

UN Police Reforms: A Category Mistake

The context

The late nineties have been the theatre of a major mission shift in the scope of international police missions echoed by calls for a doctrinal change inside the UN police. As UN missions moved away from narrowly conceived peace-keeping operations and started to embrace a more peace and state-building agenda, the UN Police was assigned new complex and multiple goals. Traditionally confined to an advisory, monitoring and training role, Security Council Resolutions tasked them newly with ambitious assignments aiming at restructuring and reforming the local police while having often also an executive policing mandate. In 2000, the UN Panel for Peace Operation confirmed that change by stating that UN Police was expected to “focus primarily on the reform and restructuring of local police forces in addition to traditional advisory, training and monitoring tasks.” (A/55/305-S/2000/809).

What was left unexplored however has been the “category mistake” implied by such calls. Assigning a police-staffed and police-led UN organization the task to lead the work on police reforms is based on a misconceived postulate. Democratic policing reforms imply at its very core that external mechanisms of democratic governance and civilian oversight of the police are put in place. The reform and institution-building agenda necessarily entails improving the technical and institutional capacities of public administration systems for regulation, planning/budgeting, controlling and managing senior officers, and the establishment of parallel multi-layered mechanisms structurally embedding

enjoyment of civil rights by citizens. This work cannot be police-conceived and police-led.

The evolution of civilian oversight

To the discharge of those who committed the category mistake, one may observe that ideas and practices on the democratic governance of the security sector have been evolving at a fast pace. Normative notions of police self-control (internal control) or self-investigation in cases of public complaints against the police are increasingly marginalized by newer democratic theories and practices. Similarly, civilian administration management systems are being strengthened by successive reforms aiming at increasing civilian oversight. Functions such as regulation and policy-making, strategic planning and budgeting, controlling and management of senior police officers are all viewed as core tasks of the civilian administration, not the police. They are dedicated mechanisms designed to increase the accountability to policing agencies to civilian authority. Moreover, beyond the traditional control exercised by parliaments and courts, new independent control bodies have proliferated in the 2000s and exercise ideally powerful investigation functions with respect to public complaints against the police, human and civil rights abuses, the use of police firearms or police infringements on the private sphere. In addition to that, local authorities and the public are rising actors consulted, influencing and sometimes contributing formally to design locally adapted public order and prevention of criminality strategies. All these mechanisms are civilian-led and cannot, without eroding the very foundation of democracy and committing an irremediable category mistake, be led and designed by the police no matter how international the police and democratic the intention.

The category mistake

UN police staff have neither the experience nor the knowledge and the legitimacy to help designing civilian-led external audit bodies assessing compliance and performance of the police; nor should police staff have any hand in establishing a dedicated independent external public complaint mechanism against the police. UN Police staff should never play the lead role in designing a performance management system that will allow the civilian authority to plan strategically and set new targets to be achieved by police agencies. It is also doubtful to attribute to the UN Police a role in legislative and regulative change. These are tasks that should be civilian-led.

The 2009 issued training material on the topic of police reforms and restructuring aiming at an audience of UN Police officers seems oblivious to the category mistake when it states that the UN Police should undertake the mapping and reform of the sector and its institutional development. The document states:

“The development of the capacity and the integrity of law enforcement agencies is central to the overall process. Institutional development should be undertaken at all levels, including by effecting changes to the policy and legal framework, administrative procedures and the provision of the financial and material means to allow the concerned law enforcement agencies to fulfil their mandated functions. A specific emphasis should be given to building administrative systems including budget, finance, personnel, procurement and assets management” (Reform, Restructuring and Rebuilding of Police and LEAs, ITS/DPET, Department of Peacekeeping Operations, 4/2009, p. 12)

When the UN police encourage local reforms articulated around a “community policing doctrine”, there is a clear risk of committing

again the category mistake. This is putting the doctrine on its head and result in misconstructions. It should appear as misconceived to see a UN Police body initiating the development local safety boards, which are and should be, in essence, civilian-led and civilian-chaired institutions. Democratic theories of policing put the civilian authority – usually the mayor or the governor - at the center of a local mechanism that consult the public and civil society and design local strategic plans to control public disorder and prevent crimes. These mechanisms, again, are civilian-led.

Security Sector Reforms

Does the newer UN approach regarding the security sector reform (SSR) address and redress the category mistake? This is far from certain. The 2008 Secretary General report promoting SSR is more concerned with the issue of a horizontally integrated and system-wide approach of security than with civilian governance of individual institutions of the SSR. Promoting a more integrative, horizontal and coherent approach of the security sector as a whole is one thing; developing an approach to integrate and adjust vertically a civilian-led governance component to the police-led professionalization and modernization of the police is another. The security sector-wide approach has more to do with coordination than with building capacity of various civilian actors to regulate, lead, control, monitor and influence individual institutions and policing. The category mistake will is not addressed as long as the UN Police is seen to have a mandate of reforming the policing institutions including their regulative, controlling and civilian management systems.

An institutional response

A more targeted response to the category mistake would have to be articulated along the following lines. In the framework of integrated UN missions, stakeholder agencies and sections of the Missions should increase their collaboration within dedicated units to be established or, at the very least, dedicated working groups. For the police reforms, key agencies/sections would be the UN Police, UNDP, Civilian Affairs, to name core ones, and together these stakeholders would plan the strategic assistance and the fulfillment of the mandate to assist local authorities in police restructuring and reforms. A clear division of responsibilities and tasks within a holistic approach to police reforms would bring more balance in the police/civil institutional-building, redress the current bias in police capacity-building at the expense of civilian actors, result in better governance systems including more efficient local governor's offices and local safety forums, and lead to a newer emphasis on external control and monitoring bodies. But above all, addressing the category mistake implied by the current UN Police doctrine would put police reforms on much safer and democratic grounds.

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