Police Building in Bosnia-Herzegovina: Role of German Police in the Balkans

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ABSTRACT

The Police Building starts together with the beginning of the mission itself (Aggressive Monitoring and Co-Location), it is not a process of an advanced later state of the mission. It is an essential part of any peace (keeping) mission and therefore must address the most urgent security needs of the population in any post-war situation with first priority. Police Building is completely owned by the targeted local Police Forces, international police (IP) has initiating, advising and supervisory function only. Main tasks of IP are: development of strategies and their coordination, application of training courses and control mechanisms, implementation of basic principles and standards of democratic policing in the day-by-day policing as well as in legislation and guidelines. Police Building demands for the deployment of experienced and well-prepared police officers only. As in may other missions main emphasis and too many efforts needed to be put in BiH also to overcome lack of political will and obstructionism by local authorities. Thus future mandates need to be supported by possibilities of reinforcement by sanctions.

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1. Missions in the Balkans

The breakdown of Tito’s former Yugoslavia resulted in the independence of the Republic of Croatia, the Republic of Slovenia and The Former Yugoslavian Republic of Macedonia (FRY) and a series of devastating civil wars involving especially Croatia, Bosnia-Herzegovina (BiH), the Kosovo, the Republic of Serbia and FRY. Each of them caused the International Community (IC) to interfere with quite a range of missions. Most of the missions in the Balkans from 1992 until today have been UN-led or UN–mandated missions (annex 1), some of them have been and still are missions of the European Union (annex 2) and the OSCE (annex 3). Since 1992 the Balkan has seen in total more than twenty missions; some of them still not completed after operating for more than 14 years meanwhile.

UNMBH
The United Nations Missions in Bosnia-Herzegovina (UNMIBH), set up in December 1995 by Security Council-Resolution (SC-Res.) 1035, directly related back to the Dayton Agreement (DA), exercised a wide range of functions especially in terms of law enforcement and police reform in BiH. The latter being the major part of the UNMIBH-mandate was in hand of the International Police Task Force (IPTF), the biggest component of UNMIBH.

Due to the complexity of the IPTF-tasks and the critical development of their execution the mandate had to be amended by the SC several times in 1996 and 1997.

The IPTF-mandate comprised:
“...- monitoring, observing and inspecting law enforcement activities… including associated judicial organizations, structures and proceedings;
- advising law enforcement personnel and forces;
- training of law enforcement personnel;
- facilitating… the parties' law enforcement activities;
- assessing threats to public order and advising…law enforcement agencies to deal with such threats;
- advising government authorities on the organization of effective civilian law enforcement agencies;
- assisting by accompanying the parties' law enforcement personnel as they carry out their responsibilities, …”

Amendments for the IPTF-mandate by various SC-Res. included:
“…- investigation of Human Rights abuses by law enforcement officials…” ¹
“…- co-location programmes…” ²
“…- development of guidelines for democratic policing…”³
“…- creation of specialized training units to address security key issues (refugees/organized crime/corruption/TE/crowd control)…”⁴

Other mission elements in BiH related to the enforcement of the Dayton Agreement have been:
- IFOR/SFOR: military component
- OSCE: Human Rights control / media monitoring
- UNHCR: refugees return and resettlement

IPTF, with HQurs in Sarajevo, seven Regional HQurs and approx. 50 Stations all over the mission area in the Federation (FED) as well as in the Republika Srpska (RS), deployed permanently between 1750 and 2050 CIVPOI monitors, most of them police experts and specialists.

¹ SC-Res.1107(05/1997)
² SC-Res.1107(05/1997)
³ SC-Res. 1107(05/1997)
⁴ SC-Res. 1144(12/1997)
Following the successful conclusion, UNMIBH and IPTF were terminated on December 31, 2002.

**BiH - Example for Police Building**

Before moving to Police Building issues a short view on very few points should be spent, which are describing the situation in BiH in early 1996 and which have affected the Police Building process from the very start:

- Apart from round about 250 000 people killed during the war from 1992 - 1995, 1,2 Mio. people had taken refuge in foreign countries, while 80 % had become displaced persons inside BiH.
- The new constitutional and administrative set up of the new national state BiH and its security agencies provided for two new states (FED and RS) to be created inside these new national borders of BiH, comprising predominantly the two entities (Croats and Bosnians in the FED and Serbs in RS) each with different constitutional structures and respective administrations.
- Thus the new state BiH comprised –13- different Police Forces.
- Almost the same „diversity“ applied to the judiciary in both entities and the subordinated cantons of the FED.
- All Agencies working in the field of security were characterized by:
  - visible uniformed Police Forces in unacceptable big numbers
  - plain clothed civilian police (Crime Police)
  - Specialized Police Forces
  - various Secret Services and Secret Police Forces of the former fractions
  - Militias
  - private Police Forces

All these forces existed in unconfirmed big numbers and in non transparent structures at the start of UNMIBH in January 1996.

This gives a first slight idea of the wide range of problems IPTF was facing while trying to address a comprehensive Police Restructuring and Reform in BiH within the given timeframe.

