations were handed over to KPS.\textsuperscript{277} However, in most of these handover processes, UNMIK Police kept not only a monitoring and advising role, but also general primacy and authority over sensitive decisions.\textsuperscript{278}

On the other side, participation of KPS officers in UNMIK specialized units increased during 2002 and 2003, like the Trafficking Unit or the Kosovo Organized Crime Bureau, with the perspective of developing own KPS units and enhancing capacities within KPS.\textsuperscript{279} These joint processes led to an improvement of KPS knowledge and capacities.

For the remainder of 2002 and 2003, UNMIK Police and KPS undertook the long task of transferring local police stations, and the training of KPS officers in specialized task both in KPSS and in cooperation with UNMIK Police officers in joint units. This trend continued well into 2003, when KPS officers started participating in the Organized Crime Unit together with UNMIK officers under the auspices of the UNMIK Pillar I Organized Crime Bureau.\textsuperscript{280}

\textsuperscript{270} S/2003/113, 29 January 2003, para. 28.
\textsuperscript{271} Author’s interview with Kosovar researcher, 25 October 2004.
\textsuperscript{273} Gracanica (Pristina region) and Kacanik (Gnjilane region), S/2003/113, 29 January 2003, para. 28, para. 37.
\textsuperscript{274} E.g. in mid-2003 there were 5,407 KPS officers and 4,067 UNMIK Police (S/2003/675, 26 June 2003, p. 25).
\textsuperscript{276} S/2002/1126, 15 October 2002, para. 25. Shortly after, the UN Administration in North Mitrovica became operational for the first time since UNMIK deployment (S/2003/113, 29 January 2003, para. 15).
\textsuperscript{279} S/2003/675, 26 June 2003, para. 22.
\textsuperscript{280} S/2004/996, para. 20.
KPS was taking over increasing independent responsibilities for criminal investigations. The Forensic Unit of UNMIK Police trained KPS officers already in 2002 in order to develop KPS capacities in crime investigation (UNMIK Police 2002: 4).

In Phase IV, KPS will be capable of performing the full range of policing duties independently, replacing UNMIK in maintaining law and order in Kosovo, with UNMIK Police and KFOR as supportive capacity (ICG 2000: 45). Phase III is a direct preparation for KPS officers learning their specialized tasks in joint UNMIK/KPS Units (see above).

One can only give a preliminary assessment of the handover from UNMIK Police to KPS as the mentioned transition procedures are underway, and are difficult to trace due to the lack of documentation and disclosure of information. However, an attempt to draw conclusions from the development so far can be made for an interim result of UNMIK-KPS relations.

In late 2003, after a period of stagnation of transfer of powers and competences to KPS, it became apparent that KPS had to be given more authority in investigations. As soon as this happened, the decreased security situation in autumn 2003 led to an increasing number of incidents and attacks on KPS officers as well. Overall assessments of KPS investigations, however, yielded very positive results due to their closer relationship to the local population.

After the March 2004 riots, the alternating line of command described above between KFOR and UNMIK Police included KPS as the first agency being responsible for all operations and investigations. In general, after March 2004 the UNMIK Police were increasing their transition efforts towards KPS, for the lack of which was criticized by reports after the March 2004 riots (ICG 2004; HRW 2004). KPS received a positive assessment of its behavior during the riots, although several officers have refrained from taking action against ethnic violence and some even participated in the riots. However, and what is more important, KPS is also reported to have lacked the strength and equipment to be able to confront civil unrest.

As a result, UNMIK Police is planning to take a less and less executive role in policing Kosovo, and there are plans to restrict itself to mentoring and co-location as soon as KPS is operational in main areas. Five major steps were taken in 2004 to improve the autonomy and

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282 Author’s interview with UNMIK Police official, 2 December 2004.
284 This would mean that KPS is operating under normal, “green”, circumstances, with the assistance of UNMIK Police, operating in the “yellow” phase, and KFOR backup only in “red” situations (Author’s interview with Andrea Gentile, 26 November 2004).
285 The Kosovo Protection Corps assumed a positive role as well in the riots despite suspected extremist links (S/2004/421, 30 April 2004, para. 41).
increase the responsibilities of KPS vis-à-vis the international police forces. Firstly, KPS developed a Formed Police Unit, which is tasked for riot control and equipped with the necessary gear as well. Four further units will be established in 2005 and early 2006. A second step has been taken in April 2004, when local crime prevention councils were founded in which KPS in cooperation with KFOR and UNMIK Police played a leading role in providing communication between municipal and local authorities as well community and minority leaders. KPS and UNMIK Police set up joint Mobile Liaison and Monitoring Teams in each municipality, which maintained contact with all parties involved at the local level. Thirdly, in June 2004, 150 KPS officers were promoted to higher ranks and management positions in order to build and enhance independent KPS management and leading capacities (UNMIK Pillar I 2004: 10). Fourthly, 85 percent of the Kosovo Police Service was managed and run by KPS staff in Autumn 2004. A fifth indication of transfer of competencies in spring 2004 to Kosovar institutions was the shift of the routine police support costs from the UNMIK budget to the Kosovo Consolidated Budget, except for UNMIK Police Main and Regional Headquarters. Responsibility for managing the budget and equipment for local police stations was given to KPS management and the Kosovar PISG Department of Justice. In August 2004, already 15 stations were transferred to KPS, despite the March 2004 riots. Furthermore, KPS is in the process of taking on specialized policing responsibilities at various levels. In mid-2004, KPS officers were already integrated into specialized investigation units including the Trafficking and Prostitution Investigation Unit (approximately 50% of the Unit: 21 KPS, 25 internationals), the Kosovo Organized Crime Bureau (11 KPS, 76 internationals), the Kosovo Drug Enforcement Unit (22 KPS, 17 internationals) and the Central Criminal Investigation Unit (two KPS, 57 internationals) (UNMIK Pillar I 2004: 12-13).

The transfer of competencies to KPS will proceed in the same manner in 2005, with UNMIK Police more and more refrained to a monitoring role. From 1 July 2004 to 30 June 2005, 19 stations and 3 regional headquarters will be transferred to KPS. In the following budget year from 2005 to 2006 all the remaining stations will be transitioned (UNMIK Pillar I 2004: 10).

Apparently, the situation after the March riots, and the simultaneous change in leadership – a new SRSG, Jessen-Petersen, as of April 2004, as well as Kai Vittrup as new Police

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290 Author’s interview with Andrea Gentile, 26 November 2004.
Commissioner as of October 2004 – made possible long expected true transition efforts. Other indicators for greater importance and stricter implementation of the Kosovo Implementation Plan are the inclusion of the demand for a review of priorities, policies, and practices of all international actors in Kosovo, and the fact that the August report by the Secretary-General to the Security Council is the first report to include a detailed assessment of the progress in implementing the respective standards. On the political level, the increased engagement of the Contact Group members pressing the PISG towards progress of achieving the standards clarifies, that large-scale political pressure and ideas to alter UNMIK’s appearance and mandate become more frequent and spread in the international community.

3.2.6. Functioning of the judicial system

As mentioned in the introductory chapters to this case study, UNMIK Police arrived in a situation where all infrastructures for police, jurisdiction, and public administration were destroyed. The disappearance of both Serb administration and the parallel structures of the Albanian shadow government created a public administration and judicial vacuum in Kosovo. Literally, there was no law to keep. UNMIK and KFOR were confronted with a society where no police, no judges, and no prisons were in place, and whose basic infrastructure was completely destroyed (Dziedzic 2002: 47).

3.2.6.1. The question of applicable law

The first step taken by UNMIK was to declare the Serb law, in force before 24 March 1999, as applicable (Chevallier 2001: 7). An expert group comprised of initially 5 and then 25 Kosovar legal experts and two international judges assessed if it did not contradict international human rights norms, UNMIK regulations, and or UNMIK’s mandate. Kouchner established this group in August 1999 (Stodiek 2004a: 271; Rausch 2002: 14). The UN Legal Department in New York supported this move out of fear that adoption of another legal code would endanger the notion of FRY’s sovereignty in Resolution 1244 (ICG 2000: 30). However, this provoked criticism from the Albanian side, as the former oppressors’ law would be applied. Albanian judges and prosecutors started to apply the law in force FROM 1974 to March 1989 during Kosovo’s autonomous status under Tito (Marshall 2003: 157).

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292 Author’s interview with Andrea Gentile, 26 November 2004.
293 S/2004/665, 17 August 2004, para. 19; and ibid., Appendix I.
294 Several political groups called for a reframing of the whole international engagement in Kosovo under EU auspices (e.g. ICG 2004:36).
295 Apparently, great diplomatic pressure was exerted to keep the Serb law in power by Russia to maintain and demonstrate FRY’s continuing sovereignty over Kosovo (Chesterman 2001: 11).
For this reason, Kouchner decided on 12 December 1999 that the applicable law in Kosovo would consist of UNMIK Regulations and the law that was in force on 22 March 1989 (Rausch 2002: 15; Chevallier 2001: 8). In case the pre-1989 law would not be applicable, laws in force after 1989 could be invoked if it complied with UNMIK’s mandate and regulations. Consequently, it was possible that different laws were applied, according to the discretion of the judge.

The fact that not all UNMIK regulations were compatible with local law caused confusion and disagreements between international police and judges on the one hand, and local judges, prosecutors, and police on the other hand. Due to the late adoption of the applicable law and the insufficient availability of the pre-1989 law as well as of UNMIK Regulations, the principle of legal certainty could not be stated for the initial period of UNMIK. After the initial “legal chaos”, UNMIK clarified the legal hierarchy in 2000. UNMIK itself could promulgate “constitutional” regulations, and administrative directives to implement the political regulations. Above the mission-level law, the UN Charter, and the Security Council Resolutions were the highest parts of the hierarchy of norms (Ruffert 2001: 623). All local laws had to comply with these international legal norms.

