

OSCE International Police Missions¹

At the Budapest OSCE Summit in 1994, the Heads of State or Government of the 54 participating States² made the decision to draft "a common and comprehensive security model for Europe for the 21st Century". Five years later, at the OSCE Istanbul Summit in November 1999, the "Charter for European Security" was finally submitted to and signed by the 54 Heads of State or Government.

The European Security Charter was designed to create a foundation for the future conduct of the OSCE within the framework of the new European security architecture that had begun developing since the end of the Cold War. In particular, the relationship between the OSCE and the WEU as well as the OSCE and NATO played an important role in the development of the Charter.

The goal of the Charter - which is politically but not legally binding under international law - is to

- confirm OSCE norms and principles for inter- and intra-state conduct,
- anchor the basic political commitments of the states in all dimensions of security,
- base the interaction of Euro-Atlantic security organizations on a common foundation,
- contribute to strengthening the OSCE through the improvement and development of its instruments and
- improve OSCE decision-making capacity and ability to take action.³

The importance of these factors became clear especially in view of the unsatisfactory role the OSCE played in the Kosovo conflict. The Kosovo Verification Mission (KVM), which was the first significant test of the OSCE's ability to take action within the framework of European conflict management, revealed that the Organization had an immense personnel deficit⁴ and again

1 This article is based on research from a project entitled "International Police as an Instrument for Conflict Management" financed by the Volkswagen Foundation.

2 The Federal Republic of Yugoslavia was suspended from the OSCE from 1992 to 2000.

3 Cf. Peter Josef Merk, *Operativ gestärkt. Die OSZE-Charta für Europäische Sicherheit [Operationally Strengthened. The OSCE Charter for European Security]*, in: *Informationen für die Truppe, IFDT*, 1-2/2000, pp. 23ff. The Charter for European Security is reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 2000, Baden-Baden 2001*, pp. 425-443.

4 At the time of the KVM withdrawal in March 1999, out of the 2,000 verifiers that had been pledged in October 1998, only 1,400 were stationed in the deployment area. Even over a period of five months, the participating States had not been able to make the required 2,000 monitors available.

emphasized that principal Western actors have given NATO a significantly more important role in the European security architecture.

In particular, agreement was reached on measures to make the operational area more effective thus strengthening the position of the OSCE in the concert of security organizations. The participating States decided

- to create Rapid Expert Assistance and Co-operation Teams (REACT),
- to establish an Operation Centre for the preparation, planning and rapid deployment of OSCE field operations as well as
- extending the capacity to implement police activities, e.g. training, development and monitoring of local police as well as examining the options and conditions for a role in law enforcement.

In making the implementation of police activities its goal, the OSCE - like the United Nations before them - had recognized and documented the importance of police missions in the area of non-military management of inner-state conflicts. After the end of the East-West confrontation, when new inner-state conflicts flared up constantly, the number of police personnel as well as the scope of their tasks in UN peacekeeping missions had steadily been increased. While in the Namibia mission in 1989, there were approximately 1,500 UN police officers deployed exclusively to monitor local police forces, in the course of later missions tasks like the development and training of local police forces were also introduced. This took into account the fact that the success of a peacekeeping mission depends to a large extent on the quality of the work done by the local police after the withdrawal of international security forces. By the end of a mission, local police should be able to prevent human rights violations, protect democratic institutions and take consistent action against corruption, organized crime and terrorism because the capacity to guarantee domestic security is a basic prerequisite for the socio-economic stabilization of a crisis region. Up until 1998, the percentage of police in UN missions had increased to over 30 per cent of total personnel.⁵ The highpoint in the quantitative and qualitative structuring of police mandates was achieved when the United Nations Interim Administration Mission in Kosovo (UNMIK) was mandated in June 1999. In this mandate, in addition to the then already standard monitoring and training tasks, UNMIK police were given the responsibility for guaranteeing public security and with 4,718 authorized UN police officers, the UN Security Council mobilized the largest police contingent in a peacekeeping mission to date. Within the framework of UNMIK, the OSCE was, among other things, given the task of instructing the

5 Cf. Frank-Erich Hufnagel, UN-Friedensoperationen der zweiten Generation. Vom Puffer zur neuen Treuhand [The Second Generation of UN Peace Operations. From Buffer to New Trusteeship], Berlin 1996, pp. 62ff.; Gerald Hesztara, The Future of the Civilian Police within the OSCE Framework, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1998, Baden-Baden 1999, pp. 243-248.

future local Kosovo police in the theoretical basis of police work under the rule of law.