For the Police Reform and Restructuring the internal structures of these official police forces were of additionally interest:

- The continued presence of ultra-nationalists of the previous fractions and parties, now acting in various administrations, influenced directly the performance of all law enforcement agencies.
- Under the direction of their former political and police chiefs, who had led the fractions before the civil war, during the war and now still in charge after the war, almost all Police Forces became ethnically “clean” very soon, comprising only members of the now “ruling majority” of the canton or state respective.
- So called “war heroes” of the fractions, who had been promised to get a proper job after the war, had been deployed to the various Police Forces meanwhile, although most of them had got the necessary police training.
- On the other hand former experienced police officers remained unemployed due to their being member of one of the minorities.
- So called “bad players”/ spoilers / former leaders of ethnic groups managed to install “parallel structures” in the various Local Police Forces (LOCPOL) as well as in other

5- the Federation (FED) with ten cantons and their respective Police Forces/ the FED State Police Forces/the Police Forces of the Republika Srpska(RS) and of the region of Brzeko.
The FED and each canton as well as the RS had their own Ministry of Internal Affairs(MoIA) and their own legislative power.
6- presumably 40-62,000 in the FED and 18,000 in RS in January 1996
law enforcement agencies (e.g. a Bosnian and a Croat structure in the Ministry of Internal Affairs of the FED).

- Extensive corruption and organised crime by criminal syndicates became more sophisticated and more relevant in these police structures.

The Reform of Police Forces suffering from such “internal structures” and pre conditions has been and still is a major endeavour and task for all foreign International CIVILIAN POLICE Forces (CIVPOL) and seems to be almost impossible, taking especially into account the lack of will and the apparent resistance of these “structures” and their leadership to any change from the very beginning.

These first results concern only the official Police Forces in BiH. Additionally, demobilized soldiers formed so called “shadow-police” forces and heavily armed private security teams to protect organized crime activities. These in official structures should have been abolished and sized down by the local authorities immediately; but due to lack of any access to these security agencies even IPTF was unable to analyse their respective composition or even to get a decisive and effective grip on their abolition or restructuring at all. That leaves behind in BiH until today an even growing amount of uncontrolled armed potential, partly if not in general organized in private non official structures, acting more or less open, parallel or at least in some way tolerated by the official governmental Police Forces.

But, analysing the official police structures and their tasks shows:

In contrary to Kosovo, the complete legislative and administrative authority in BIH remained with the entities and the above mentioned fractions. Due to the fact, that IPTF had only a very restricted mandate without any executive powers, all necessary reforms and projects were completely dependent on mutual consent with the fractions, with their close co operation with IPTF and the god will of their leaders to implement the various programs proposed, developed and provided to them by IPTF.

This made it even more difficult and complicated for IPTF to implement the given mandate properly and successfully within the restricted timeline.

As a result the IPTF-mandate needed to be prolonged five times for one year each; and for the successor mission EUPM another eight times until today. After 14 years of state-building in BiH the country is still developing very slow. The internal climate between the population, the continually existing ethnic groups and their political parties is still poisoned with hatred and mistrust. The division of political power keeps on being on the agenda of all parliamentary discussions between all political parties and ethnic groups. Especially EU leaders time and again have voiced concern about the heated rhetoric that has been inflaming the political climate in BiH, urging its politicians to focus on stabilising the country instead and promoting improvements.

Cooperation between local authorities and the IC still is all too often unconstructive. The country is suffering from increasing costs for living, accompanied by high rates of unemployment especially amongst juveniles and a high degree of crime, especially organized crime.

In terms of law enforcement agencies, indeed, political influence continues to still permeate policing structures at all levels and therefore creates a difficult working dynamic among the IC (IPTF and their successor EUPM) and their components and the local authorities.

### 2. The Initial “Hot” Phase

In January 1996 the immediate core functions for IPTF on the basis of the mandate were identified as to:

1) create a secure and stable environment and to provide security by
   - closely monitoring of all law enforcement officials and agencies;
2) meet the most urgent needs and demands of the population of the area especially in terms of
- immediate release of war prisoner and detained non combatants and the
- secure return and resettlement of refugees and displaced persons;
3) supervise and facilitate the establishment of the Rule of Law
   by
- close investigations of Human Rights violations by police officers;
4) provide a framework to ensure that IPTF together with other security related actors (SFOR, LOCPOL etc.) pursue their activities in a coherent and coordinated manner and
   - to initiate and design appropriate strategies and
   - to develop and coordinate respective plans.

Focal points
The presence and deployment of International Police Forces in a post-conflict area must make a clear, visible, noticeable distinction for the people on the ground to their previous situation. That means: there are a couple of critical key points, which need to be addressed immediately; they have first priority in the initial “hot” phase of any peace keeping operation (pko).

Aggressive Monitoring and Co Location
In 1996-97, the IPTF mandate was unfortunately interpreted rather restrictively, both in terms of management and operations. The operational activities were limited to patrolling and monitoring the day by day-policing by LOCPOL on the ground in order to remove illegal checkpoints and to guarantee the freedom of movement.

Of course, this pure defensive monitoring of LOCPOL by IPTF was not at all sufficient in order to change the policing attitudes of local police officers on the long run. It was/is necessary for the CIVPOL Monitors to ask questions and actively advise the local police officer, intervene, propose other solutions etc., in other words to execute the monitoring tasks in a more aggressive way, in order to really, effectively improve the policing capacities of LOCPOL.

Additionally the concentration on monitoring the uniformed visible LOCPOL leaves all the other Police Forces, especially the plain-clothed Criminal Police, Special Police Forces, Secret Services more or less unattended. However, especially these police are the ones which are able to positively or destructively influence the internal security climate in their jurisdiction in a persistent way.

In total, in order to make the difference to the former way of policing visible for the people and to change the policing performance of LOCPOL sustainably a more pro-active approach of aggressive monitoring by IPTF became necessary.