3.2.6.2. Court Structure, legal infrastructure, and judicial personnel

Most Albanian judges had been thrown out of office in 1989, most Serbian personnel had fled after 1999, and many court buildings had been destroyed and stripped by retreating Serbs (ICG 2000: 30). Most Albanian judges had not been practicing since 1989, and refused to apply the law associated with the Serb oppression 1989-1998. Serb judges did not administer the legal code applicable after the December 1999 decision due to political pressure from Serbia, or due to fear for their lives when holding trials. The lack of qualified and willing local personnel to fill the gaps in judicial services, paralyzed the judicial system for the remainder of 1999 and way into 2000 (Chevallier 2001: 7; Dziedzic 2002: 48; Strohmeyer 2001a: 113-114). However, in September 1999, the Advisory Judicial Commission to the SRSG had been established, comprising eight local and three international judges, which was

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297 UNMIK/REG/1999/24, 12 December 1999, Section 4.
298 Initially, translations of the laws were not available in all three languages. Only after the initiative from ABA/CEELI, OSCE and the OSCE-founded Kosovo Law Centre all laws were compiled, translated, and made available to local courts (Rausch 2002: 17). The issue of distribution and publication of laws in all languages remained difficult for a long period and was improved only by non-UN actors. It happened that the UN Police Commissioner’s Office called several months after the adoption of the Criminal Code in 2001 whether OSCE could send them some copies. Author’s interview with former OSCE official, 3 December 2004.
responsible for the appointment and removal of local judges. UNMIK managed to reinstate local judges and prosecutors in many regions already in 1999, e.g. seven judges in Prizren in July, and in Mitrovica in September (Stodiek 2004a: 268, 273).

The creation of the Joint Interim Administration Structures (JIAS) Department of Justice on 21 March 2000 helped to coordinate judicial reform from the side of the local administration under supervision by the OSCE (Pillar III). To establish a joint approach throughout UNMIK, OSCE initiated an informal Working Group on Rule of Law, which coordinated the reform of the judicial sector.

In August 2000, there were more obvious signs of the development of a judicial structure. A Kosovo Supreme Court, five District Courts, and eighteen municipal courts were functional. Several months later, 56 courts and 13 prosecutors offices had been fully staffed, in total 405 local judges and prosecutors have been appointed (ICG 2000: 30-31, Stodiek 2004a: 310). However, the failure to establish a secure environment for minorities after the end of the war impeded efforts to create a credible judiciary for minorities. This resulted in the fact that even in August 2000 only one Serb judge was working, and Albanian judges in office feared taking controversial decisions (ICG 2000: 30). Lack of resources and funds to pay salaries to local judges in the beginning of the mission adding to the shortcomings of the judicial sector named above (Holm and Eide 2000: 218). Material support by bilateral donors and the re-opening of former Yugoslav prisons in Prizren and Pristina led to a steady increase of activity in the court system; however, in 2000 a fully functioning and impartial judicial system had still not been achieved (ICG 2000: 31).

OSCE criticized UNMIK for not taking action against the lack of impartiality of local judges, and the inconsistent application of law in local courts, and promoted the Kosovo Judicial Institute (KJI) as a provider of legal training and human rights training to lawyers, judges, and prosecutors (Rausch 2002: 17, fn. 18). The Creation of the new Pillar I on 22 May 2001 led to an increase in coherent rule of law strategies by joining the UNMIK Department of Justice and the local police administration (Marshall 2003: 156).

However, fair trials were not guaranteed due to ethnic bias of, or political pressure on local judges. Ethnically biased trials in Mitrovica led to the decision to introduce international

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302 Author’s interview with former OSCE official, 3 December 2004.
judges to ethnically or politically sensitive cases.\textsuperscript{304} The first international judge was instituted in February 2000 in order to increase judicial independence in Mitrovica (Stodiek 2004a: 285). This was applied all over Kosovo so that UNMIK deployed one international judge and prosecutor in each Kosovo district court and two on the Supreme Court (ICG 2000: 31). In Mitrovica, all local judges and prosecutors received international lawyer for assistance and the maintenance of impartiality during trials (Marshall 2003: 161). In mid-August 2000, there were six international judges and two (or 2) international prosecutors all over Kosovo. However, international judges and prosecutors remained under the necessary quantity and quality (Rausch 2002: 24), were not accustomed to local law procedures (Stodiek 2004a: 329), and needed a large number of expert support staff in order to follow trials (ICG 2000: 31). UNMIK continued to deploy additional international judges and prosecutors: in July 2001, 11 international judges were present in Kosovo (Stodiek 2004a: 329). In District Courts, two local judges and one international judge held sensitive trials together. In politically sensitive cases, or in cases where the impartiality of local judges was in doubt, the UNMIK Advisory Judicial Commission reviewed the case. This led to a decrease of ethnically or politically biased decisions on district court level, but did not change the practice in local courts to discriminate ethnic minorities (Stodiek 2004a: 346). UNMIK, however, established a Judicial Inspection Unit, which could investigate against local judges and prosecutors in case of suspected bias (Stodiek 2004a: 346). From 2000-2004, cases in which international judges were participating, only accounted to about 3 percent of all trials in Kosovo.\textsuperscript{305} International judges were only involved in trials involving ethnic bias, political issues, and terrorist activities.\textsuperscript{306}

After an agreement of UNMIK with Belgrade in September 2002, the number of Serb judges increased from four in March to forty in autumn 2002 (Stodiek 2002: 346). In late 2002, the share of minority judges was further increased.\textsuperscript{307} But only in 2003, UNMIK succeeded in dismantling the parallel Serb court structure in all over Kosovo.\textsuperscript{308}

Over the years, the continuous efforts of the OSCE and UN have improved the general situation. According to UNMIK, 300 judges and prosecutors in the local judiciary have been vetted and trained until fall 2004, and 30 international judges and prosecutors remain to

\textsuperscript{304} Author’s interview with former OSCE official, 3 December 2004.

\textsuperscript{305} Author’s interview with former OSCE official, 3 December 2004; S/2003/421, 14 April 2003, para. 16.

\textsuperscript{306} For trials against terrorist, the majority of judges was international (S/2003/675, 26 June 2003, para. 21).

\textsuperscript{307} S/2003/113, 29 January 2003, para. 29

\textsuperscript{308} S/2003/421, 14 April 2003, para. 19.
handle the most sensitive cases. Apparently, Kosovar institutions and politicians are pleading with the international community to remain very active and controlling in the judicial sector for at least the next five years, as they fear not being able to manage sensitive cases and to construct a functioning judiciary alone.

3.2.6.4. Cooperation between KFOR, UNMIK Police, and the judicial system

UNMIK Police and KFOR were confronted with crimes they observed, after which they could detain the persons for 72 hours, but not longer as no judge was available to hold them on trial (Stodiek 2004a: 267; Holm and Eide 2000: 217).

Cooperation between the security forces and the judicial system was, in the beginning, hampered by incompatibilities in the legal procedural framework: although KFOR had arrested suspects on the basis of gathered intelligence, the material could not be used in court as evidence (Dziedzic 2003: 44) Special investigative tools such as electronic surveillance, witness protection, and the use of informants were not existent (Rausch 2002: 23), and became only legal evidence in court for UNMIK Police and KPS in March 2002 (Stodiek 2004a: 340). On the other hand, organizations kept on criticizing each other as KFOR and UNMIK Police especially were, in the beginning, holding suspects without recourse to a judicial authority due to lack of judicial personnel, or due to the orders of the COMKFOR or SRSG for reasons of public safety and order (Chesterman 2001a: 10).

UNMIK Police, due to the absence of an international police law, was supposed to act according to local law, but also on the background of its own policies and procedures complying to International Law, UN policies like the UN Civilian Police Handbook and the United Nations Criminal Justice Standards for Peacekeeping Police, and then mission-specific regulations and rules of engagement (Stodiek 2004a: 348).

Officers in the first months of the mission carried out missions “on the basis of what-ever assumptions they could make about what the laws were, what they might have heard from

310 Author’s interview with Andrea Gentile, 26 November 2004.
311 Author’s interview with John Henriksen, 8 October 2004; cf. UNMIK/REG/1999/2, 12 August 1999, clarifying the right of UNMIK and KFOR to detain persons temporarily.
312 Regulation 2002/6, Section 9.
313 For a comprehensive overview over all applicable conventions to police missions, see Thony 2003: 111. According to UNMIK Police, law enforcement personnel has to abide to the Universal Declaration of Human Rights, the UN International Convenant on Civil Rights and Properties (ICCPR), the UN Convention on the Rights of the Child (CRC), the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), and the UN Convention Against Torture and Other Cruel, Inhumane, or Degrading Treatment of Punishment (UNMIK Police 2000: 9).
314 In Kosovo, these are the UNMIK Regulations, the Rules of Engagement, the UNMIK Policy and Procedures Manual, and – interestingly – the national law of each contingent (Thony 2003: 15; Rausch 2002: 11).
local judges or prosecutors with whom they were working or, more often, their own understanding of law from their own countries”, and even violating the applicable law (Rausch 2002: 19). Especially the surveillance methods of KFOR and later UNMIK Police were partly contradicting with Yugoslav law.

Some argue that UNMIK and KFOR should have acted less in respect to human rights at the start of the mission, as this would have established UNMIK as a credible force for law and order, and therefore built up the credibility it was lacking in the following years (Chesterman 2001a: 11). Insecurity about how to handle the difficult security situation left the evolving vacuum to the hands of informal local arrangements that will undermine credibility in future. In situations where KFOR adopted a decided approach, violence was likely to decrease (Chesterman 2001a: 12). Efforts of UNMIK in making the police work and the judicial system more coherent and compatible resulted on 22 May 2001 in the foundation of a new Pillar I, Police and Justice, which substituted former Pillar I for Humanitarian Affairs, and improved coordination (Stodiek 2004a: 328). Difficulties in later stages of UNMIK Police arose as well in the coordination of international police with different legal, policing, and effective investigation backgrounds, and with lack of knowledge on applicable law, the local justice system, and local conditions. In cases of failure to comply with international norms and local laws, the authority and credibility of the international force is undermined (Rausch 2002: 22).

3.2.7. Modes of Change in UNMIK

Chapter 3.2 described the development of cooperation between the NATO military and UN police components concerning the deployment and enforcement gap, the development of both the international and local police forces, their cooperation and coordination, and the development of the judicial sector in Kosovo. In order to be successful, CIVPOL missions have to implement substantial parts of their mandate in five key dimensions, or to establish effective functional relationships with other international actors. Chapter two identified two modes of organizational change taking place within each dimension. The following section seeks to combine the theoretical part and the case study of UNMIK.

3.2.7.1. The deployment Gap – The relationship between KFOR und UNMIK Police

In the relationship between KFOR and UNMIK, the bridging of the deployment gap was established already by the mandate: KFOR should provide public security as long as the

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315 After the experience of the missions in Kosovo and East-Timor, the Brahimi Report promulgated the solution of a model law, which could be used as interim law in peacekeeping operations, until the question of applicable law was resolved (UN 2000; ; cf. Rausch 2002: 20-21; Chevallier 2001: 7; Chesterman 2001: 12).
civilian organizations were not able to do so (chapter 3.2.2.). Until the full deployment of UNMIK Police, KFOR remained in charge of providing area security and basic policing duties. After the change of leadership from General Jackson to General Reinhardt, KFOR engaged in assisting UNMIK Police until it was fully deployed, and both developed a functional relationship.