According to estimates by the OSCE participating States, in future, an increasing number of police missions will be deployed in OSCE space. Therefore, in this article the following areas will be explored: OSCE experience in the area of police work, an assessment of the implementation of the Istanbul decisions for the development of police capacities, and in conclusion, a prognosis will be made about future police activities within the OSCE framework.

OSCE Police Missions

The Police Monitoring Mission in Croatia

In the spring of 1998, police officers were deployed in the OSCE Mission to Croatia, the first time ever police participated in an OSCE field operation. However, these plain-clothed officers did not at first assume monitoring or executive functions, but only acted as legal advisors for the local Croatian administrations in communities with a high percentage of Serbs.

However, as it became clear that the United Nations would withdraw its UN Civilian Police Support Group (UNCPSG) from Eastern Slavonia on 15 October 1998, the OSCE announced it was willing to replace the around 180 UN police officers with 120 OSCE policemen.⁶ In Decision No. 239 of 25 June 1998, the Permanent Council set the course for the first monitoring task of an OSCE police force. In addition to monitoring the Croatian police, OSCE police officers also trained Croatian authorities on how to conduct themselves regarding ethnic groups as well as how to protect the human rights of displaced persons, refugees, and persons belonging to national minorities. In contrast to the UN police, OSCE policemen were all dressed alike. The Austrian Gendarmerie made uniforms available which were then furnished with an OSCE identification patch and the national insignia of the country of origin of each officer.⁷ In order to guarantee a smooth transfer from the UN to the OSCE mission, these organizations set up a steering board and two working groups made up of officials from both missions.⁸ 16 OSCE participating States made 120 officers available to the Police Monitoring Group (PMG). They were distributed among ten of the twelve local police stations in the Danube region and received support from 87 local field assistants. An OSCE monitor and a local field assistant monitored local police duty officers on a 24-hour, seven-days-a-week basis. The monitors accompanied police on patrols on a random basis. In addition, OSCE police officers responded to incidents on-the-spot, carrying out investigations there.

6 Cf. Hesztera, cited above (Note 5), p. 243, and OSCE Newsletter 5/1998, p. 10.

7 Cf. OSCE Newsletter 6/1998, p. 2.

8 Cf. OSCE Newsletter 7/1998, p. 13.

Two months after the beginning of the mission, the PMG of the OSCE Mission to Croatia made an assessment of the situation in its deployment area. It came to the conclusion that local police responded reasonably to incidents, however, "follow-up in the case of ethnically related incidents was not always satisfactory". Furthermore, shortcomings were ascertained in the judiciary's follow-up to police investigations.⁹ A year later, the PMG again evaluated the security situation in the Danube region describing it as by and large stable. However, in the Vukovar area and its vicinity, there had been some ethnically motivated acts of violence. Croatian demonstrators had called for assistance from Croatian Serbs in determining the location of missing persons and/or their graves and the OSCE Mission and the PMG acted as mediators between the ethnic groups involved.¹⁰

A year later the security situation was evaluated as stable and the work of the local police as satisfactory. Police conduct had improved considerably due to extensive personnel and structural changes in the police apparatus. These improvements were made possible thanks to the positive climate in co-operation between the Mission/PMG and the Croatian Ministry of the Interior.

Because of this positive development, the OSCE Permanent Council passed a decision on 21 September 2000 to demobilize the PMG by 31 October 2000. Some of these OSCE policemen were incorporated into the OSCE Mission to Croatia to be able to continue civilian police monitoring and advisory services in Eastern Slavonia as well as other parts of Croatia.