In addition, instead of accompanying the police on patrol it was much more efficient to exercise a combination of monitoring and permanent deployment of experienced CIVPOL to key positions of LOCPOL (stations, commander, shift leaders, spec. squads, ministers etc.). This kind of Aggressive Monitoring and Co-location formed a significant feature of working, with IPTF monitors attached to 218 of the total 308 local police stations.

The program’s initial success at a smaller scale led to the drafting of a comprehensive Co locators Policy in 1999, resulting in the majority of field-posted IPTF monitors being co located alongside key positions of the Police Forces and the judicial system at all levels. This Co Location Strategy is thus a key component in building the internal capacity of LOCPOL.

This was considered the first step towards Police Building in BiH.

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7 SC-res. 1035 (12/95): “-monitoring, observing and inspecting law enforcement agencies and facilities, including associated judicial organizations, structures and proceedings
amended by SC –Res. 1107 (05/1997)
“...” additional 120 CIVPOL in order to be able to address the human rights investigations and the co-location programmes ...

8 Freedom of movement was still rather restricted at that point of time and LOCPOL used the checkpoints to control all movements and to extort money from the people in the streets.
Other operations with first priority
Additionally to the immediate aggressive monitoring of LOCPOL a range of measures with first priority had been identified and established in close cooperation with LOCPOL and the international military component (IFOR/SFOR) in BiH.

The immediate support for the “Rule of Law”:
In the initial phase of post-conflict operations the release of all prisoners of war of all fractions as well as of all detained non combatants from detention centres of all fractions is of basic importance not only for the individuals concerned and their families, but also vital for the peace process in total.

Support to the return of refugees and displaced persons:
Especially in the initial phase of a mission all efforts of CIVPOL must be accelerated to ensure that the LOCPOL properly assist in the return of refugees and displaced persons to their former homes and property by providing necessary security.
This included the return of minority police officers to their pre-conflict residences to again be able to serve in their former local police.
IPTF was closely involved in the setup of respective repatriation programmes in BiH and from the very beginning had established a Housing Action Team in order to be able to address all problems connected to the returnees and their resettlement.\(^9\)

Disarmament of all non combatants:
Disarming former combatants, heavily armed police officers and other civilians is a central objective of any peace operation.\(^10\)

Strategic Planning and Coordination:
Especially the immediate execution of these programs with first priority, but also the implementation of all other programs and projects in the next phases require concerted and coordinated actions among all related actors (CIVPOL/Military/LOCPOL/ Judiciary/other international and local agencies and components) and must be mainstreamed into the planning and conduct of its core activities. In order to ensure a successful start of a mission, a joint “Entry-Strategy” need to be developed as well as their transfer into operations need to be coordinated by a “Joint Operation Centre”. That will finally push all agencies involved to properly meet their benchmarks and interim goals along the agreed timeline.
The necessary strategies for a systematic implementation of the IPTF-mandate have only been developed in 1999.

3. From Monitoring to Police-Building

Principles and Standards of Democratic Policing
After the civil war especially LOCPOL remained as a very unsystematic force that continued to believe that they were still answerable to individuals of their former fractions still in power, and not to the new more or less democratic institutions that try to foster the rule of law.
Thus stronger focus needed to be placed on freeing the police from political interference in favour of
- neutrality and impartiality

\(^9\) The return of refugees into both areas is still continuing. In fall 2009 the EU have allocated another 3,3 Mio € for the return of displaced persons in Kosovo.
\(^10\) Control of the weapons is essential in order to stop fighting and the increase of organized crime. The objective, especially for light weapons, is to encourage the voluntary handing in of weapons at police offices or military posts
• public accountability,
• openness and transparency,
• independent performance and
• financial control,
just to mention only a few Principles of Democratic Policing.

Two agreements on restructuring of Police Forces, signed in 1996 for the FED and 1998 for the RS, were significant steps in this direction.
Consequently a Local Police Standards Section was set up in IPTF HQs in 1999 and tasked to assess existing standards in all BiH Police Forces, identify desirable police standards and to suggest new ways and means to improve or substitute them with established norms of Democratic Policing and police standards in modern pluralistic societies.

4. Restructuring
Restructuring constitutes physical and measurable modifications to the status quo of the local police structures in terms of size, structure, organization, personnel, logistics, etc.

A Restructuring Department was established to allow IPTF to institute a project approach to local police restructuring. The department developed strategies and proposed restructuring policies concerning police strength, ethnic breakdowns and structure on all levels. Teams were set up to devise restructuring and reform plans, to establish implementation criteria and to monitor progress in implementing the new structures throughout BiH.
It was clear from the very beginning that no reconciliation throughout the country would finally succeed without ethnically and politically independent and impartial Police Forces and a Judiciary which enjoyed the confidence of the whole population from all ethnic sides.
In reality, however, many former police officers and especially lawyers and prosecutors had belonged during the civil war to one of the ethnic fractions or either gone underground or taken refuge abroad with their families. For most of them it was difficult to get back into the police forces or the judiciary enjoying the trust of their colleagues and the people.

Personnel: From Demobilization to Re-Integration
The agreed ceasefire was not completely under control when some hundreds of police officers reported back to their former police stations in order to be deployed to the forces.
In March 1996 the MoI of the FED assessed the strength of their Police Forces to amount to round about 42,000 police officers, the RS reported reluctantly additional 18,000.