The continuing lack of police officers in 1999 was a problem for UNMIK Police. The only solution to this problem was to enhance efforts by police contributing countries. UNMIK Police leadership took the opportunity of Holbrooke’s visit to Kosovo in August 1999 to indicate their needs of police staff and equipment. This was a move towards mobilizing further political support for the provision of police staff from the international community. Holbrooke’s reaction was to appeal in front of the Security Council for more contributions of staff and equipment to UNMIK. UNMIK solved the deployment gap by reaching in the political stream (Kingdon 1984: 182) and engaging in political entrepreneurship to convince a representative of a key UN member state, the USA, of UNMIK’s deployment and equipment problems. The slow deployment of UNMIK Police was seen as problem until mid-2000, when Police Commissioner Frederiksen again pronounced in New York that further police officers and equipment was needed to fill the deployment gap of UNMIK Police in Kosovo. UNMIK did not reach the total deployment number until late 2000. In the end, UNMIK was successful in filling the deployment gap through establishing routine recruitment and training mechanisms for the police staff coming into the mission.

3.2.7.2. The enforcement gap

The bridging of the enforcement gap was also included in the mandate – again KFOR should be responsible for providing basic security, and backing up civilian actors as long as these could not implement their mandates due to the still severe security situation. KFOR was mandated to provide public security but initially refrained to provide basic policing together with the few UNMIK Police officers already deployed.

For UNMIK Police, the lawlessness of the first months and the inability of UNMIK Police to confront and investigate serious incidents and to provide basic policing in Kosovo, were difficult conditions. The solution was to cooperate with KFOR in providing policing functions. UNMIK Police assisted KFOR in training some contingents in basic policing. However, only the change of KFOR leadership in September 1999 helped to create a functional relationship between KFOR and UNMIK Police. General Reinhardt and his staff

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316 Author’s interview with John Frederiksen, 8 October 2004.
realized that both KFOR’s and UNMIK’s efforts in stabilizing Kosovo would be negatively influenced, if no functional relationship for cooperation and coordination in policing would be achieved. He, accordingly, agreed on KFOR taking on basic policing functions until UNMIK Police would be able to take them over, and developed an alternating chain of command in cooperation with UNMIK Police, giving KFOR or UNMIK primacy according to the severity of the situation. Here, the problem (enforcement gap), solution (KFOR providing policing tasks as long as UNMIK was not able to do so), mandate (KFOR had to assist UNMIK in achieving its mandate and take over functions as long as UNMIK cannot do so), and context (the change of KFOR leadership, and the perception NATO HQ that the it could not afford a failure in Kosovo after the widely perceived invasion in Kosovo preceding Resolution 1244) come together in a critical juncture. The later development of coordinated and integrated Joint Operations Centers and daily high-level meetings between UNMIK and KFOR\(^{317}\) indicate the success in this regard.

For processes after this initial and crucial event in 1999 until the March riots 2004, incremental development prevailed. Cooperation was maintained but differed depending on the respective relationship between the KFOR and UNMIK Police leadership.

The March 2004 riots made obvious that coordination mechanisms between KFOR and UNMIK Police were at best dysfunctional (HRW 2004: 25), and the failure to reassess implementation efforts and cooperation measures in the period after 1999 created a situation in which all security actors in Kosovo were taken by surprise (HRW 2004: 24). This major crisis of coordination made both UNMIK Police and KFOR – despite mutual accusation for failure after the attacks – aware of the inefficiency of their coordination routines. A second element of macro-political change, the change of UNMIK leadership, UNMIK Police leadership, and KFOR leadership between April and October 2004, led as well to the re-establishment of closer coordination and high-level policy coordination meetings on a regular basis, which had been abandoned in the time before.\(^{318}\)

Concerning the enforcement gap, UNMIK Police was, after initial shortcoming in the cooperation with KFOR, successful in establishing joint coordination mechanisms and regular joint operations. However, the longer coordination mechanisms were in place, the more strategic coordination and assessment of the coordination framework between UNMIK and KFOR was not following a logic of intended designed but was rather changed incrementally according to the relationship between the KFOR commander and the UNMIK Police

\(^{317}\) Interview with Eric Chevallier, 19 October 2004.

\(^{318}\) Author’s interview with Eric Chevallier, 19 October 2004.
Commissioner in particular. The March 2004 riots made the failure of UNMIK and KFOR to coordinate for the enforcement gap obvious. The re-establishment of joint structures and closer coordination mechanisms indicate a successful restart of the relations.

3.2.7.2. Disarmament, Demobilization, and Reintegration in Kosovo

The disarmament, demobilization, and reintegration of former UCK combatants were main tasks of KFOR’s mandate. Disarming and demobilizing UCK was a relatively smooth process once it became clear that a large part of former UCK fighters were to form the Kosovo Protection Corps, or could join a special reintegration program administered by IOM. However, continuing ethnic violence and armed attacks on minorities, nurtured suspicion inside KFOR and UNMIK Police that UCK was not entirely disbanded. The problem of the widespread possession of arms was countered by joint weapons searches as well as KFOR checkpoints. Although it remains unclear how far KPC members are still connected to Albanian extremists, its mediating and de-escalating role during and after the March 2004 riots indicates that DDR efforts and the creation of KPC was a success.319

3.2.7.3. Creation of UNMIK Police and KPS

The development of both police forces was incremental more than through agenda change. UNMIK Police development needed political support to be equipped properly. The visit of Holbrooke mentioned above, which led to a provision of police officers and equipment, made UNMIK operational by 2000, its investigation tasks only by 2002. The necessary legal foundations for investigative and intelligence tasks within the UNMIK structure, and the political support from member states for the provision of intelligence information from their national secret services as well as for the transfer of knowledge from KFOR intelligence to UNMIK Police, only became possible in 2002. A crucial event was the change of leadership in UNMIK and UNMIK Police in the beginning of 2002: only after Michael Steiner in the political arena and Stefan Feller as UNMIK Police Commissioner achieved progress and political support among local and international actors for the extension of the tasks of UNMIK Police and the provision of the necessary equipment, the investigative capacities of UNMIK Police were enhanced and put on a legal basis, culminating in the establishment of the Kosovo Organized Crime Bureau.

KPS developed in a similar incremental fashion. KPS, which acted within the transition phases imposed by UNMIK Police (see chapter 3.2.5.2.4.), set out the broad framework in which KPS was developed. The start of recruiting officers in 1999 until the development of

319 Author’s interview with Eric Chevallier, 19 October 2004.
own KPS specialized units in 2003 can be seen as a gradual development and improvement of a local police force created by international actors. UNMIK and OSCE provided the training to KPS; in 2003, KPS officers gradually achieved more and more independent tasks under the lead of UNMIK Police.

The March 2004 riots represent a crucial event inducing major change in the transition from UNMIK Police to KPS. Only the collapse of cooperation and coordination between international security actors in whole Kosovo, and the surprise character of the riots made the international actors in Kosovo aware of the lack of care they had given to the actual state and need of Kosovar political and security institutions (HRW 2004: 20-22). KPS lacked the manpower, command, and equipment to deal with large-scale public riots, as much as KFOR and UNMIK lacked the sensory to detect growing discontent and prevent public unrest. The first large-scale transition plan from UNMIK to KPS developed in the framework of the general transition wave after March 2004. The solution was favored to give KPS more competences and capacities, and to downsize the international presence in Kosovo to transfer more competences to local actors. The political context for the joining of the mandate, the problem, and the solution coincided with the change in leadership of the SRSG in April 2004 and the UNMIK Police Commissioner in October 2004. Although the international context was conducive to a change of implementation and transition strategies already in November, when the Contact Group promised “a review of final status in mid-2005 if by then the PISG had satisfied a raft of specified standards” (ICG 2004: 2), the new Kosovo Standards Implementation Plan did not yield the necessary support among the Kosovar population. The indecisiveness of SRSG Holkkeri between September 2003 and April 2004 certainly added to the insecurity about the strategies of transition by the international community.

However, KPS in general can be seen as a success. The slow development and long phase working under UNMIK Police led to frustration among the KPS officers, but also showed remarkable results in the increase of professionalisms among KPS. The provision of equipment to KPS, which was still inefficient in 2004 (HRW 2004: 15), requires further “political entrepreneurship” by UNMIK Police as happened before for the provision of uniforms and duty cars.320

The results of the 2004-2005 transitions of policing tasks from UNMIK Police to KPS cannot yet be evaluated, as the implementation of transition is ongoing.

320 Author’s interview with John Frederiksen, 8 October 2004.
03.2.7.4. The judicial system

The judicial system in Kosovo was created from scratch; and suffered in the first periods from the question of applicable law, which created confusion among local as well as international actors. After the unavailability of local judges in the first months was overcome (Strohmeyer 2001a: 113-115), the inability and/or unwillingness of local judges to hold impartial trials were a major impediment for the functioning of the judicial system.

The solution of the question of applicable law was clearly incremental. The initial decision by Kouchner to apply the “Serb” pre-1999 law was rejected by Albanians. It took another three months until UNMIK promulgated Regulation 1999/24 with the decision to implement the law before 1989 as the applicable law. However, even afterwards the law was not applied uniformly throughout Kosovo, as it was left to the local judges to apply the law, which they deemed appropriate for a specific trial. The adoption of the new Provisional Criminal Code and Provisional Criminal Procedure Code of Kosovo on 6 April 2004 can be seen as a culminating point of this development, clarifying the question of applicable law (UNMIK Pillar I 2004: 31). When UNMIK realized that ethnic cases were not solved impartially, it introduced international judges into the most sensitive cases. Local judges held the larger part of civil and “normal” criminal trials; however, UNMIK developed over time a large contingent of international judges and prosecutors, adding to 24 in June 2004 (UNMIK Pillar I 2004: 15). However, cooperation between local and international judges remained difficult due to suspicion from the local judges side towards the international colleagues due to UNMIK behind-the-scene-consultations (Marshall 2003: 161-162).

A general improvement of the functioning of the judicial system took place after the change of UNMIK leadership in the beginning of 2002. Legal codes were standardized and distributed; as well as judicial infrastructure and staffing were enhanced. The percentages of trials held by local courts in comparison to those held with international assistance are encouraging: only 3 percent of all criminal cases are taking place with international judges participating, and 100 percent of all civil cases are held without international participation.321 The establishment of the judicial system can be seen as a success: UNMIK managed in a very short time and under difficult circumstances, i.e. the absence of any judicial infrastructure, to provide a functioning local judiciary (Marshall 2003: 171). The cooperation between OSCE and UNMIK improved after 2002. However, politically or ethnically sensitive cases continue to be held with international assistance.

