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## Social Capital, Policing and the Rule-of-Law: Keys to Stabilization

### Karen Finkenbinder and Paul M. Sangrey

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# Social Capital, Policing and the Rule-of-Law: Keys to Stabilization

**Karen Finkenbinder**
**Paul M. Sangrey**

**An Anthology of United States Army War College Strategy Research Project Theses**

**July 2013**

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# TABLE OF CONTENTS

# INTRODUCTION

## Karen J. Finkenbinder

*Social Capital, Policing and Rule-of-Law: Keys to Stabilization* reflects a breadth of U.S. Army War College Strategy Research papers in which students tackled tough issues. The danger in compiling student papers is that an anthology can become a set of isolated, disconnected, anecdotal experiences. We have tried to select those that best describe the essentials of stability tasks and activities and the role they play in our success, failure, or combination thereof, in current and future operations.

Stabilization is a process in which personnel identify and mitigate underlying sources of instability to establish the conditions for long-term stability. While long-term development requires stability, stability does not require long-term development. Therefore, stability tasks focus on identifying and targeting the root causes of instability and by building the capacity of local institutions.

Stability, ultimately, aims to create conditions such that the local populance regard the overall situations as legitimate, acceptable, and predictable. These conditions consist of: the level of violence; the functioning of governmental, economic, and societal institutions; and the general adherence to local laws, rules, and norms of behavior. Sources of instability manifest themselves locally. First, instability stems from the decreased support for the government, a result of the government failing to meet the expectation of the locals. Second, instability grows from increased support for anti-government elements, a situation that usually occurs when locals see spoilers as those helping

to solve the priority grievance(s). Lastly, instability stems from the undermining of the normal functioning of society when the emphasis must be on a return to the established norms.

Stability tasks and activities are not things that we have only been doing in Iraq and Afghanistan. There is a long-time recognition that we have been doing this "other stuff" for a long time. But the term(s) keep changing. Professor Bill Flavin, the Chief of Doctrine, Concepts, Education and Training (DCET) at PKSOI and one of the Army's foremost experts in stability operations, has been keeping track of the various terms used to describe stability tasks and activities over the past fifty years. This list includes terms such as: attenuated conflict, nation building, marginal military operations, indirect war, lower-level war, brush fire war, low intensity conflict, constrained operations, and ambiguous war.

But the essential message has not changed. That being: there is something, other than offense and defense, that the military always winds up doing. We may not know what to call it, but we know it when we see it. But because we do not know what to call it – we often try to hide it under the rug and keep tripping over it. Only then do we deal with it. But in the interim, we have lost the competencies required to do it well. My fear, and others, is that as we become leaner, we will forget how painful it was to trip over the rug and, once again, lose our hard-earned competencies in the stability arena.

## Scope and Organization

The anthology is divided into chapters that begin looking broadly at stability issues. It then begins to focus on policing – identified as essential to successful rule of law. The area of policing starts with a broad view of the strategic importance of policing and foreign police development in general. It then looks at Afghan police development and narrows its scope toward the military role in policing before focusing on the U.S. Army Military Police Corps and what it can offer to stability. Lastly, it provides an overview of medical support to failed states by starting with the prisons. At first glance, this may not seem to fit with the theme, but it does. As we learn more about stability, we know that healthcare is essential to long-term development. Often, our own military police are integral to an often neglected area of rule-of-law, prisons.

The first chapter is a very broad article by Ms. M. Annette Evans, in which she questions why, in spite of herculean efforts by the U.S. and its international partners to rebuild the legal system, is the alternative legal structure usurping the official Afghan judicial system? She identifies social capital, which she defines as the "composition of relationships that define how communities operate and a societal resource that links citizens to each other," as the missing element of the USG's stability operations strategy.

In Chapter 2, Colonel Kevin MacWatters, looks at the social contract required in implementing a successful home guard and police, security mechanisms which are essential to securing the populace and rebuilding trust in government, and thus required to have a successful counterinsurgency campaign. He argues for recruiting indigenous or village security

forces to supplement the local police forces; thus repairing the overall social contract – necessary to better government.