Demobilization
The immediate concern of IPTF was to enforce the downsizing of these large numbers, which were far greater than necessary compared to European standards and to dismiss first of all non-qualified officers. The entities have succeeded in considerably downsizing the strength of their LOCPOL in total to round about 20,000 at the end of 1997.
However, in these new Police Forces, downsized by numbers only, the re-deployed police officers had very different backgrounds, experience and skills. Many of them have been even un-experienced, due to the fact that during war time big numbers of police cadets and young officers had served as soldiers in the various armies without any previous policing experience.
At the same time, there were very experienced former police officers who still remained unemployed and displaced from their homes in areas where they previously worked as police officers.
As a first result, consequent demobilization policies were enforced by IPTF and additionally efforts undertaken for the re-deployment of experienced and minority police officers.
Minority Police Recruitment
Therefore was a core project for LOCPOL Restructuring in order to finally meet the ethnic census of 1992. Despite all efforts undertaken, this target was never met until today.

Registration and Vetting
The Restructuring Agreements with both entities gave IPTF the power to determine who obtains provisional authorisation to exercise police powers. A Selection Unit processed all applications of persons wishing to join the police forces. The Local Police Registry Section screened all applications and maintained an official registry. A Background Unit carried out background checks and screened all personnel registered with IPTF on the basis of available personnel files, which very often turned out to be falsified or incomplete.

Preliminary authorization
Only those officers who had successfully passed this vetting process have been deployed and got the preliminary authorization from the IPTF Commissioner to officially exercise police powers. They were asked to visibly wear their personal ID card with a serial number at their uniform or plain clothed police at their clothes while on duty. SWAP-Program was established for the voluntary inter-entity exchange of police officers. The program managed to transfer some hundred officers from the present entity to their previous station in another entity.

Recruitment of cadets
At the start of the restructuring process IPTF identified a substantial lack of systematic, equal and comparable standards for the recruitment of new cadets in all cantons and both entities. Thus IPTF insisted and assisted the LOCPOL to draw up the necessary standards and procedures and to establish a perspective recruitment plan with special emphasis again on the recruitment of minorities and female officers.

Organization: Restructuring the Police Administration
The restructuring of the overall police organization was a parallel step to be undertaken by LOCPOL; a joint IPTF-LOCPOL working group dealt with and finally – after long discussions and disputes - agreed on size and composition, structures and job descriptions and other necessary structural changes for both entities. The political and legal implementation of this comprehensive restructuring is after 14 years still ongoing and again and again under discussion, of course.

Fighting Shadow/Private Police and Parallel Structures
The tackling of the in-official “structures” like illegal “private police” forces or “shadow police” was unsuccessful also. Neither IPTF nor SFOR nor other international agencies have been able to efficiently tackle these forces during the years. They are probably still existent especially in the organized crime scene and the connected grey and black markets. The abolition of the so called “parallel structures”, created by former fractions in almost all administrations, was also rather minimal due to the fact that the respective Ministers and Police

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11 In order to get the forces operational as soon as possible, IPTF very strongly insisted on the early but provisional implementation of basic restructuring measures, regardless whether or not the necessary legal amendments had passed the various parliaments. This affected especially the operational coordination between cantons, entities and cross-border with neighbouring states and also all cooperation in terms of organised crime and terrorism, which had to be regulated through agreements on hot pursuit/mutual assistance immediately. The respective negotiations have been absolutely critical and difficult.
Chiefs were and probably still are resistant to the dismissal of any staff belonging to one or the other fraction.  

5. Reforming

As soon as the conflict/ the civil war were over and armed forces were under control the Police Forces in the region have been the most powerful instrument in the country. They then played a major role in providing the security environment necessary for peaceful development of a society and state. During war and immediate post-war times the Police Forces have not changed their structures and their behaviour against the public compared to the status before. Often the police became actually even worse: more corrupt, less responsive to the population, more involved in organised crime. At least they were largely seen as completely dependent on the orders given by individuals in the government rather than a neutral, service-oriented force that ensures law and order for all. Thus they were mistrusted and unable to serve the population as a whole. In post-conflict situations the police are regularly suffering under-funding and the salaries are very low. Hence many of the police officers were forced to use other sources in order to support their families; many of them were directly involved in crime, if not organized crime. They may even have to break the law simply to carry out their duties. Moral is low in these kind of Police Forces.

Police reform constitutes qualitative revisions of police practice and performance standards, aiming for a representative, impartial, transparent, accountable and professional police, which can be measured according to the International Principles and Standards of Democratic Policing. The reform program of IPTF was aiming at changing the culture of policing in this direction and has been used as a method of implementing the necessary principles and standards in the appropriate guidelines and police laws.

Democratisation of Police Forces and the implementation of basic Standards of Democratic Policing are long-term reforms, which will take many years and involve also much wider policy shifts in governance, economies, judiciaries, intelligence services and legal systems.

Basic Principles governing Democratic Policing

In a democratic society, effective policing is based on the consent of the community. The consent is not unconditional; through proper mechanisms of accountability it is ensured that the police both adhere to the law and are transparent in their work.

Although there is no official definition of „Democratic Policing Principles“, standards of values, already mentioned before, such as transparency, accountability, (operating in accordance with a) professional code of conduct, use of minimal force, discharging police duties in a non-discriminatory manner, community policing etc. should govern day to day policing.

To select only on three principles:

Accountability and Transparency

The objective of police accountability and transparency is to enhance and, thereafter, maintain police effectiveness and to establish a system, which ensures continuous improvement of each police officers and the policing management as a whole.

The tools are permanent individual and institutional auditing and control along respective policy documents and operational manuals, including their paragraphs on expected behaviour and attitudes.