321 Author’s interview with former OSCE official, 3 December 2004.
4. Organizational Adaptation and Change of Civilian Police Components

What do CIVPOL missions do after their deployment? How do they find solutions to problems within the framework of their mandate, or does the mandate have to be reinterpreted in order to find solutions? Does organizational adaptation and change have an influence on success and failure of CIVPOL missions? The preceding chapters described and analyzed the development of two Civilian Police missions, UNMIBH and UNMIK during the timeframe of analysis, 1996-2002 for UNMIBH, and 1999-2004 for UNMIK. The development of both missions in the five key dimensions showed that the adaptation of mission policies, the adaptation or alteration of organizational structure of the mission, the re-interpretation, extension, or alteration of the mandate, and the development of cooperation frameworks with other international actors does play a large role in achieving the successful implementation of the missions’ mandates. This last chapter seeks to draw conclusions on adaptation of CIVPOL missions, on the conditions under which CIVPOL missions are likely to adapt, and on the question of influence of adaptation on success and failure of CIVPOL missions.

4.1. Adaptation of CIVPOL missions

UNMIBH was tasked with reorganizing and downsizing militarized and corrupt local police forces. It had a monitoring and reforming mandate. Looking at the impact of adaptation of UNMIBH, each adaptation of policies and the mandate of UNMIBH increased IPTF’s intervention power towards the local police forces. With increasing deployment of IPTF towards March 1997, four additional powers were given to IPTF to issue non-compliance reports (December 1996), to conduct independent human rights investigations (April 1997), to dismiss local police officers (December 1997), and to engage in judicial reform (July 1998). These steps became necessary, as IPTF was not able to implement its mandate due to continuous obstruction by local police. The more IPTF adapted its mandate, the more it became successful in dealing with local police forces. At the end of its mandate, IPTF was seen as a success. The remaining tasks were handed over to the follow-up EUPM.  

UNMIK was a different case. The mandate in Resolution 1244 provided for an executive CIVPOL mission taking on full law enforcement duties. Furthermore, the sequencing of responsibility of international actors for security was clear from the beginning. KFOR would be responsible until UNMIK was operational, and KPS would take over from UNMIK as soon as its capacities would be developed sufficiently. As soon as deployed, UNMIK Police concentrated on creating its own structure, and developing KPS. UNMIK’s structure and

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322 Author’s interview with EUPM official, 12 September 2004.
323 S/RES/1244, 10 June 1999.
policies adapted to the improving security situation. Improvement was due to both through better cooperation with KFOR as well as the provision of political authority to local institutions in May 2001. The UNMIK special police departments developed in 2000, and routines of operation and cooperation with KFOR were developed. The low quality and lack of legal foundation of investigations way into 2002 led to the extension the legal framework and of UNMIK intelligence capacities. Although the creation of an international executive police force was an impressive effort, the slow handover process to KPS and the general lack of UNMIK Police’s contact to the local population are clear indications of failure of UNMIK. According to chapter two, long periods of marginal change prevail as long as problems do not rise on the agenda of the CIVPOL mission. Independent inquiries, however, stated that the unchanged approach of UNMIK towards the Kosovar institutions since 2001 and more after 2003 created a atmosphere of complacency, in which new agendas were developed but not properly implemented in cooperation with the local population neglecting the irreconcilable visions of Kosovo’s future (e.g. ICG 2004: i, 2). An agenda change only happened after the ethnic violence against Serbs and revolts against the international presence in March 2004. Afterwards, UNMIK Police engaged in true transition from UNMIK Police to KPS, and created necessary special KPS Units, which subsequently could take over most of UNMIK Police’s tasks. The planned ending date of transition is 2006. The starting transition to KPS seems to yield first successful results.

For each dimension developed in chapter one and discussed throughout the thesis, conclusions are drawn below.

The faster the deployment gap can be filled, the better for a CIVPOL mission. The relationship becomes clear if looking at the timelines in the appendix. In both cases, soon after the deployment had been completed, success became visible in other dimensions as well. One reason is the time, which passed in both cases. UNMIBH and UNMIK took both over a year to entirely fill the deployment gap (UNMIBH: May 1997; UNMIK: December 2000). Within this timeframe, problems in other dimensions could be tackled and cooperation policies developed. Further research on the relationship between the timing of deployment and the success of CIVPOL missions will be needed to draw more general conclusions.

The enforcement gap needed in both UNMIBH and UNMIK a context-induced change in order to be filled properly. The difficult relationship between military and police forces in the beginning of the missions was certainly due to the hesitant position of most UN member

325 We find, however, similar arguments in the literature (cf. Buwitt 2002: 10-11).
states to include the UN into the military chain of command after the failures of the UN during the Yugoslav wars in 1992-1995. Both the enforcement and deployment gap require military cooperation to be filled without “the planning and development of partnerships with those who do have the capacity for serious military undertakings“ (Harland 2004: 17). International gendarmerie and formed police forces are often seen as one of the best alternatives to fill both gaps due to their better logistics, their formed character, and their enforcement possibilities. However, they are also often criticized as not having a proper task, neither substituting police nor military forces (Hills 1998; Jakobsen 2003: 148-149). Both cannot be filled

Concerning the disarmament, demobilization, and reintegration of former combatants, the contribution of CIVPOL missions to the demobilization and reintegration is important. Both UNMIBH and UNMIK were important actors cooperating with the military forces in place to demobilize and reintegrate former combatants and security forces into new local police and civil reconstruction forces. In relation with the enforcement gap, military backup is of importance as CIVPOL is unarmed in most cases. As the Bosnian case shows, the reorganization and reintegration of police forces is an important task, which needs not only military but also political backup to impose new organization schemes on local actors.

The local police in Bosnia were highly corrupted and politically influenced, but was working and did not collapse as in the case of Kosovo (cf. Jakobsen 2003: 141). However, the simultaneous development of an international interim police force and a local police force, combined with the duty to take over law enforcement functions from KFOR at the same time, certainly did not make UNMIK’s mandate easier than that of UNMIBH, where the law enforcement and provision of public security remained – according to the DPA – with the local parties. In UNMIBH, however, adaptation and reinterpretation of the mandate was more necessary due to the obtrusive behavior of local police forces, and the partition of the Bosnian security system into three entities. This adaptation resulted in successful implementation of the mandate. In Kosovo, longer periods without adaptation of policies concerning the transfer of powers to KPS resulted in failure of UNMIK Police to provide public security and create local institutions, apparent in the March 2004 riots.

Progress in the reform of the legal sector was mainly due to pressing problems, which were not solved in the beginning and became critical the longer the mission was in place. This is valid for both Bosnia and Kosovo. In Bosnia, UNMIBH realized the necessity of judicial reform once the situation in restructuring and reforming the police had improved, but the
judicial system still was corrupted. This was the case when the Judicial System Assessment Programme was adopted in 1998, about two years after the beginning of the mission. In Kosovo, the entire judicial sector had to be rebuilt from scratch (Marshall 2003: 171). Furthermore, legal difficulties hampered the reconstruction efforts centering on the question of applicable law. The fact that judicial reform was tackled sooner in Kosovo than in Bosnia was probably due to the complete lack of any judicial infrastructure in Kosovo. However, both succeeded in building and reforming local judicial institutions.

4.2. Factors of Change

Concerning the two modes of change proposed in chapter two, incremental change prevailed most of the time in most of the dimensions. This is in line with March and Olsen’s findings in their work: “periods of relative quiet prevail” (March and Olsen 1989: 94), in which organizations, in this case CIVPOL missions, subsequently attend their problems. Macro-political change, as defined by March and Olsen (1989: 105), either occurred through problem pressure, change in leadership (Kingdon 1984: 182), or through crises. Both change in leadership and crises made a redefinition of the agenda possible. Paul Pierson acknowledges the importance of “particular moments in a temporal sequence of events and processes stretching over extended periods” in his recent book on causal significance of temporal processes (Pierson 2004: 1, 11). As we analyzed and discussed for each mission, the change of context, major crisis or critical events, like the failure of smooth transfer of the Sarajevo suburbs or the March 2004 riots in Kosovo, as well as change in leadership and the context have an influence on the agenda of a CIVPOL mission. The two case studies presented in this thesis show clearly that external events, such as context change and change of leadership, make the redefinition of priorities and agenda in CIVPOL missions possible.

Leadership change has a strong influence: Richard Monk’s and Jacques-Paul Klein’s tenures both resulted in reorientation of UNMIBH. In Kosovo, the change of SRSGs in 2002 and 2004 created opportunities to introduce implementation and transition plans. The change of leadership, however, is not the only cause of agenda-change. The pressure of problems influences the likelihood of adaptation and reorientation of missions as well. This played a role in Bosnia and Kosovo in making military forces realize that cooperation with the CIVPOL missions was insufficient. The continuing lack of stable security in Kosovo during the first months of UNMIK, and the apparent insecurity and inability of UNMIK Police to police Kosovo, made KFOR aware of that fact that without closer cooperation their own implementation efforts would be destroyed and the credibility of the international presence severely damaged (Coutts 2001: 3).
The context stream, i.e. the change of political support by UN member states to the CIVPOL missions level plays a large role in making adaptation and re-orientation of policies and cooperation agreements, re-organization of structures, and the reinterpretation of mandate possible. The attribution of new tasks and responsibilities, but foremost the reinterpretation and extension of the mandate, always needed the support of key UN member states. This was the case in UNMIBH, where the possibility of independent IPTF investigations and the extension of its mandate towards dismissing obtrusive local police officers in the framework of the Bonn Powers given to the High Representative in December 1997, would not have been possible without the consent by key states of the international community to solve the problem of spoiling behavior by the local parties and police. As well in the case of UNMIK, we find that crucial developments concerning the deployment gap, the extension of investigative capacities, and the alteration of transition efforts towards local actors after the March 2004 riots would not have been possible without the consent of the members of the Contact Group.

4.3. Institutional Environment of CIVPOL Missions

Little systematic research has been done on the effects of institutional environments of peacekeeping missions. However, it seems obvious that the degree of “embeddedness” into a larger international presence, and the form of organization of this framework has an effect on the stability of policies, and the need for coordination. As lessons learned in Bosnia, where policy coherence was a long and difficult task to achieve, were applied in Kosovo, UNMIK received an integrated missions structure, i.e. all international organizations would operate under the umbrella of UNMIK (Jones 2002: 108-109).