The OSCE Police Training Mission within UNMIK

While the OSCE police in Eastern Slavonia conducted primarily monitoring tasks, the OSCE police officers in Kosovo have been focusing only on training the local police, originally planned to be a force of around 4,000¹¹, at the Kosovo Police Service School (KPSS) in Vučitrn. On 1 July 1999, the Permanent Council passed the decision to mandate the OSCE Mission in Kosovo. This Mission was to be a distinct component within the framework of the UNMIK interim administration. In addition to conducting police training, they are to instruct judicial and civil administrative personnel, build democratic structures, develop the media, organize and monitor elections as well as monitoring, protecting and promoting human rights.¹²

The totally new development of a multi-ethnic local police force according to the principles of the rule of law was one of the most important tasks ever within the UNMIK operation as reliable local police forces were urgently needed to back the approximately 4,700 international UN police officers with

9 Cf. OSCE Newsletter 12/1998, pp. 8f.

10 Cf. Organization for Security and Co-operation in Europe, The Secretary General, Annual Report 1999 on the Activities of the OSCE (1 December 1998 - 31 October 1999), SEC.DOC/2/99, 17 November 1999, p. 18.

11 In the meantime, the goal is to deploy 6,000 local police in 2002.

12 Cf. OSCE Permanent Council, Decision No. 305, PC.DEC/305, 1 July 1999.

the difficult job of implementing law and order in Kosovo. The UN and the OSCE shared police training tasks. UNMIK police and OSCE police trainers co-operated in recruiting cadets for the Kosovo Police Service (KPS). Following this, the OSCE was responsible for basic theoretical training, further training as well as courses in shooting and driving while the UNMIK police took over practical training in the areas of patrol and station duty.¹³

The OSCE provided 181 police trainers from 23 participating States backed by 265 local employees.¹⁴

The minimum requirements for KPS officer applicants were that they be 21 years of age, have a secondary school education and residency in Kosovo. In addition, they were to be in excellent physical condition as well as being tolerant and willing to co-operate with people of different ethnic backgrounds or religions and be able to convey convincingly their desire to protect the human rights of all Kosovars.¹⁵ The percentage of applicants who were refused makes clear that these criteria were highly selective: 80 per cent failed the application tests. For the first two training courses, 400 police candidates were chosen from the 19,500 Kosovars applying for a position in the KPS.¹⁶ The training programme began on 7 September 1999. Under OSCE direction, 174 future police officers started their training in the re-established police training centre in Vuçitër. Of the 400 candidates in the first two training courses,¹⁷ 80 per cent were of Albanian and 13 per cent of Serbian descent. Seven per cent belonged to other minorities. 20 per cent of the applicants were Albanians who had already performed police services in Kosovo until its autonomy status was taken away in 1989.¹⁸ The second course began at the beginning of December 1999.¹⁹ The fact that among the first 174 recruits, there were only three members of the Kosovo Liberation Army (*Ushtria Çlirimtare e Kosovës*, UCK/KLA), was met with heavy protest by UCK/KLA leadership. Making reference to the demilitarization agreement, they demanded that their members be better represented.²⁰ In the meantime, these demands have been met so that during the summer of 2001 around 40 per cent of KPS officers were recruited from ranks of former UCK/KLA fighters.²¹

A year and a half after the beginning of the first basic course around 3,400 KPS officers in 13 courses had completed their 19-week training. Two further courses had also just begun. In the meantime, regional training centres

13 Cf. OSCE Newsletter 7/1999, p. 3, and the *Neue Zürcher Zeitung* of 6 August 1999.

14 Cf. OSCE Mission in Kosovo, Kosovo Police Service School, 9 April 2001, p. 3.

15 Cf. *ibid.*, p. 1.

16 Cf. Steve Bennett, *Coordination in Local Police Education and Training*, in: Thomas Papworth/Sharon Wihata, *Policing Europe: European Policing? The challenge of coordination in international policing*, Workshop-Report, May 2001, pp. 8-9.