The purpose was to annex as much power in official organizations as possible, to occupy relevant staff positions and to perform their power on basis of respective politically motivated orders primarily to the benefit of the members of their own ethnic group.
Transparency can very simply be defined as openness. Transparency is the most important tool for the government and their agencies to gain the trust of their population in what they are doing and if this is in the interest of the public. Democracy within the police can only be achieved by transparent procedures at all levels with built-in systems of checks and balances to prevent misuse of power and reward vigilance and adherence to the rules. At the same time, a clear definition of the responsibilities of the police officers towards the law and their leaders, and of the latter towards the law will ensure that political influences are eliminated. Especially in post-war situation such principles are often non existent, if they have ever been defined and exercised at all. While these are basic principles, the relevant mechanisms have been lacking in the respective police laws and guidelines in BiH completely. Such principles cannot be imposed but need to be implemented by relevant training course and in the day-by-day policing and on the job-training. IPTF co-locators have been especially tasked to permanently influence LOCPOL at all levels towards accountable decision making, accountable performance and behavior, as well as to insist on as much transparency in their activities and operations as possible. In addition IPTF kept on insisting on the implementation of these basic principles in all respective law and the guidelines for Police Forces in BiH. IPTF reviewed all available guidelines for police forces and succeeded by assisting in the re-drafting of many guidelines, but had only little success in the review of relevant police laws at the end.

Neutrality and Impartiality
In pre-mission time police officers have been deployed to the various Police Forces preferably on the background of their membership of one of the fractions. In order to change this deployment policy a Selection Project as a first and initial step for Chiefs of the Police was set up by IPTF aiming at new appointment- and promotion policy through open competition of superiors of the police with high professional and personal qualifications but no political affiliation. This top down project was directed as a first step towards the selection and appointment of the Police Commissioners of all police forces in the FED. The Police Commissioner is the highest positioned police officer; he/ she needs to be appointed through an absolutely independent and transparent selection process, in order to ensure that a single chain of command without parallel structures in leadership will be instituted in the police from the top. The PC should be selected by an independent board on the basis of merit rather than ethnicity or politics.

Drafting and Implementing the State Border Service (SBS) Law
The need to design new laws is the easiest way to start or support any Police Reform process. Creating a brand new State Border Service (SBS) for BiH meant to have the appropriate law and budget first of all. Clearly law-making process is very expert-intensive; but the SBS law, immediately drafted and completed by German IPTF legal experts in 1996 already, spent two more years in various ministries of the FED and on state level and in this period got numerous amendments to the effect, that the original draft became completely useless for border policing at the end and needed to be re-drafted in 1999. The law then failed to pass the BiH Parliament due to the still prevailing mutual mistrust and quarrelling dissensions and was finally imposed by the OHR. Meanwhile BiH have a SBS of 1750 staff out of the proposed 3000 staff already operating at their borders.

13 Until today the leadership of some cantons is still discussing whether and- if so, how to provide the necessary minimum of legal conditions for the implementation of this critical issue which endangers their fundamental powers.
6. Training

The majority of the staff re-deployed to the Police Forces in BiH have been experienced former police officers with different professional background. At the same time new cadets have been recruited for basic training at both academies.

Training Courses for Re-Integrated Police Officers

Every re-deployed police officer was obliged to successfully pass two courses for experienced officers:
- the “Transitional and Basic Human Rights and Dignity Course”\(^\text{14}\), sensitising the participants to International Policing and HR-Standards;
- and the “Refresher Course”; where the vetting and re-certification process discovers that officers were 'de-skilled' or never properly trained at all, remedial training had been obligatory as well.

Additional Courses for Police Specialists were performed by IPTF in various fields (investigation, crime scene evidence gathering, recovery of evidence through computers, traffic awareness, community policing, dog handling, public order and major incident operations and communications).\(^\text{15}\)

Training at the Academies

In order to build multi-ethnic Police Forces in BiH and – at least- to start to meet the gender balance, the academies as a first step have been recruiting predominantly minority police and female cadets for training.\(^\text{16}\)

On-Service Training

All IPTF co-locators to the stations and regions have been tasked to deliver additional training as deemed necessary on the spot to their LOCPOL including officers on the beat as well as shift leaders, commanders and specialists.

Training for SBS

Due to the fact that the new SBS had been created or was still to be completed, and the design as well as the whole organization, staffing and managerial process was in hand of German CIVPOL, Germany took care of the complete training of middle and higher management staff, shift leaders, leaders of special units, immigration control, cross border co-operation alongside with basic legal training in the new SBS-law and border-related legislation for all SBS-staff.

Train the Trainers Courses abroad

\(^{14}\) Until mid 2000 round about 95 % of the police personnel have undergone the “Transitional and Human Rights-Dignity” training carried out by IPTF teams all over the mission area.

\(^{15}\) IPTF had established special training-units inside their structure to be able to conduct training programs for LOCPOL addressing problems in specific fields; these courses have been conducted in close cooperation with special teams from contributing countries:
- handling refugees returns and resettlements (by IPTF)
- OC/Corruption/TE (by US-ICITAP)
- Drugs Awareness Training (by UK CIVPOL)
- Forensics (by US, UK and Germany)
- Crowd control (by IPTF)

\(^{16}\) The two Police Academies enrolled cadets for a year long course of which six-months were spent in the classroom and six months in the field.

The curricula of all training courses at the academies had been reviewed if not in many cases developed from scratch, supervised and sponsored by IPTF and US-ICITAP.