In Chapter 3, Colonel David Krall, looks at the strategic importance of policing in restoring security, a prerequisite for establishing stable and legitimate governance. He uses United Nations' efforts in East Timor, Bosnia, and Kosovo to highlight current methods and practices used by the international community to establish policing in post-conflict environments.

In Chapter 4, Colonel Robert Byrd explores foreign police development. He argues that the USG rushed police development in Iraq and Afghanistan in an "uncoordinated and impromptu manner with respect to planning, structure, and endstate." And by doing so, it undermined public support for the government as the police are the most visible manifestation of the new government. If the police are seen as incompetent and dishonest, so is the government.

Colonel David Ward uses Chapter 5 to focus on the Afghan Civil police. He argues that the Afghan Civilian Police (ACP) should train and focus on law enforcement duties and apply tribal and secular law, rather than perform paramilitary duties. By doing so, they can build the legitimacy of the Afghan government, a conclusion that supports Robert Byrd's observations as well.

In Chapter 6, Colonel Robert Karmazin addresses a U.S. government shortfall in supporting partner-nation police forces: the lack of a dedicated corps capable of creating or assisting partner-nation police forces. He argues that this capability gap directly affects National Security and should be addressed by developing a permanent civil-military professional policing component, in particular, a constabulary ca-

pable of training, advising and sustaining local security.

Colonel Jesse Galvan takes a slightly different view in Chapter 7. He recognizes the same gap that Robert Karmazin addresses; however, Gavan makes a case for the military police to be used to fill the stability policing gap. He too sees this gap as a critical one, but thinks that the current emphasis on community policing, a model probably not possible in tenuous security situations, has essentially ruled out the military police. Galvan proposes a new look arguing that military police possess those constabulary-like skills identified in Chapter 6.

In Chapter 8, Colonel Rob Dillon calls for the Military Police Corps to put the police back into the military police. He notes the capability gap addressed in Chapters 6 and 7 but focuses on what the military police must do to be able to fill it and he makes a case for creating a professional policing capability within the Military Police. As he concludes, whether we want to do it is irrelevant because, if history is a guide, we will be doing it and a professional, capable Military Police Corps increases the likelihood of getting police development and reform right the first time.

In Chapter 9, Colonel Bradley Graul takes Rob Dillon's concept and narrows in to the specific issues related to professionalizing the military police. He focuses on current efforts in the Military Police Corps for credentialing and accrediting police training and education by outside professional organizations, including the ability to award and transfer college credits in and out of the Military Police School. He also calls for more partnership between The International Criminal Investigative Training Assistance Program (ICITAP) and the National Institute of Justice (NIJ), both located within the Department of Justice.

Lastly, in Chapter 10, Colonel John McGrath, argues that military medical support to rule-of-law efforts should include providing medical care in prisons as an effective engagement process for the Military Health Services (MHS) to support intervention in failed states. And because of international law, the U.S. is often required to enter into detention operations in which international human rights standards require holding detainees in humane conditions. As the Military Police know all too well, the human treatment of prisoners has long-term effects and consequences. The improvement of access to medical care for prisoners can elevate the overall quality of corrections which affect rule of law efforts and reform.

# CHAPTER 1
# SOCIAL CAPITAL AND STABILITY OPERATIONS

*M. Annette Evans*

Rampant corruption, bribe-taking, Taliban-led militant courts and public mistrust characterize the current Afghanistan judicial system—this after the United States and its international partners have worked for seven years to establish rule-of-law.[1] The official Afghan judicial system has been described as a "complicated maze fraught with graft", slow and untrustworthy compared to traditional *jirgas*, which are re-emerged Afghan legal councils that for centuries have settled criminal cases, land disputes and family matters.[2] In Kalakan, a village thirty minutes north of Kabul, for instance, the tribal council mediates residents' legal problems. "The tribal elders are the ones with the land and the power," tribal leader Abdul Hakim Khan explains. "And it's them that the people listen to."[3] This is occurring while the United States and international partners continue to promote justice and reconciliation in war-torn countries like Afghanistan,[4] implementing many of the thirty tasks outlined in *The United States Government Draft Planning Framework for Reconstruction, Stabilization, and Conflict Transformation Practitioner's Guide.*[5]