17 Of these 400 candidates, 350 actually started the training programme.

18 Cf. Kosovo News Reports, 3 September 1999, at: <http://www.un.org/peace/kosovo/news/kosovo2.htm>.

19 Cf. Kosovo News Reports, 6 December 1999, at: *ibid.*

20 Cf. *FAZ* of 20 August 1999.

21 Cf. Bennett, cited above (Note 16), p. 8.

were set up in Gnjilane, Peć und Prizren. Starting in June 2001, selected KPS officers who had completed their basic training and were destined for supervisory positions were able to take part in first-line or middle management courses. Since February 2001, courses have been offered in which future criminal police officers are being trained in criminal investigation.²²

Since the beginning of the development of the KPS, the UNMIK and the OSCE have placed great value on integrating a significant number of women as well as ethnic minorities in the new Kosovo police force. The first 15 training courses included on the average 19 per cent women, nine per cent of KPS cadets were ethnic Serbs and eight per cent belonged to other minorities.²³

Although ethnic Serb KPS officers exhibited the same professional behaviour in their work as their Albanian colleagues, the Albanian public did not accept them and they had to fear for their lives and limbs when confronted by Kosovo-Albanians. Furthermore, for cultural reasons, the women in the Kosovo police also had to fight against not being accepted by the population.

Personnel complaints about KPS officers came predominantly from the UNMIK police. 0.5 per cent of the local officers were charged with criminal activities. However, the majority of the officers performed their work well so that the training programme on the whole was considered a success.²⁴

The OSCE Police Training Mission in Southern Serbia

Since 21 May 2001, the OSCE has conducted a police training operation in the Preševo Valley in southern Serbia. The goal is to establish a multi-ethnic police force. In May 2001, NATO agreed to the deployment of Yugoslavian security forces in Sector B of the security zone between Kosovo and Serbia. In order to increase the confidence of the predominantly Albanian population in the Yugoslavian security forces in the Preševo Valley, plans were subsequently made to create a mixed police force made up of both ethnic Albanians and ethnic Serbs. The training programme is to include around 400 policemen and run in three phases. The first phase began on 21 May 2001. First, twelve former ethnic Albanian and Serbian police officers were familiarized with the basics of their work in a five-day "refresher course". Following this they were sent on patrol duty in six mixed teams. In this first training phase, 28 more Albanian and Serbian policemen were coached for patrol duty in mixed teams.

On 11 June 2001, the second phase of the training began. 40 Albanian and Serbian policemen were selected to participate in a five-week further training programme in Bujanovac.

22 Cf. OSCE Mission in Kosovo, cited above (Note 14), p. 2.

23 Cf. *ibid.*, p. 3.

24 Cf. Bennett, cited above (Note 16), p. 8.

The third phase began on 6 August 2001. In twelve-week basic courses, around 400 Serbian and Albanian police officers as well as officers from other minorities are being trained for service in the Preševo Valley.²⁵ The initiators of the training programme are very pleased with the first results.

Measures to Strengthen Operational Capacities since Istanbul 1999

The Development of an Operation Centre

In the year 2000, the Operation Centre was established as a permanent planning unit within the Conflict Prevention Centre (CPC). Its main task consisted of identifying future crisis areas, planning future missions as well as recruiting and deploying mission personnel. The early recognition of crises allows the Operation Centre to assemble background information and develop options for taking action, which can then be transferred to the Permanent Council to assist them in passing decisions on mandates. The members of the Operation Centre act as the "core staff" in the process of setting up a mission and can also accompany a new Head of Mission at the beginning of an operation. After the end of a field operation, the Operation Centre also has the task of making a systematic assessment of work in the mission. Another important function of the Operation Centre is the establishment and maintenance of OSCE contacts with their international partner organizations in military as well as the civilian areas. The Centre has been in operation since September 2000.