All courses from 1999 and 2000 have been sponsored by foreign donors.
In addition, several countries have provided specialised training for specialized trainers of LOCPOL.

7. New Local Police Forces
Reforming Police, of course, includes also the need to identify any lack of Police Forces necessary in order to address possible new risks and challenges to the security.

State Border Service (SBS)
By signing the Dayton Agreement in December 1995 BiH became an independent new state with its own new state borders with the immediate effect that there was a complete lack of appropriate border services in the country; therefore the Government of BiH had to create their own new border services as soon as possible. However, the BiH authorities kept the local Police Forces of the relevant border cantons tasked with all border and custom issues until end of 1999. Analysing this lack of responsiveness IPTF started to draft the SBS law and to take care of almost all administrative, organizational and financial arrangements from early 1996 until 2000. After a long discussion on the SBS law and the payment of the forces IPTF succeeded finally to deploy the new SBS to the border only in April 2000, properly paid by funds from various foreign countries (Japan, Netherlands, Germany) for the next two years. The SBS was fully operational by the end of 2002, with a total strength of almost 3,000 officers.

National Police Agency
Another necessity was the creation of a State Information and Protection Agency (SIPA) on state level in order to improve police co-operation between the 13 police administrations in dealing with organised crime. SIPA was established only in January 2000.

Transformation of Anti Terror Units
The former rival Bosnian and Croat Anti-Terrorist Units of their respective armed forces were shifted under the MoIA and unified into a single Anti-Terrorist Unit (ATU) in January 2000 also.

8. Control Mechanisms
The purpose of control mechanisms in relation to Police Building is twofold:
- IPTF used the mechanisms mentioned below to react on substantial violations of agreements related to the mandate by LOCPOL administration or single officers and /or
- IPTF pushed forward the implementation of appropriate control measures in BiH Police Forces themselves.

Non Compliance Policy
LOCPOL was considered to completely support IPTF and any failure on their part had to be deemed as a failure to cooperate with the UNMIBH-IPTF. Already very early in the mission process IPTF experienced an increasing number of cases of lack of information and non cooperation and even intended delays and obstruction of projects and programs on the side of LOCPOL. In addition there were numerous cases of HR-violation

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17 These LOCPOL were un experienced in border policing resulting in a max. growing corruption and cross border org crime scene, as BiH is situated in centre of the Balkan with almost all major routes to central and south eastern Europe crossing each other inside the country. IPTF picked up this issue as a task with first priority and started to draft a BiH SBS-law already in June 1996 providing legal experts from respective German ministries. The law then circulated in various ministries of BiH for a period of almost three years and needed to be redrafted in 1999. The SBS law then was imposed by OHR in early 2000 resulting in the deployment of the first badge of trained SBS-staff only at this point of time.

18 The IPTF-mandate: “… to advise the governmental authorities in BiH on the organization of effective civilian law enforcement agencies…”
and discrimination especially of members of minorities by police officers on duty reported, which were regularly not properly investigated at all by their superiors. As a result and reaction a Non-Compliance Unit was established by IPTF Commissioner in 1999 on the basis of a respective Peace Implementation Council (PIC) decision.

**Audit Policy**

Until 1999 there were still no formal systems of regular inspections of LOCPOL structures for verification of their administrative records, especially the state of handling of evidentiary materials or of weapons and ammunition stored in police stations, detention records, adherence to rules of procedure in public dealings, state of pending public complaints, and not at least morale and discipline among officers. IPTF pushed very hard for the implementation of formal inspection units at least in each LOCPOL HQurs. of the entities as well as on state level, the members of which constantly should review the performance of the organisation and their respective staff.

**Commission for Standardization and Control of Equipment**

Until 1999 the various LOCPOL forces in cantons, entities and on state level had got an unbelievable diversity of equipment, which in many cases was neither necessary for the respective police nor even would fit into the nationwide system of police equipment, because most of it was simply not compatible. Therefore an overall coordination supervisory agency was established to ensure that Police Forces were not overloaded with useless equipment anymore, and compatibility was the premier necessity to be adhered to by all donors. Two measures were installed towards these goals:

- a “Commission for Standardization and Control of Equipment” ensured equality of equipment sponsored or issued; and a
- “Donor Aid Coordinator” was responsible for equal dissemination of donations.

**Budget Reform and Control:**

In course of the mission it became very early clear, that a fundamental grasp of financial accounting within each police administrative area was absolutely necessary to be established immediately. After long and intensive discussions and disputes with the respective local authorities IPTF succeeded in getting the relevant agreements with BiH MoIA. The placement of international finance experts at strategic points in government accountings with powers to oversee or countersign allocations and disbursements greatly improved the knowledge of local administration about financial propriety, prevented the further growing of corruption in the respective administrations and increased the confidence of international donors.

9. **Role of German Police in the Balkan**

Due to its history in the Balkans Germany has an exceptional position and hereby special obligations to support any kind of restoration of the nations and their people in this area. This was and still is reason enough for Germany to support and participate in various nation and state building processes especially in the central areas of the Balkan and to engage and contribute to the relevant international post-conflicts operations. Thus Germany was one of the first nations to recognize Croatia and Slovenia as independent states in 1992 and since then has comprehensively engaged in many missions in the Balkans and especially contributed with strong personal, material and financial inputs to the bigger missions in BiH and Kosovo.

**Preparations in Germany**

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19 after almost three years of manifold support with all kind of equipment to LOCPOL by numerous foreign donors and supporting agencies.