Accordingly, UNMIK Police and UNMIBH IPTF differed concerning the degree of hierarchy of the international presence. UNMIBH had mainly policing tasks and was integrated into a larger network-like international structure comprised of many international organizations under the coordination of the OHR. Cooperation with other actors, and coordination of policies were not established at the onset of the mission. UNMIK was set up – compared to UNMIBH – as a more or less coherent structure under the leadership of the UN, whose precise tasks and cooperation measures were included already in the mandate. Despite the large tasks of reconstructing an entire police forces and judicial infrastructure, coordination within UNMIK concerning the rule of law was easier in Kosovo than in Bosnia due to the institutional structure for cooperation. The degree of institutionalization of cooperation and coordination provided by the mandate seems to have influence on the adaptation needs of CIVPOL mission later on. The less coherent a framework of a CIVPOL mission, the more
adaptation of the mandate and policies are necessary. The other side of this coin might be: the less coherent a framework, the more adaptation is possible. What is striking in the case of Kosovo is that the need for adaptation seemed to be clear, but international actors did not react in a proper way. E.g. the adjustment of the standards policy in December 2003 was only marginal; UNMIK Police could not step out of the UNMIK framework and decide to follow on steps towards transition, as political implications would have been huge. UNMIBH could more easily act on its own; the policy changes had to be coordinated with OHR and IFOR/SFOR, but due to the network-like character, own initiatives were more possible than in Kosovo.

4.4. Success and Failure

We defined success in this respect as the ability of the CIVPOL mission to provide public security and build local institutions in the key dimensions by implementing its mandate, or to extend its mandate, and to build out functional relationships with other actors in case CIVPOL key challenges are not included in the mandate. As was shown in this thesis, the degree of adaptation of CIVPOL missions to counter problems within key dimensions did have an influence on success or failure. If policies and strategies were adapted to address problems, or if political contexts and possibilities for reorientation were used for the implementation or reinterpretation of mandates, CIVPOL missions could further enhance the provision of public security as well as their institution-building efforts. The case of UNMIBH hints at this conclusion: a larger number of adaptations of mandate and policies help the mission to adjust its operational and policy outcome towards the changing degree of support necessary for public security or institution-building. Long-term stability of policies contains the danger of not providing proper support to local institution building, which in turn leads to latent public security deficiencies. UNMIK’s failure apparent in the March 2004 riots can be attributed to the lack of adaptation of policies towards KPS, and cooperation agreements between KFOR and UNMIK Police. In contrary, the last phase of UNMIBH, 2000-2002, also about five to six years into the mission, shows how the streamlining and adaptation of goals in the Mission Implementation Plan, as well as the close cooperation with OHR and SFOR, yielded remarkable results.

The thesis has shown how international political context, leadership change, and major crises increase the likelihood of adaptation of CIVPOL missions. The institutional environment of the CIVPOL mission can enhance or decrease organizational adaptation. Further research engaging in case studies and widening the number of cases will be necessary to be able to further generalize the findings of this research.
4.5. Policy recommendations

To further the understanding of organizational processes, policy recommendations in the key dimensions of the theoretical framework are included.

To prevent the deployment gap, existing stand-by arrangement by the UN and regional organizations should be enhanced. The creation of a High Readiness International Formed Police Unit with international command structure with special national contributions (like riot control, organized crime, terrorism, logistics etc.) deployed within 30 days until the CIVPOL would be operational could help to mitigate the deployment gap (Stodiek 2004a: 443). A UN Corps of Senior Police Officers, which undertake mission assessments and organize the start-up of police components of peace operations, could also bridge the deployment gap (UN 2004: 70).

The enforcement gap can be filled faster if CIVPOL and military forces clarify and coordinate short-term and long-term strategies (Stedman and Rothchild 1996) during the planning phase of the mission as well as in the field (Coutts 2001: 4), and define appropriate measures from the onset of the mission. Once the local police are operational, it should be included into coordination mechanisms. The development of alternating chains of command as in Kosovo is important to be able to react to different security situations with the appropriate measures. Local police should be included as fast as possible but as soon as appropriate in order to train management levels but also transfer responsibility and develop local “ownership” of security forces and responses. Either formed rapid response police forces or military forces training in basic policing skills have to be identified and developed for timely deployment.

The initial policy towards disarmament and demobilization of former paramilitary and other security forces should be decided and consequential. Promises in the beginning of demobilization efforts, which cannot be held afterwards, and insufficient coordination among international actors cause confusion and distrust towards the international mission.

The creation of a democratic police force in multidimensional peacekeeping missions requires the co-location and close monitoring of local police officers and management by international staff. In transitional administrations the interim international police force should cooperate as soon as feasible with local police units. The training of specialized local police officers is predominant for the quality and autonomy of the new local police force.

Judicial reform has to be coordinated with police reform, especially in the case of transitional administrations. The question of applicable law should be solved as soon as
possible. Copies of the applicable law and regulations issued by international actors have to be made available to local counterparts, the local populations, and other international actors. Coordination of UN with OSCE on deployment of police officers and judicial reform experts should be improved. A roster of **stand-by judicial experts**, judges, and prosecutors has to be established. The UN should enhance its capacities for rule-of-law programmes in UN Peace Operations. The development of the CLJAU in DPKO PBPU is a significant step but its capacity not large enough for the growing role of judicial reform in UN Peace Operations.

CIVPOL missions in **cooperation and consultation** with military forces and actors reforming the judicial system should produce detailed implementation plans to both enhance coordination and cooperation. Reviews should take place regularly and should be monitored by joint commissions. Furthermore, these plans should be communicated the local counterparts and the population in order to increase transparency and trust in the mission’s policies. Local police forces, once policy planning and management capacity is developed, should participate in the formulation of implementation plans.

The **leadership** of CIVPOL Missions and UN Peacekeeping Missions should have well established, or should seek to establish, contacts to governments of industrialized countries in order to be able to guarantee political support for extension of mandates and the provision of equipment to both local and international police forces. Once a stable policy framework of a CIVPOL mission is established, the **rotation of leadership** is encouraged as agenda change and adaptation of missions is more successful at these moments. **Fund-raising units** should be established in CIVPOL missions to guarantee equipment and funds for additional tasks, e.g. reconstruction of prisons and judicial infrastructure.

**Policy planning and advisory units** should be attached to any CIVPOL mission in order to enhance planning capacity and monitor – in cooperation with DPKO CPD and PBPU – the political international context for policy windows. Additionally, close monitoring of local developments together with local counterparts could help to detect latent distrust and rising readiness for violence.

A **Rule-of-law “box”** should be developed, comprising the necessary standard operating procedures, cooperation measures, and policies as well as indicators for the deployment phase and the immediate post-conflict phase for CIVPOL, CIVPOL-military cooperation, disarmament, demobilization and reintegration of former combatants, local police reform, and judicial sector reform.
Note on the Citation of Documents

UN Security Resolutions, Reports from the Secretary General to the Security Council, UNMIBH Documents and UNMIK Regulations are cited with their official document code and their date of adoption, i.e.

- UN SC Resolutions as S/RES/1244, 10 June 1999;
- Reports from the SG as S/2004/348, 30 April 2004;
- UNMIBH Documents as applies (no regular document code);
- UNMIK Regulations as UNMIK/REG/1999/2, 12 August 1999.
Interview Report

Due to the lack of literature on organizational and policy developments in UN Peace Operations interviews were carried out in order to improve the knowledge about causal linkages between problems, solutions, mandate, and the context of each CIVPOL mission.

The interviews were carried out semi-standardized (for the questionnaire see Annex I in the thesis). Depending on the reaction and response of the interviewed person, some questions were broadened or extended. For each CIVPOL mission, and depending on the official function of the respondent, some extra questions were added, which depended largely on the context of the post of the interviewed person and on the context of the current post. The standardized questions made possible a coherent list of features of each mission fitting into the research question of the thesis.

All interviews were carried out by phone. The questionnaire was sent in advance to each respondent for his/her better preparation. Some respondents expressed their wish to remain anonymous. The transcripts are available from the author.

Interviews were carried out with
Berthold Hubegger, Ministry of Domestic Affairs, Vienna, Austria
Dr. Thomas Mühlmann, Chief Political Advisor of the European Police Mission (EUPM) and former Austrian Delegate to Kosovo
Justine van Diemen, Political Advisor to EUPM
Former UNMIBH Spokesperson
Herbert Steiner, Chief Colocator, EUPM, former Chief Colocator, IPTF UNMIBH
Thomas Pepper, former IPTF Special Advisor to the Chief of PSC 7, Repulika Srpska
Former UNMIBH Civil Affairs Officer
Eric Chevallier, former Special Advisor to SRSG Kouchner, UNMIK
Former Senior UNMIBH official
Andrea Gentile, Civilian Police Department, Department of Peacekeeping Operations, Desk Officer for UNMIK Police
Independent Researcher, Pristina, Kosovo
Peter Fitzgerald, former IPTF Police Commissioner (1996-1997)
Detlef Buwitt, former IPTF Police Commissioner
UNMIK Police Senior Official
Former OSCE Official

