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UNITED NATION POLICE AS AN INSTITUTIONAL LAW ENFORCEMENT DIVISION

The United Nations has deployed police officers for service in peace operations since the 1960s. Traditionally, the mandate of the police components of peacekeeping operations and special political missions tended to be limited to monitoring, observing and reporting. Beginning in the early 1990s, advisory, mentoring and training functions were integrated into the monitoring activities in order to offer the peacekeeping operations and special political missions the opportunity to act as a corrective mechanism on the national law enforcement agencies [1, p. 9].

I consider it's necessary to clarify the term "law enforcement officials." The term "law enforcement officials", includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention. In countries where police powers are exercised by military authorities, whether uniformed or not, or by state security forces, the definition of law enforcement officials shall be regarded as including officers of such services. Service to the community is intended to include particularly the rendition of services of assistance to those members of the community who by reason of personal, economic, social, or other emergencies are in need of immediate aid. This provision is intended to cover not only all violent, predatory and harmful acts, but extends to the full range of prohibitions under penal statutes. It extends to conduct by persons not capable of incurring criminal liability. In addition, national or regional commentaries could identify specific features of the legal systems and practices of different States or regional intergovernmental organizations which would promote the application of the Code. In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons [2, p. 2].

The mission of UN Police is to enhance international peace and security by supporting Member-States in conflict, post-conflict and other crisis situations. Its goal is to realize effective, efficient, representative, responsive and accountable police services that serve and protect the population. To that end, United Nations Police build and support or, where mandated, act as a substitute or partial substitute for host-State police capacity to prevent and detect crime, protect life and property and maintain

public order and safety, in adherence to the rule of law and international human rights law.

United Nations police is composed of 11,530 United Nations police officers from 90 countries, which are deployed in 11 UN peacekeeping operations and 6 Special Political Missions. They are deployed as formed police units (currently 66 per cent), individual police officers (currently 34 per cent), which include specialized teams, contracted seconded police and civilian experts, which are deployed in United Nations peace operations. United Nations police officers are supported by the Police Division of the Department of Peacekeeping Operations, with its New York-based sections and the Brindisi-based Standing Police Capacity. At Headquarters, the Police Adviser is responsible for providing strategic advice and support on all policing issues to senior United Nations officials, as well as to heads of police components of operations led by the Department of Peacekeeping Operations and the Department of Political Affairs.

Besides, the specific services and types of assistance provided by the police components of peacekeeping operations and special political missions can generally be divided in three broad categories based on their respective mandates:

(a) Interim law enforcement, in which United Nations police officers are directly responsible for all law enforcement functions and have a clear authority and responsibility for the maintenance of law and order.

(b) Security support to national police and law enforcement agencies, in which United Nations police officers, particularly members of formed police units, support national law enforcement agencies in the execution of their functions.

(c) Reform, restructuring and rebuilding of national police and law enforcement agencies, in which United Nations police officers support the agencies in these areas through training and advising. Direct assistance is also provided, often through trust funds, for the refurbishment of facilities and the procurement of vehicles, communication equipment and other law enforcement material [1, pp. 10, 11].

One of the key challenges for United Nations policing is the mismatch between mandated tasks and the posture of the United Nations police and allocated resources at Headquarters and in the field. Mandate implementation is at times hindered by inconsistent planning and unrealistic operational recommendations. These challenges can be exacerbated by a perceived disconnect among the Security Council, the Secretariat and police-contributing countries, as well as the perception that actions of the Secretariat are carried out within organizational “silos”.

Even innovative approaches by the Security Council, such as the urgent temporary measures in the Central African Republic granting limited authority to carry out policing and law enforcement activities to maintain basic order and combat impunity, have raised challenges for United Nations policing. When the justice chain is ineffective or lacking, how can investigations conducted by United Nations police be brought into the legal framework of a host-State where the mission has been mandated with only some of the attributes of executive policing? This underscores the need for clear, implementable and appropriately resourced mandates. Police need to be fully integrated into security sector reform efforts. The perception remains that such efforts are often military-centric, without proper inclusion of other aspects of the security sector. The host State sometimes prioritizes the military to the detriment of the police and the justice system. The Security Council stressed the importance of security sector reform, including the development of professional, accessible and accountable policing capabilities as well as institutions responsible for oversight and management. Too often, the omission of police in security sector reform priorities leads to otherwise avoidable hard lessons years later. At the same time, many countries in which the United Nations works have no tradition of formal policing, and the traditions that do exist are often highly militarized. Thus, the clear delineation of responsibilities among security entities is critical. We must support the development of emerging police systems but also recognize when the centre of gravity for host-State security lies in alternate or informal security structures [3, p. 12].

In other cases, host States rely overly on the United Nations to assume policing duties. In Haiti, inadequate budgetary allocations for the national police have negatively affected the ability of the United Nations police to quickly cease operational support to the national police. In the Central African Republic, the Government, notwithstanding its memorandum of understanding with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), at times seems to have interpreted the mandated urgent temporary measures as transforming United Nations police into the Government's operational arm for conducting sensitive arrests. In Liberia, the inadequate budgetary allocations for the police have led to an overreliance on United Nations police for construction and renovation of police stations and for improved delivery of policing services countrywide. While mandates should prioritize capacity - building, United Nations police and military should not subsume governmental responsibilities in a way that pre-empts the host-State's willingness or ability to restore accountable legal and law enforcement institutions. The greater the commitment of Member

States to investing in capacity-building, the more the cost of peace operations will decrease over time. In addition, non-adherence by host States to status-of-forces and status-of mission agreements, including freedom of movement and visa restrictions, severely limits missions' abilities to deliver on mandated tasks [3, p. 13].

In conclusion, it's necessary to mention role of UN Police continues to evolve, with an increasing demand for specialized capacities to fulfil mandates to protect civilians, as well as to create or strengthen national capacity to address challenges, particularly those related to community oriented policing, transnational organized crime and border management. Support for national police development is often central to our ability to hand over security tasks to national authorities. The Police Division has also developed a concept for Serious Crime Support Units in UN police components and is finalizing guidance on internal evaluations, protection of civilians, and other mandated tasks. Forthcoming guidance will explain the role of United Nations Police in implementing protection of civilians' mandates in peacekeeping missions in the whole spectrum from operational support and deterrence to early warning, prevention and capacity building, and how that role complements and supports the wider UN response. Guidelines on United Nations Police support to providing security in electoral processes will describe the steps UN Police should take in planning, coordinating and delivering their support and set out good practices to guide UN Police in supporting host-state police and other law enforcement agencies.

Список використаних джерел

1. United Nations Criminal Justice Standards for United Nations Police

URL:https://www.unodc.org/pdf/criminal_justice/UN_criminal_justice_standards_for_UN_police.pdf

2. Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex), article 1 and its commentary.

3. REPORT OF THE SECRETARY-GENERAL ON UNITED NATIONS POLICING URL:https://police.un.org/sites/default/files/sg_report_on-un-policing_2016.pdf