20 -21-different types of vehicles!
For the secondment of German Police Contingents to International Missions a board is in charge of selection, preparation, training, organization and other coordination purposes. The training of German police officers for all missions is delivered by three Police Academies. This training consists of:
- Basic training
- Advanced training courses
- Final preparation immediately before deployment
- Review of the operation/mission completed

Besides preparing single Police Monitors Germany is presently working on the set up and staffing of two Formed Police Units for International Missions.

**Secondment Policy**
For the secondment of Police Monitors to advanced missions Germany’s focus is permanently directed on the need to deploy appropriate experts and specialists to the respective mission. So far main emphasis was placed on contributions to the various Police Building Programs especially in the more complex mission in BiH²¹ and Kosovo.

**Repatriation Policy for Refugees**
Between 1992 and ‘95 Germany accepted round about 370,000 refugees from BiH, and additionally some hundred thousands from Kosovo in spring 1999. Starting from the first day of the implementation of UNMIB and subsequently from July 1999, when UNMIK got operational, Germany has provided plans and organizational as well as financial support for the repatriation of those who wanted or needed to return to their homes in both areas. Germany very much supports the refugees return programs in all missions with first priority.

**10. Conclusion**

**General to Police Building**
Police Building in post conflict areas is not a process of an advanced phase of the recovery of a state, but already starts from the very beginning of the whole mission operation. Police Building is a long-term process and keeps continuing even after the mission components have already left the mission area - and will probably never be completed. Police Building needs to be initiated by the respective international components, supported by close cooperation between all national and international factors involved in law enforcement, but performed and executed solely by the addressee LOCPOL to be the executor and the goal at the same time. The main task of CIVPOL is to enforce and to push forward the process against all resistance and obstruction by the addressees. There is no core part in Police Building processes to be especially highlighted, because the police in total are subject to change and improvement; each police officer and each part of the administration as well as the structure in total. That is why sensitive and critical subjects and issues need to be tackled from the very start of a mission:
- comprehensive and aggressive monitoring (in the first phase) moving into close co location;

²¹ Germany supported the projects of IPTF on Restructuring LOCPOL especially by
- hosting the initial conference (Bonn-Petersberg) 1996
- seconding specialists for co-location to various LOCPOL units
- seconding specialists for various training courses
- performing the complete training of SBS
- providing managerial training in Germany (Federal Police Academy) and scholarships
- handling courses for spec equipment in Germany
- seconding legal officers to draft laws and guidelines
- providing experts for judicial reform
- immediate implementation of programs to tackle key issues with first priority (basic needs and expectations of the public);
- developing of strategies and cooperation of all components concerned and involved;
- design of guidelines for the further pursuance, continuation and control of the whole Police Building Program by LOCPOL themselves.

Progress in the monitoring, restructuring, reform and training of LOCPOL is critical to the success of the post conflict operation as a whole and helps finally to define its “exit strategy,” which is largely dependent on the ability of national law enforcement agencies to function effectively on their own as modern Democratic Police Forces.

Three General Observations to International Support

**First:** Supporting a locally driven and determined process of Police Building requires considerable levels of international support and involvement. The reconstruction of local security services is expensive for countries impoverished by conflicts. But is also a task local authorities normally are not able to perform without external monitoring of the integrity and comprehensive advise and support of the process. In addition, most countries will lack much of the required technical and practical know-how to plan and implement the necessary programs. On the other hand the presence and involvement of international players must be guided by the principle that the Police Building process is locally owned: their purpose is to mentor and help, but not to take over. Thus, there needs to be a willingness to let the national police make strategic decisions and learn ‘on the job’, resisting the temptation to simply do the job themselves. Imposing decisions, programs and projects should be the very last resort of International Support.

This is true despite the fact, that especially the leadership of international missions in the Balkan have time and again experienced a widespread unwillingness and clear lack of political decision making at all levels especially in BiH. This is very often connected to a complete lack of any interest in any kind of change of the prevailing structures and situation at lower and middle management levels, based on the fear to lose power and influence or to get under an inconvenient and undesired control. Ethnic division and strive for separation and partitioning is amongst other negative consequences still resulting in parallel structures and in the involvement of substantial parts of the security sector personnel in cross border and international organized crime.

The more it seems to be important for the International Police Forces and their leadership to develop strategies and long term plans and to get to clear commitments and acceptable agreements with the local authorities connected to consequences and maybe sanctions. These agreements must be published to donors, contributing countries and NGOs also.

**Second:** A key point concerns the internal composition of the seconded staff in Police Missions. In post conflict situations the CIVPOL staff is confronted with an operationally seen extreme complex situation, which is psychologically overtaxing experienced and even more unexperienced police officers, and which is demanding unusual duties and tasks to be executed by them in a professional manner.

The secondment of unexperienced and even untrained and unprepared police officers to CIVPOL, which was evident in all former UN pko and obviously still is for the ongoing missions as well is not acceptable. CIVPOL do not need the so called “generalist” at first hand to execute these parts of their mandate;

the requirement is the well selected, pre-trained, experienced specialist, who at least meets all the “Enhanced Selection and Training Criteria” distributed by DPKO to all member states of UN as the minimum requirements for CIVPOL already in 1998.