For the exact dates of the interviews, see citation in thesis.
List of Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ABA/CEELI</td>
<td>American Bar Association’s Central and Eastern European Law Initiative</td>
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<tr>
<td>BiH</td>
<td>Bosnia and Herzegovina</td>
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<tr>
<td>CAFAO</td>
<td>Delegation of the European Commission – Customs and Finance Office</td>
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<tr>
<td>CCIU</td>
<td>UNMIK Police Central Criminal Investigation Unit</td>
</tr>
<tr>
<td>CHRB</td>
<td>Croatian Republic of Herceg-Bosna, Croat Separatist name for Croatian part of Bosnia-Herzegovina</td>
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<tr>
<td>CIVPOL</td>
<td>United Nations Civilian Police forces</td>
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<td>CJAU</td>
<td>UNMIBH Criminal Justice Advisory Unit</td>
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<tr>
<td>CLJAU</td>
<td>Criminal Law and Justice Advisory Unit in DPKO PBPU</td>
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<tr>
<td>COMIFOR</td>
<td>Commander IFOR</td>
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<td>COMKFOR</td>
<td>Commander KFOR</td>
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<tr>
<td>COMSFOR</td>
<td>Commander SFOR</td>
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<tr>
<td>CPD</td>
<td>United Nations DPKO Civilian Police Department</td>
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<tr>
<td>CPU</td>
<td>United Nations DPKO Civilian Police Unit (until 2001)</td>
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<tr>
<td>DPA</td>
<td>Dayton Peace Agreement</td>
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<tr>
<td>DPKO</td>
<td>United Nations Department of Peacekeeping Operations</td>
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<td>EU</td>
<td>European Union</td>
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<tr>
<td>FRY</td>
<td>Federal Republic of Yugoslavia</td>
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<tr>
<td>HRO</td>
<td>UNMIBH Human Rights Office</td>
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<tr>
<td>IEBL</td>
<td>Inter-Entity Boundary Line, separating the Bosnian-Croat Federation and the Republika Srpska</td>
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<tr>
<td>ICITAP</td>
<td>International Criminal Investigative Training Assistance Program, funded by US Department of Justice</td>
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<tr>
<td>IFOR</td>
<td>NATO Implementation Force in Bosnia-Herzegovina</td>
</tr>
<tr>
<td>IJC</td>
<td>Independent Judicial Council, judicial advisory body of OHR</td>
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<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
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<tr>
<td>IPTF</td>
<td>UNMIBH International Police Task Force</td>
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<tr>
<td>JIAS</td>
<td>Kosovar Joint Interim Administrative Structures</td>
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<td>KFOR</td>
<td>NATO’s Kosovo Force</td>
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<tr>
<td>KPC</td>
<td>Kosovo Protection Force, civil “successor” of the UCK</td>
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<tr>
<td>KPS</td>
<td>Kosovo Police Service</td>
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<td>KTC</td>
<td>Kosovo Transition Council</td>
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<tr>
<td>KWECC</td>
<td>Kosovo War and Ethnic Crimes Court</td>
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<tr>
<td>MINUSTAH</td>
<td>Mission des Nations Unies de Stabilisation et Transition au Haiti, 2004-</td>
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<tr>
<td>MIP</td>
<td>UNMIBH Mission Implementation Plan</td>
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<td>MoU</td>
<td>Memorandum of Understanding</td>
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<td>MSUs</td>
<td>Multinational Special Units</td>
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<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>OHR</td>
<td>Office of the High Representative</td>
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<td>ONUMOZ</td>
<td>Mission des Nations Unies au Mozambique</td>
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<tr>
<td>ONUSAL</td>
<td>Organizacion des Naciones Unidas en El Salvador</td>
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<td>OSCE</td>
<td>Organization for Security and Cooperation in Europe</td>
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<td>PBPU</td>
<td>United Nations DPKO Peacekeeping Best Practices United</td>
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<td>PIC</td>
<td>Peace Implementation Council, Steering Body of OHR</td>
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<td>PISG</td>
<td>Provisional Institutions of Self-Government in Kosovo</td>
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<td>PSUs</td>
<td>UNMIK Police and KPS Professional Standards Units</td>
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<td>SBS</td>
<td>Bosnian State Border Service</td>
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<td>SC</td>
<td>UN Security Council</td>
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<td>SFOR</td>
<td>Stabilization Force in Bosnia</td>
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<td>SG</td>
<td>UN Secretary General</td>
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<td>SIPA</td>
<td>Bosnian State Investigation and Protection Agency</td>
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<td>SOFA</td>
<td>Standard of Forces Agreement</td>
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<td>SRSG</td>
<td>Special Representative of the Secretary General</td>
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<tr>
<td>STOP</td>
<td>UNMIBH Special Tracking Operations Program</td>
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<tr>
<td>UCK</td>
<td>Ushtria Çlirimtare e Kosovës – KLA Kosovo Liberation Army</td>
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<td>UNHCR</td>
<td>United Nations High Commissioner on Refugees</td>
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<td>UNHCHR</td>
<td>United Nations High Commissioner of Human Rights</td>
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<td>UNMIBH</td>
<td>United Nations Mission in Bosnia and Herzegovina</td>
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<td>UNMIK</td>
<td>United Nations Interim Administration Mission in Kosovo</td>
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<td>UNMIL</td>
<td>United Nations Missions in Liberia</td>
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<td>UNPROFOR</td>
<td>United Nations Protection Force</td>
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Literature


Appendix I: Questionnaire

1) When did you work with a UN CIVPOL Mission? Indicate Country, Acronym, and timeframe for each mission.

2) What was (were) your post(s) during this time? Please indicate post title, your duties, and the timeframe.

3) What were the key challenges arising from the local environment that the Civilian Police mission encountered (such as political or ethnic influence on police forces, lack of, or badly functioning, legal system, penal system)? Please name parties, institutions, organizations, and actors, and indicate timeframes during which they posed challenges to the CIVPOL Mission.

4) How did the CIVPOL mission cope, i.e. find adaptation strategies, with these external constraints? For each type of actor named in question 3), please indicate the reaction the CIVPOL mission. There are five proposed categories of responses, but further can be added.
   a) The adaptation or alteration of mission policies,
   b) the adaptation or alteration of organizational structure of the mission,
   c) the re-interpretation, extension, or alteration of the mandate,
   d) the development or alteration of cooperation frameworks with other international actors.

5) How did the decision-making process concerning these adaptation processes within the mission work? Was it the result of well-planned strategies or rather an ad-hoc decision, which then had to be implemented?

6) During your time with UN CIVPOL, was the mandate changed and/or were departments changed and altered within your mission? Please name departments, task/mandate of departments, reasons for changes (if identifiable) and timeframe of the changes.

7) How did cooperation work with the following actors, and how did UNMIBH/UNMIK react to adapt to the needs of new cooperation? [Actors named according who was asked; e.g. local governments, military actors, international organizations, neighboring countries]
Appendix II: Timeline UNMIBH International Police Task Force

The CIVPOL dimensions represent the five key challenges defined in chapter 1, Deployment Gap (DG), Enforcement Gap (EG), Creation of a Democratic Police Force (CP), Creation of a Functioning Judiciary (CJ), and Disarmament, Demobilization, and Reintegration of Former Combatants (DDR). The columns show the success + or failure – of the CIVPOL mission after a certain event for each category, but refer more to the general development than to the singular event.

<table>
<thead>
<tr>
<th>CIVPOL dimensions</th>
<th>DG</th>
<th>EG</th>
<th>CP</th>
<th>CJ</th>
<th>DDR</th>
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<td><strong>1995</strong></td>
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<td>UN Assessment Team</td>
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<td>December</td>
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<td>SRSG Iqbal Riza (Pakistan)</td>
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<td>November 1996</td>
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<td>25 December</td>
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<td><strong>1996</strong></td>
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<td>January</td>
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<td>Deployment of first IPTF contingent</td>
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<td>10 January</td>
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<td>Disbanding of Croatian Republic of Herceg-Bosna (CHRBB)</td>
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<td>4 February</td>
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<td>Delay of transfer of Serb suburbs to Federation decided by IFOR and IPTF</td>
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<td>February/March</td>
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<td>Transfer of Serb suburbs to Federation</td>
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<td>March</td>
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<td>IPTF proposal to start IPTF screening process already in the donor countries</td>
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<td>Bonn-Petersberg Agreement on Restructuring Police in Federation</td>
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<td>May</td>
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<td>IPTF Commissioner Fitzgerald's “Commissioner’s Guidance” and “Commissioner’s Guidance Notes”</td>
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<td>mid 1996</td>
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<td>IFOR agreement to Logistics Support Package to IPTF</td>
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<tr>
<td>Summer</td>
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<tr>
<td>Dismissal and re-employment of all Bosnian police officers; background check for compliance record</td>
<td>-</td>
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<td>August</td>
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<td>First exams taken by screened police officers in the federation</td>
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<td>Ethnic clashes in Mahala</td>
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<td>14 September</td>
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<td>National elections in Bosnia-Herzegovina</td>
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<td>Biljana Plavsic elected as RS President</td>
<td>-</td>
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</tr>
<tr>
<td>28 September</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>International Conference on Law</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

326 The + are marked in order to make successful periods more visible.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fall</td>
<td>Enforcement Assistance in Bosnia and Herzegovina, Dublin</td>
</tr>
<tr>
<td>Late 1996</td>
<td>Resettlement of communities in the Zone of Separation by Muslim authorities</td>
</tr>
<tr>
<td></td>
<td>Creation of Bosnian Association of Judges</td>
</tr>
<tr>
<td>4-5 December</td>
<td>Change of focus of mission towards training and restructuring</td>
</tr>
<tr>
<td>12 December</td>
<td>London Peace Implementation Council Conference</td>
</tr>
<tr>
<td>20 December</td>
<td>S/RES/1088: additional responsibilities relating to the investigation of allegations of human rights abuses by police officers or other law enforcement officials</td>
</tr>
<tr>
<td>1997</td>
<td>End of IFOR, Start of SFOR</td>
</tr>
<tr>
<td>January</td>
<td>SRSG Kai Eide (Norway) 1998</td>
</tr>
<tr>
<td></td>
<td>Launch of full-scale reform of Criminal procedure and Penal Codes by Minister of Justice of the Federation</td>
</tr>
<tr>
<td>February</td>
<td>Police restructuring completed within first canton in Federation</td>
</tr>
<tr>
<td>March</td>
<td>Events in Mostar between Bosnian Croat police and Bosniaks</td>
</tr>
<tr>
<td>March</td>
<td>IPTF Commissioner Manfred Seitner (Denmark) February 1998</td>
</tr>
<tr>
<td>31 March</td>
<td>SC Res 1103: international policing in Brcko (increase of staff)</td>
</tr>
<tr>
<td>April</td>
<td>Creation of Constitutional Court for Bosnia-Herzegovina (operational as of December 1997)</td>
</tr>
<tr>
<td></td>
<td>Creation of Human Rights Office in IPTF</td>
</tr>
<tr>
<td>16 May</td>
<td>SC Res 1107: increase the strength by 120 civilian police personnel</td>
</tr>
<tr>
<td>mid 1997:</td>
<td>Cooperation between ABA/CEELI, Federation Ministry of Justice, Association of Judges</td>
</tr>
<tr>
<td>July</td>
<td>NATO meeting in Madrid: decision on SFOR’s mandate</td>
</tr>
<tr>
<td>As of August</td>
<td>Joint Bosniak and Muslim-Croat police forces</td>
</tr>
<tr>
<td>September</td>
<td>RS police only received training in election security</td>
</tr>
<tr>
<td></td>
<td>Agreement with RS on Restructuring of Police</td>
</tr>
<tr>
<td>October</td>
<td>Human Rights Office operational</td>
</tr>
<tr>
<td>December</td>
<td>Vetting and restructuring of eight out of ten cantons, and the Federation police force in the Federation finalized</td>
</tr>
<tr>
<td>9-10 December</td>
<td>Bonn Peace Implementation Council Conference</td>
</tr>
<tr>
<td>19 December</td>
<td>SC Res. 1144: Additional tasks: additional IPTF training units to address key public security issues, and cooperation with OSCE and Council of Europe in programme for judicial and legal reforms</td>
</tr>
<tr>
<td>late 1997</td>
<td>Communist-era Bosnian Code of Criminal Procedure and Penal Code enters out of force</td>
</tr>
</tbody>
</table>

