POLICING IN STABILIZATION ENVIRONMENTS

TIME   16 May, 15.00–17.00

ROOM   Meeting Room 4

INSTITUTIONAL LEAD

Stockholm International Peace Research Institute

MODERATOR

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OVERVIEW

Peace operations are increasingly being deployed to countries that are unstable and where there is little or no peace to keep. In such conflict-affected contexts, peacekeeping personnel encounter a complex mix of non-state armed groups, militias, rebel groups and criminal groups that attack civilians, challenge the state, and sometimes one another. This is seen in the Central African Republic (CAR), Darfur, the Democratic Republic of the Congo (DRC), Mali, Somalia and South Sudan. From a police perspective, what are the practical challenges when peace operations seek to establish order, stability and protect civilians, in contexts where force may be used to contain aggressors, while also pursuing a political solution and helping to rebuild state institutions?

FOCUS AND OBJECTIVES

The aim of this session is to have an in-depth discussion about the challenges and opportunities presented especially for policing and the rule of law in conflict-affected 'stabilization' contexts.

KEY TAKEAWAYS

While there is a tendency to think of stabilization in terms of military use of force, police roles should be emphasized in stabilization, as police are key agents of long-term stabilization. Police are mandated to go into communities and open windows of interaction, work with communities to build trust, and move beyond tribal understandings.

Many police who are deployed to international peacekeeping missions have not received pre-deployment training, nor have they seen armed conflict before. There is a steep learning curve that may take six months or more. This combined with the more challenging aspects of understanding the local culture and building trust and local relationships while helping to reform and build capacity of police institutions suggests that police should have longer rotations than one year.

The police role is underarticulated at the United Nations headquarters level, and the respective functions and roles of police and military are frequently misunderstood. Police have one leg in the security field, with operations, and have the other leg in rule of law and the reform of police and rule of law institutions. Police are the bridge between the fields.

Difficult conditions in the mission area may include hostility from the host government, and weak or absent host state institutions in criminal justice system.

Individual police officers (IPOs) rely on formed police units and the military for protection. Coordination in the field is essential, so that the military and police at operational level work effectively and do not see each other as rivals. But cooperation is often personality-driven.

In public order situations such as demonstrations, police need to be involved. The military is an essential asset of last resort if the threat escalates to the military level. However, since the military are trained to focus on an enemy, the first line of response to demonstrations should be the police—individual police officer and specialized police teams that are working on building trust.

The Force Intervention Brigade of the UN Stabilization Mission in the DRC (MONUSCO) is considered part of the conflict. The DRC example is instructive: if military and police conduct joint patrols in such contexts, the police will be considered a legitimate target.

There is no clear UN definition of stabilization, although various governments have articulated their own definitions.

Peace operations need a legal basis in either consent from the host state or through a Security Council decision. Consent is not legally required when the Security Council acts under its enforcement powers under Chapter VII of the UN Charter. But the reality of peace operations is that political consent is required in the long term, enabling local ownership of the peace process. Thus, consent of the host state is not legally required initially but as a practical matter it is necessary to achieve the longer-term objectives of the mission. There may consequently exist a tension between the obligation to implement Security Council decisions under Chapter VII and the need to obtain political consent from the host state. This possible tension between legal obligations and political requirements deserves more attention than it has received to date.

It is not well understood that the primary legal framework for peace operations is human rights law. The law of armed conflict or international humanitarian law applies only in armed conflicts, and only for parties to the conflict, so is of limited applicability in peace operations. Aims in armed conflict are to force an enemy to submit or to eliminate an enemy. The law of armed conflict allows status-based targeting: a legitimate target can be killed just for their membership of state military or an organized armed group. Civilians, although protected from direct attack, can be legally killed as long as it is not excessive in relation to the military advantage sought. This is very different from human rights law, which prohibits force unless permitted through exception.

The UN is very actor-oriented regarding tasks and roles. Guidance is directed to actors, not functions, despite the military often being tasked with policing (functions outside combat)

In certain theatres the military must come in to stabilize a situation before handing over to the police. The military must be trained on how to support the police, hand over to them and take over when the situation requires. With the changing context of missions (i.e. asymmetric war, use of improvised explosive devices, etc.), training has to adapt, as the traditional training is no longer appropriate.

There is a general trend since the attacks on the United States in September 2001 of interpreting threats to be of a military nature. Police have become more militarized, including in Europe and the USA. But it is clear that, as police become more militarized, they become less able to do their jobs and building trust among the local populations they serve in law enforcement.

Just as there has been trends in the militarization of police, the 'policization' of the military is also visible in some countries. For example, in the Central African Republic (CAR), there is little state presence outside the capital city. The military is better trained, and people have tended to look to them as the answer. As one participant mentioned, people's view of the solution to instability and their problems is more army, and more arms to the army.

RECOMMENDATIONS

- Emphasize police in discussions and policies on stabilization since they are key agents of stabilization through their work building trust with local communities and maintaining public order.
- Better train police deployed to missions in advance, give them longer rotations in the mission, and make them more diverse (more women).
- To counter the growing militarization of police, consider sunsetting and converting paramiltarized police into regular police.

- Recognize that researchers can contribute to better understanding of the different roles of the military and police, the limits of their different roles and, most importantly, how they can work together to achieve the best possible conditions for stabilization.

SESSION QUOTES

'UN headquarters thinks of stabilization as needing offensive military force. But in the field, stabilization is about building trust. The HQ and field perspectives are very different.'

'The police are into building trust with the host nation, not being part of the conflict.'

'It is important for the UN Police to be a role model for police in host states.'

'In a peace operation, people can't stand out as individuals, they must work in teams.'

'A Chapter VII mandate does not determine which law applies. It is the context that determines whether the law of armed conflict (international humanitarian law) or human rights law applies.'

'Stabilization is a military role in situations of occupation and a police role in domestic contexts. Peace operations blur these roles.'