Implementation of the REACT Concept

As a result of the initiative in Istanbul to create REACT, the Permanent Council established a task force within the Conflict Prevention Centre, which was to make REACT operational by 30 June 2000. The task force consisted of seven members from the areas of police, personnel, training and information systems. The REACT programme was designed to improve co-operation between the Secretariat and the participating States in the area of human resources management so that for future missions it would be able to recruit required personnel more rapidly. For this,

- new or reworked standardized staffing matrixes for the selection of field staff were prepared,
- an internet-supported data processing programme was developed that links potential mission applicants directly from the REACT homepage²⁶ to the national recruitment systems, which are still in charge of the ac-

25 Cf. OSCE Press Release of 6 July 2001.

26 REACT internet address at: <http://www.osce.org/react/index/htm>.

- tual recruitment process and which are directly connected with the Secretariat in Vienna through the internet-supported extranet,
- the training standards within the OSCE were unified, which was designed to prepare OSCE personnel according to mutually agreed criteria as well as, in the long-term, allowing co-operation between training centres in different OSCE participating States.

Due to the standardized staffing matrixes used to collect personnel data, there is one unified document for filing, transfer and analysis. The matrix consists of twelve different fields of expertise as well as four levels of functional competence so that every applicant can be fit into exactly one of the 48 categories of work performed in OSCE field activities. Thus the OSCE maintains an exact overview of which management and functional positions can in principle be filled in which fields of work. In addition to the area of civilian police, the matrix also includes the fields of human rights, rule of law, democratization, elections, economic and environmental affairs, press and public information, media development, political affairs, administration and support, general staff/monitoring functions and military affairs.

A special staffing matrix was developed for the police area:

- Applicants at the entry level are required to have at least eight years of police service experience as well as a diploma from a police training school.
- Applicants at the two middle-management levels are to have ten years of police service experience of which at least the last twelve months must have been spent in management positions. Completion of appropriate further training courses is also required.
- Applicants at the highest management level must have 20 years of experience of which at least the last three years are to have been spent in a first-line management position.

This internet-supported data-processing system has been in operation since April 2001. Within a month of its start-up, as many as 2,500 people had visited the REACT homepage. The task force rated the fact that potential applicants were showing so much interest as highly satisfactory. However, one of the remaining difficulties is storing personal data. Many of the participating States guarantee data protection. Thus they are not permitted to provide information before a field operation on the mission personnel they have available. As a result, the REACT planning group at best only discovers the number of potential mission members in many of the participating States. Currently, the task force does not have an exact overview of the potential mission personnel from the 55 participating States. In the area of police recruitment for REACT, the participating States have encountered the same problems they have had when placing police on standby for the United Nations. Be-

cause of a general lack of personnel, governments have had great difficulties in freeing police officers from their regular duty and making them available to international organizations. These problems are even worse in those participating States where police affairs fall under the jurisdiction of federal states, cantons etc. with which the sending country must first negotiate on whether it will be able to place personnel on standby or not.

Nevertheless, at this point in time, the CPC considers it a priority in evaluating the success of REACT's implementation that the level of professional competence of future personnel provided by the 55 participating States will become more uniform due to its standardized recruiting mechanisms.

A Police Adviser - who has yet to be appointed - is to assemble police personnel for each future mission based on REACT data.

Extending Capacities to Implement Police Activities

Other than the establishment of the Operation Centre and the implementation of the REACT programme, little had been done since Istanbul to develop OSCE police capacity. This led, through the initiative of Great Britain, to the creation of an informal open working group on police activities at the OSCE Ministerial in Vienna in November 2000, which is to deal, among other things, with the establishment of the position of a Senior Police Adviser.

Headed by the Canadian delegation, this working group met three times until the summer of 2001. Two different positions became clear at these meetings: One group of participating States considered it a priority that the position of a Police Advisor be created. Their view was that he should develop substantive topics like the future tasks and structures of OSCE police. The other group wanted the working group to first clarify the substantive issues of police work, the links to other international organizations in the police field as well as the tasks and position of the Police Adviser before he was appointed by the Permanent Council.

At the end of the day, the working group compromised. This compromise consisted of the fact that senior officials of the ministries of the interior of the participating States would meet at the occasion of a meeting of experts in June 2001 and solve substantive issues as well as the question of the creation of the position of the Police Adviser. A report was then to be submitted to the Permanent Council for consultation and decision-making in the hope that this position would be filled before August 2001.