1998

| January | Introduction of uniform licence plates | + | + | + | + | + |
| Realignment of Federation police districts on a cantonal basis (10 cantons) | + | + | + | + | + |
| February | IPTF Commissioner Richard Monk (United Kingdom) March 1999 | + | + | + | + | + |
| SRSG Elisabeth Rehn (Finland) July 1999 | + | + | + | + | + |
| 6 April | Implementation of new IPTF structure | + | + | + | + | + |
| 21 May | SC Res 1168: increase of IPTF by 30 CIVPOL officers | + | + | + | + | + |
| June | New IPTF structure and processes | + | + | + | + | + |
| 16 July | SC Res 1184: approving of establishment of programme to monitor and assess the court system in Bosnia and Herzegovina (Judicial Legal Assessment Program, JSAP) | + | + | + | + | + |
| October | Opening of Police Academy in Sarajevo | + | + | + | + | + |
| 16 December | Madrid Peace Implementation Conference: decision on SBS | + | + | + | + | + |

1999

<p>| 1 March | Foundation of Ministerial Consultative Meeting on Police Matters (MCMPM) | + | + | + | + | + |
| April | IPTF Commissioner Detlef Buwitt (Germany) - April 2000 | + | + | + | + | + |
| July | Opening of Police Academy in Banja Luka | + | + | + | + | + |</p>
<table>
<thead>
<tr>
<th>Month</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>August</td>
<td>SRSG Jacques Paul Klein (United States) – December 2002</td>
</tr>
<tr>
<td>November</td>
<td>Begin of registration process in the Local Police Registry</td>
</tr>
<tr>
<td>2000</td>
<td><strong>January</strong></td>
</tr>
<tr>
<td></td>
<td>Mission Implementation Plan</td>
</tr>
<tr>
<td></td>
<td>End of JSAP, Creation of CJAU and take over of coordination by Independent Judicial Council of OHR</td>
</tr>
<tr>
<td></td>
<td><strong>April</strong></td>
</tr>
<tr>
<td></td>
<td>IPTF Commissioner Vincent Coeurderoy (France) May 2002</td>
</tr>
<tr>
<td>2001</td>
<td><strong>July</strong></td>
</tr>
<tr>
<td></td>
<td>UNMIBH creates Special Trafficking Operations Project (STOP)</td>
</tr>
<tr>
<td></td>
<td><strong>Fall</strong></td>
</tr>
<tr>
<td></td>
<td>Start of project to establish multi-ethnic court-police</td>
</tr>
<tr>
<td>2002</td>
<td><strong>April</strong></td>
</tr>
<tr>
<td></td>
<td>Opening of SBS permanent training facilities</td>
</tr>
<tr>
<td></td>
<td><strong>May</strong></td>
</tr>
<tr>
<td></td>
<td>IPTF Commissioner Sven Christian Frederiksen (Denmark) till December 2002</td>
</tr>
<tr>
<td></td>
<td><strong>5 October</strong></td>
</tr>
<tr>
<td></td>
<td>Law for creation of SIPA passed</td>
</tr>
<tr>
<td></td>
<td><strong>October</strong></td>
</tr>
<tr>
<td></td>
<td>General elections</td>
</tr>
<tr>
<td></td>
<td><strong>Start of deployment of Court Police in Federation</strong></td>
</tr>
<tr>
<td>2003</td>
<td><strong>1 January</strong></td>
</tr>
<tr>
<td></td>
<td>EUPM takes over from UNMIBH</td>
</tr>
<tr>
<td></td>
<td>Court Police operational in RS</td>
</tr>
<tr>
<td></td>
<td><strong>Until July</strong></td>
</tr>
<tr>
<td></td>
<td>UNMIBH Liaison Office in Sarajevo</td>
</tr>
</tbody>
</table>
### Appendix III: Timeline UNMIK Police

<table>
<thead>
<tr>
<th>Year and Date</th>
<th>Event</th>
<th>CIVPOL dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td></td>
<td>DG</td>
</tr>
<tr>
<td>9 June</td>
<td>Military Technical Agreement between NATO and FRY</td>
<td>-</td>
</tr>
<tr>
<td>10 June</td>
<td>Security Council Resolution 1244</td>
<td>-</td>
</tr>
<tr>
<td>12 June</td>
<td>NATO enters Kosovo</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Provision of escorts to fleeing Serbs</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>S/1999/672: General structure of UNMIK</td>
<td>-</td>
</tr>
<tr>
<td>13 June</td>
<td>SRSG Sergio Vieira de Mello arrives in Kosovo</td>
<td>-</td>
</tr>
<tr>
<td>14 June</td>
<td>Deployment of first Regional Administrator in Pristina</td>
<td>-</td>
</tr>
<tr>
<td>20 June</td>
<td>Demobilization and Transformation Treaty between NATO and UCK (Deadline 19 September)</td>
<td>-</td>
</tr>
<tr>
<td>23 June</td>
<td>De Mello urges the Foreign Ministers of France, Germany, Italy and the United Kingdom to put police contingents at UNMIK’s disposal immediately</td>
<td>-</td>
</tr>
<tr>
<td>27 June</td>
<td>First 27 CIVPOL officers arrive from UNMIBH</td>
<td>-</td>
</tr>
<tr>
<td>29 June</td>
<td>UN civilian police are deployed to the five KFOR brigade headquarters in the regions.</td>
<td>-</td>
</tr>
<tr>
<td>30 June</td>
<td>Anan urges Contact Group members (France, Germany, Italy, the USA, the United Kingdom and Russia to deploy CIVPOL units De Mello appoints nine judges to serve in a mobile court which process all cases of those arrested and held by KFOR</td>
<td>-</td>
</tr>
<tr>
<td>June</td>
<td>Foundation of UNMIK Police Criminal Investigation Unit (CIU)</td>
<td>-</td>
</tr>
<tr>
<td>5 July</td>
<td>Deployment of all Regional Administrators finished (Prizren, Pec/Peja, Mitrovica, and Gnjilane/Gjilan)</td>
<td>-</td>
</tr>
<tr>
<td>6 July</td>
<td>Police Commissioner Sven Frederiksen arrives</td>
<td>-</td>
</tr>
<tr>
<td>15 July</td>
<td>SRSG Bernard Kouchner arrives in Kosovo – Start of build-up of civil structures</td>
<td>-</td>
</tr>
<tr>
<td>16 July</td>
<td>Transitional Council comprised of Kosovar Serbs and Albanians</td>
<td>-</td>
</tr>
<tr>
<td>19 July</td>
<td>Recruitment begins for the Kosovo Police Service with distribution of application form</td>
<td>-</td>
</tr>
<tr>
<td>23 July</td>
<td>51 of 250 German police officers arrive in Kosovo</td>
<td>-</td>
</tr>
<tr>
<td>27 July</td>
<td>UN humanitarian agencies launch an appeal for $434 million to finance humanitarian operations in Kosovo and neighbouring countries.</td>
<td>-</td>
</tr>
<tr>
<td>28 July</td>
<td>The General Assembly authorizes the Secretary-General to spend up to $200 million on UNMIK operations.</td>
<td>-</td>
</tr>
<tr>
<td>1 August</td>
<td>UN Border Police starts operation</td>
<td>-</td>
</tr>
<tr>
<td>7-9 August</td>
<td>Riots in Mitrovica</td>
<td>-</td>
</tr>
<tr>
<td>12 August</td>
<td>662 UNMIK Police officers</td>
<td>-</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
<td>Notes</td>
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<tr>
<td>------------</td>
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<tr>
<td>22 August</td>
<td>UNMIK Police begins patrolling with KFOR</td>
<td></td>
</tr>
<tr>
<td>23 August</td>
<td>KFOR transfer responsibility for crime investigation to UNMIK Police</td>
<td>(+)</td>
</tr>
<tr>
<td>30 August</td>
<td>UNMIK police take over law enforcement duties in Pristina.</td>
<td>(+)</td>
</tr>
<tr>
<td>7 September</td>
<td>Visit to Kosovo by Richard Holbrooke, US-Ambassador to the UN</td>
<td></td>
</tr>
<tr>
<td>10 September</td>
<td>Start of training of KPS</td>
<td></td>
</tr>
<tr>
<td>13 September</td>
<td>UNMIK police take over comprehensive policing duties in Pristina region with 500 police officers deployed</td>
<td>(+)</td>
</tr>
<tr>
<td>20 September</td>
<td>Establishment of the Kosovo Protection Corps</td>
<td></td>
</tr>
<tr>
<td>21 September</td>
<td>Agreement on Demobilization of UCK into Kosovo Protection Corps (KPC) under UNMIK and KFOR control and administration by IOM</td>
<td>(+)</td>
</tr>
<tr>
<td>27 October</td>
<td>UNMIK police assume responsibility for maintaining law and order in Prizren region.</td>
<td>(+)</td>
</tr>
<tr>
<td>8 October</td>
<td>General Dr. Klaus Reinhardt takes over KFOR command</td>
<td>(+)</td>
</tr>
<tr>
<td>13 October</td>
<td>Kouchner announces he will appoint 400 new judges and prosecutors</td>
<td>(+)</td>
</tr>
<tr>
<td>14-15 October</td>
<td>UN Secretary-General Kofi Annan visits Kosovo</td>
<td>(+)</td>
</tr>
<tr>
<td>mid October</td>
<td>Installation of hotlines between civil organizations and KFOR for better coordination</td>
<td>(+)</td>
</tr>
<tr>
<td>November</td>
<td>UNMIK police assume responsibility for maintaining law and order in Prizren region.</td>
<td>(+)</td>
</tr>
<tr>
<td>2000</td>
<td>UNMIK police assume responsibility for maintaining law and order in Prizren region.</td>
<td>(+)</td>
</tr>
<tr>
<td>1 December</td>
<td>Establishment of Kosovo Protection Corps</td>
<td></td>
</tr>
<tr>
<td>2 December</td>
<td>Agreement on Demobilization of UCK into Kosovo Protection Corps (KPC) under UNMIK and KFOR control and administration by IOM</td>
<td>(+)</td>
</tr>
<tr>
<td>12 December</td>
<td>UNMIK Regulation 1999/24: applicable law in Kosovo, UNMIK Regulations by SRSG have priority over all other law</td>
<td>(+)</td>
</tr>
<tr>
<td>13 December</td>
<td>UNMIK and Kosovo Albanians agree on establishment of joint administration</td>
<td>(+)</td>
</tr>
<tr>
<td>20 December</td>
<td>UNMIK Civilian Administrative Instruction concerning road safety</td>
<td>(+)</td>
</tr>
<tr>
<td>2000</td>
<td>UNMIK police assume responsibility for maintaining law and order in Prizren region.</td>
<td>(+)</td>
</tr>
<tr>
<td>10 January</td>
<td>Formation of UNMIK Police Internal Investigations Section</td>
<td>(+)</td>
</tr>
<tr>
<td>15 January</td>
<td>Kosovo Joint Interim Administrative Structure (JIAS) to assist administering Kosovo until the establishment of genuine Kosovo institutions.</td>
<td>(+)</td>
</tr>
<tr>
<td>27 January</td>
<td>Kouchner leaves for Japan for talks with Japanese government on additional funding for Kosovo.</td>
<td>(+)</td>
</tr>
<tr>
<td>2 February</td>
<td>UN Police Commissioner Fredriksen appeals for more resources to fight serious crimes.</td>
<td>(+)</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
<td>Notes</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>12 February</td>
<td>UNMIK Police takes over responsibility for law and order at Pristina airport from KFOR.</td>
<td></td>
</tr>
<tr>
<td>February</td>
<td>Formation of UNMIK Police Protection Units</td>
<td></td>
</tr>
<tr>
<td>March</td>
<td>KPS Training Unit within UNMIK CIVPOL</td>
<td></td>
</tr>
<tr>
<td>3 March</td>
<td>Annan appeals to Members States to provide urgently the necessary number of police, judges, prosecutors and penal experts</td>
<td></td>
</tr>
<tr>
<td>21 March</td>
<td>Establishment of the JIAS Department of Justice</td>
<td></td>
</tr>
<tr>
<td>1 April</td>
<td>Moderate Serb forces join UN-led interim government</td>
<td></td>
</tr>
<tr>
<td>10 April</td>
<td>The first complete Special Police Unit, a 114-strong unit from Pakistan, is deployed in Mitrovica.</td>
<td></td>
</tr>
<tr>
<td>18 April</td>
<td>COMKFOR General Ortuno (Spain)</td>
<td></td>
</tr>
<tr>
<td>August</td>
<td>First District Courts and Municipal Courts</td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>Formation of UNMIK Police Trafficking and Prostitution Investigation Unit (TPIU)</td>
<td></td>
</tr>
<tr>
<td>28 October</td>
<td>First municipal elections</td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>Road Traffic Act</td>
<td></td>
</tr>
<tr>
<td>22 November</td>
<td>Technical Agreement between KFOR, UNMIK Police and UNMIK Customs for cooperation at Kulina Pass (Border to Montenegro)</td>
<td></td>
</tr>
<tr>
<td>8 December</td>
<td>Häkkerup succeeds Kouchner as SRSG</td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>UNMIK had 4,450 officers, KPS 3,315</td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 January</td>
<td>Christopher Albiston as Police Commissioner after Sven Frederiksen</td>
<td></td>
</tr>
<tr>
<td>February</td>
<td>Start of tensions between Macedonian Slavs and Albanians in FYROM</td>
<td></td>
</tr>
<tr>
<td></td>
<td>New courses for KPS on investigation skills; general extension of KPSS training programs</td>
<td></td>
</tr>
<tr>
<td>15 May</td>
<td>Signing of Constitutional Framework for Provisional Self-Government</td>
<td></td>
</tr>
<tr>
<td>22 May</td>
<td>Creation of Police and Justice Pillar in UNMIK</td>
<td></td>
</tr>
<tr>
<td>8 June</td>
<td>Regulation on the Prohibition of Terrorism and Related Offences</td>
<td></td>
</tr>
<tr>
<td>July</td>
<td>New courses for KPS: First Line Supervisor Course, and Mid-level Management Course</td>
<td></td>
</tr>
<tr>
<td>30 July</td>
<td>Start of voter registration for elections in November</td>
<td></td>
</tr>
<tr>
<td>2 August</td>
<td>first local KPS-Trainor</td>
<td></td>
</tr>
<tr>
<td>15 August</td>
<td>COMKFOR Skander (Norway)</td>
<td></td>
</tr>
<tr>
<td>3 October</td>
<td>COMKFOR General Valentin (F)</td>
<td></td>
</tr>
<tr>
<td>17 November</td>
<td>Parliamentary elections for Kosovo Assembly</td>
<td></td>
</tr>
<tr>
<td></td>
<td>UNMIK retains responsibility for Police, Justice, Customs, Budget; SRSG can overrule each parliamentary decision</td>
<td></td>
</tr>
<tr>
<td>1 December</td>
<td>Largest joint KFOR/UNMIK Police weapons search</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
<td>Notes</td>
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</tr>
<tr>
<td>10 December</td>
<td>Inaugural session of Kosovo Assembly</td>
<td></td>
</tr>
<tr>
<td>15 December</td>
<td>4,392 KPS officers</td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>4,465 UNMIK Police officers</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Creation of the Kosovo Organized Crime Bureau</td>
<td></td>
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</tbody>
</table>