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22 Some are even not able to speak proper English nor are in possession of the necessary driver license.
Third: All this very often results in frustration and fatigue on the side of the international players /CIVPOL in their efforts and endeavours to implement their mandates properly and efficiently. Many leaders in missions finally simply give up and refrain from contributing in a pressing and pushing manner any further to the mission instead leaning back in their chairs and let the “mission creep” developing; in the best case they refrain at all from participating in further missions. Their important mission experience then will be missing; but this is exactly what the “bad players” and spoilers of mission implementation want to achieve to their benefit.

Considerations
The international community has for many reasons to learn a new resolve, reflected in a strong mandate and enforcement model of post conflict operations. To be effective, international leaders must possess credible authority and access to immediate sanctions; most probably on the basis of a pre-mission overall agreement between the IC and the responsible authorities of the country targeted. The possibility to, if necessary, enforce the mandate, requires a prepared list of ascending sanctions and a clear and unquestionable determination how to enforce them. This should be factored into any decision-making in all International Bodies concerned. At present, there are no strategies for dealing with extremists and spoilers and opposition is becoming more sophisticated and all too evident.

Not at least: Contributing States are under a lot of pressure because of the financial crisis. They see the need to review their engagements on the background on how to better manage their resources that are assigned to missions, and how to get a best value out of the resources. This is especially important on the background that more than two third of all present conflicts on the world are not pacified or at least handled by the IC, most of them in Africa, causing each day damage and harm to their societies and peoples many times more than all the mission in operation would be able to achieve.

Reality shows, that with the political and financial means, the available resources and strategies of today we are not able to handle the one third of the prevailing conflicts and post-conflict situations of today and even less of the other two thirds and those of tomorrow.

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Footnote: The author wishes to emphasise that the views expressed in this presentation/article are entirely those of the author in his personal capacity and do not necessarily reflect the views neither of the Fed Rep of Germany nor other International Bodies.
**UN- Missions:**

**UNPROFOR** (United Nations Protection Force-02/92- 12/95)
Initially established in Croatia to ensure demilitarization of designated areas; mandate was later extended to BiH to support the delivery of humanitarian aid and to monitor “No fly zones” and “safe areas”
Strength (March 1995): 38,000 mil/ 803 CIVPOL/ 2,017 intern’l staff

**UNPREDEP** (UN Preventive Deployment Force in Macedonia-03/95 – 03/99)
Successor mission to UNPROFOR in Macedonia
Strength: 110 Mil/ 26 CIVPOL

**UNCRO** (UN Confidence Restoration Operation in Croatia)
03/95 – 01/96 - Pure Monitoring-/Observer mission

**UNTAES** (UN Transitional Authority in Eastern Slavonia, Baramja and Western Sirmium -01/96-01/98)
Strength as of 30 September 1997: 2,450 Mil/ 404 CIVPOL

**UNMOP** (UN Mission of Observers in Prevlaka -02/96- 12/2002)
- successor mission to UNCRO

**UNPSG** (UN Police Support Group in Croatia - 02/98-10/98)
- monitoring the performance of Croatian Police in the Danube Region

**UNMIK** (United Nations Interim Administration Mission in Kosovo)
07/99 - today
The biggest mission in the Balkans.
UNMIK to exercise all administrative and legislative powers in K.
After completing its tasks in summer 2008 UNMIK-CIVPOL was replaced by EULEX.
**German contribution to UNMIK-CIVPOL** (07/99-07/08):
- Police Contingents each comprising max. 420 pol.off., rotating after 9 months, in total 2,562 Pol.offr.

**German contribution to EULEX** (06/2008 to date)
support by seconding max. -80- experts

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**Annex 2**

**WEU/EU-MISSIONS**

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**EU- and WEU-Missions:**

**WEU Mission to Mostar** (WEU Police Element in Mostar-07/94-10/96)-set up an Unified Police Force Mostar (UPFM).
Strength: 182 / German contribution: max.-12- pol.off./ total -167-

**MAPE** (WEU-Multinational Police Advisory Element in Albania)
05/97-04/00/Strength: 143
German contribution: max -21- pol.off./ total 97

**EUPOL "PROXIMA"** (European Union Police Mission in FRY
German contribution: -36- pol.offr.
Osce - Missions in the Balkans:
Spillover Mission in FRY-Macedonia (10/97-today)
KVM (Kosovo Verification Mission- 12/97-04/99)
Strength: -1,000- mil. observers/ -500- CIVPOL/ -200- civ. observer
German contribution: -16- pol. offr. (dir. KVM-Police)

Osce - Mission to the Republic of Croatia - 02/98-04/02
German contribution: -15- pol. offr.
Osce - PMG (Police Monitoring Group in the Danube Region of Croatia) 10/98-12/00
German contribution: -10- pol. offr./total: -30-
Osce - Mission to Kosovo
Osce - Westbalkan-Programm 10/02 - 05/07
To assess all cross border cooperation in the six west- Balkan states
German contribution: Head of Mission
Annex 4

All Missions in the Balkans

- UNCRO: 03/96-01/96
- UNPROFOR: 02/92-01/95
-UNPSG: 02/98-10/98
- UNTAES: 01/96-01/00
- CROATIA: 02/98-04/02
- KVM: 12/97-04/09
- Supp.Alb.: 03/97-...
- OSCE: 01/96...
- EULEX: 07/99...
- UNMIK: 07/99...
- UNMIBH: 01/96-12/02
- Spillover: 10/97...
- MAPE: 07/97-04/00
- PROXIMA: 09/03-12/05
- WEU: Mostar 7/94-10/96
- UNMOP: 02/96-12/02
- UNPREDEP: 03/95-03/99
- Supp.Alb.3: 03/97-...