In the run-up of the meeting, the possible duties for the Police Adviser were defined as identifying potential mission task areas as well as preparing support measures for potential host countries. Furthermore, it would be the task of the Police Adviser to publish reports for the participating States and apply to them for funding for police activities. His function would therefore be primarily to create co-operative relationships between the participating States, the OSCE and the mission host countries.

There was controversy among the participating States as to the relationship the Police Adviser should have with the Permanent Council, the Chairman-in-Office, the field missions and other Secretariat departments and where in the hierarchy he should be placed.

Furthermore, there is still a lack of clarity on the question of exactly which tasks the OSCE police forces would undertake in future. That is, in the Istanbul Security Charter, the examination of the option for carrying out law enforcement measures within the OSCE framework is recommended, however the majority of the participating States prefer a concentration on tasks like the training, development and monitoring of local police units. Moreover, in the view of a number of participating States, the OSCE should promote liaisons between the police in neighbouring mission host countries and should concentrate on the implementation of common training courses for police from these neighbouring states. This is because they consider the most urgent task to be fighting cross-border organized crime (drug trafficking, trafficking in weapons, trafficking in human beings, terrorism, corruption) and communicating human rights standards.

Missions with a law enforcement mandate modelled after that of UNMIK are considered by these states to be exceptions to the rule. In their view, there is little chance that similar missions will be deployed in OSCE space. Thus, these states do not see a conceptual debate on this type of task as urgent.

Moreover, some Eastern European participating States in general are very sceptical about the option of police mandates to monitor human rights. They fear that they themselves would become the object of such field operations. Thus they implicitly reject the conflict prevention measures of an OSCE police force in inner-state conflicts. In contrast, they are explicitly in favour of the fight against international terrorism and drug trafficking.

Possible OSCE Police Missions

Potential OSCE police mandates in the near future will be focused on the area of preference of most participating States, who call for police mandates in the area of training and advising local police.

The police training mission in southern Serbia, which has been running since 21 May 2001, fulfils this objective exactly. Furthermore, the newly opened OSCE office in Belgrade has been studying the options for establishing a police academy, which would be open to police officers from all over Yugoslavia. In the meantime, the Briton Richard Munk, a police expert with mission experience, is in Belgrade to examine the possibility of this kind of a mission and define the requirements to implement it.

There are also initial considerations for a police training mission in Macedonia, but the mandate issue is still unclear.

Some of the participating States have also considered a police component within the framework of a possible peacekeeping mission in Nagorno-Karabakh, where the mandate could include the development of fundamental structures for civil order.

Finally, an OSCE police mission in the border area of Georgia and South Ossetia would be conceivable. There, OSCE border police would fulfil an advisory function for the local border troops assisting them in the fight against weapon smuggling.

Prospects and Recommendations

Since the Istanbul decisions, the fundamental measures for the development of OSCE operational capacities have progressed significantly through the establishment of the Operation Centre and the implementation of the REACT concept. However, concrete measures for the development of OSCE police capacities have lagged behind. If all goes well, the participating States will during the summer of 2001 agree on the creation and appointment of the position of a Police Adviser, will gain clarity on the future tasks of OSCE police and sign an agreement with the EU on the availability of the 5,000 EU police officers that are to be put on standby as crisis reaction forces by 2003. Agreements should also be negotiated with the EU on the training of OSCE police officers from non-EU countries who take part in international EU police training programmes and thus should be brought to an equal training level. The varying levels of training of mission police officers have repeatedly led to considerable deficits in the performance of the international police within the framework of UN Civilian Police missions. This could be prevented at the OSCE level through joint training programmes. The costs for the training of participants from non-EU countries could be covered through voluntary contributions from the prosperous OSCE participating States.

Furthermore, concepts for potential law enforcement operations should not be neglected in the process of concentrating all efforts on training and monitoring mandates. Especially in the Central Asian region and in the Caucasus - both regions affected by civil strife - it would be conceivable that international police missions could perform certain tasks. These might range from assuming the task of law enforcement hitherto carried out by the local security forces - now discredited by the population - to the development of new police forces who take action according to the rule of law. The local population, or at least the local governments, would certainly more readily accept an OSCE police force that has officers from all 55 participating States than an OSCE force comprised primarily of EU contingents.