### 2002

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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</thead>
<tbody>
<tr>
<td>21 January</td>
<td>SRSG Michael Steiner (Arrival on 14 February)</td>
<td></td>
</tr>
<tr>
<td>29 January</td>
<td>UNMIK takes over border control from KFOR, with participation of KPS</td>
<td></td>
</tr>
<tr>
<td>28 February</td>
<td>UNMIK Police Commissioner Stefan Feller Agreement of Kosovar Albanian parties on distribution of political positions (Rugova (LDK): President; Rexhepi (PDK): Prime Minister)</td>
<td></td>
</tr>
<tr>
<td>February</td>
<td>Foundation of Sensitive Information and Operations Unit in UNMIK Pillar I</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Formation of KPS Close Protection Unit</td>
<td></td>
</tr>
<tr>
<td>4 March</td>
<td>Government of Kosovo</td>
<td></td>
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<tr>
<td></td>
<td>Serb party gets one post (Ministry of Agriculture) and other important second-level posts</td>
<td></td>
</tr>
<tr>
<td>18 March</td>
<td>UNMIK Regulation 2002/6 on Covert and Technical Measures of Surveillance and Investigation Electronic surveillance by UNMIK Police becomes legal and possible</td>
<td></td>
</tr>
<tr>
<td>mid-2002</td>
<td>Development of genuine KPS management responsibilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>KPS officers join UNMIK Police Criminal Investigation Unit and Forensic Unit</td>
<td></td>
</tr>
<tr>
<td>23 September</td>
<td>First (Serb) KPS officers in North Mitrovica</td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>Agreement between Serbia and UNMIK to install Serb judges in Kosovo</td>
<td></td>
</tr>
<tr>
<td>October 2002</td>
<td>COMKFOR General Fabio Mini Improvement of UNMIK Police Investigation Efforts</td>
<td></td>
</tr>
<tr>
<td>25 November</td>
<td>Establishment of UN Administration in North Mitrovica</td>
<td></td>
</tr>
<tr>
<td>Late 2002</td>
<td>Prison sentences for high-level KPC leaders</td>
<td></td>
</tr>
</tbody>
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### 2003

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>September</td>
<td>COMKFOR Kammerhoff</td>
<td></td>
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<tr>
<td></td>
<td>UNMIK Police acquires technical capacities for electronic surveillance of suspects</td>
<td></td>
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<tr>
<td>mid-2003</td>
<td>KPS officers join UNMIK Police Organized Crime Unit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Slow deterioration of security situation</td>
<td></td>
</tr>
<tr>
<td>10 December</td>
<td>Kosovo Standards Implementation Plan</td>
<td></td>
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</tbody>
</table>

### 2004

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>16-18 March</td>
<td>Widespread ethnic violence against Serbs as well as riots against the international community</td>
<td></td>
</tr>
<tr>
<td>23 March</td>
<td>Detailed Implementation Plan following the Kosovo</td>
<td></td>
</tr>
</tbody>
</table>
Standards Implementation Plan

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>UNMIK Police requests further investigators and prosecutors from member states</td>
</tr>
<tr>
<td>6 April</td>
<td>Provisional Criminal Code and Provisional Criminal Procedure Code of Kosovo</td>
</tr>
<tr>
<td>June</td>
<td>Establishment of KPS Formed Police Unit and other specialized KPS Units</td>
</tr>
<tr>
<td>1 September</td>
<td>COMKFOR Yves de Kermabon (F)</td>
</tr>
<tr>
<td>1 October</td>
<td>Police Commissioner Kai Vittrup</td>
</tr>
<tr>
<td>23 October</td>
<td>Kosovo Elections for Parliamentary Assembly</td>
</tr>
</tbody>
</table>
Deutsche Zusammenfassung

Vorliegende Arbeit behandelt die Fragestellung, wie sich eine Internationale Polizeikomponenten in Friedensmissionen der Vereinten Nationen (VN) an Probleme in ihrem lokalen Einsatzgebiet anpassen, für die in den meisten VN-Sicherheitsrats-Mandate aufgrund ihres wenig operationalen sondern eher politischen Charakters keine Lösungsansätze vorgesehen sind. Dabei werden fünf Kernbereiche der Arbeit von Polizeimissionen definiert, in denen laut Argument der Arbeit Polizeimissionen durch Kooperationen mit anderen Akteuren oder Ausweitung ihres Mandates tätig werden müssen, auch wenn ihr ursprüngliches Mandat diese nicht miteinschließt: 1) das deployment gap, das durch langsame Entsendung von Polizisten aus VN-Mitgliedsstaaten entsteht; 2) das enforcement gap, das durch funktionale und effektive Kooperation mit internationalen Militärkräften vor Ort gefüllt werden muss, um die VN-Polizeikomponenten inhärenten Durchsetzungsschwächen zu mindern; 3) die Entwaffnung, Demobilisierung, und Reintegration ehemaliger Soldaten, Rebellen und Polizeikräfte, die Konflikten oft in Überzahl und wenig organisiert auftreten; 4) die Bildung/Reform einer demokratischen, multiethnischen lokalen Polizei; und die 5) Bildung/Reform einer unabhängigen, nach demokratischen Grundsätzen funktionierenden Justiz.