The establishment of a new Afghan legal training center, of mobile legal clinics teaching farmers and laborers about their legal rights and of anti-corruption seminars is indicative of these efforts.[6] The former corrupt heads of major justice sector institutions—the Supreme Court, the Ministry of Justice and the Office

of the Attorney General—have all been replaced with competent reformers.[7] Other positive developments include approval of the National Justice Program, the development of strategy to build Afghanistan's Judicial System, and the renovation and construction of 40 provincial courthouses. In addition, the U.S. has trained 744 judges, and published all of the laws passed in Afghanistan since 1964 in both Dari and Pashto. The U.S. is the largest justice assistance donor to Afghanistan and is increasing its aid, providing an Fiscal year (FY) 2007 budget of $67.35 million and an FY2008 budget of $92 million.[8]

The question, then, is why—despite the concentrated efforts of the U.S. and international partners to rebuild the legal infrastructure—is an alternative legal structure usurping the official Afghan judicial system? How is it possible for the Taliban and Afghan fundamentalists to weaken a critical keystone of the Afghan state's stability? John Dempsey, Kabul office of the U.S. Institute of Peace, provides insight:

> To me, it seems the international community needs to focus more attention on how access to justice for Afghans actually operates and try to work with the non-state system of justice so that we can try to improve how disputes are resolved there, and perhaps build trust between the community elders and the actual state system of justice."[9]

Trust and social networks in a community, like those mentioned by Dempsey, are manifestations of "social capital." Social capital, defined as an instantiated set of informal values or norms that permit cooperation between two or more individuals, is the *sine qua non* of stable societies.[10] It refers to features of social organization, such as trust, norms and networks

that can improve the efficiency of society by facilitating coordinated actions. These features may also prevent societal change based upon outside influences.[11]

A component of culture, social capital is the link between coordinated community actions like judicial systems, security and public safety, economic prosperity, governance and social well-being. It is the composition of relationships that define how communities operate and a societal resource that links citizens to each other, and it should be incorporated into post-conflict developmental efforts[12]. Despite its significance and pervasiveness, social capital is largely unheard of, ignored or misunderstood.

This research paper identifies social capital as a missing element in the U.S. government's (USG) stability operations strategy, as evidenced by its lackluster references within USG stability operations doctrine and plans. It argues that efforts to assist local populations in establishing peace, good governance and open market economies—like those being pursued in Afghanistan—will be limited in effectiveness when social capital is ignored. A state's levels of trust and reciprocity, the nature, extent and types of its social networks, and the relationship and strength of those networks and state institutions affect the ability of the USG to implement stability operations doctrine.

The paper begins with an examination of stability operations, and considers the importance of social capital to stability operations strategy. It then reviews arguments regarding the use of social capital, and ends with recommendations for the integration of social capital in such operations at the strategic, operational and tactical levels. The main conclusion of this research effort is that social capital is the bridge between stability operations policy and implementa-

tion, a concept, which—if considered—could prevent the failure of stability operations in states, which are "at risk, of, in, or in transition from conflict or civil strife."[13]

## BACKGROUND

"It's not the risk of great power competition that threatens international peace and security today," say Dziedizic and Hawly in *The Quest for Viable Peace*, "but rather the pathological weakness of states."[14] Weak, collapsed, and failed states affect American security, values and economic growth.[15] Unstable or deficient government institutions in these states contribute to global instability and security threats such as terrorism, organized crime, narco-trafficking, refugee migration, epidemics, humanitarian crises and poverty.[16] Many such states exist in what has been called "the Gap",[17] a global domain rife with power struggles, inequality, lawlessness, and internal and external conflict.[18] These issues root themselves and grow in countries where governments lack the capacity, and sometimes the will, to respond to the instability they generate,[19] creating cycles of unrest and inter- and intra-state conflict. Local and regional instability ensues, all of which threaten "U.S. interests in building an effective international system, providing the foundation for continued prosperity, and, not least, in protecting Americans from external threats to our security."[20]

Without a countervailing force to break this cycle, the intertwined political, economic and social systems that make up the fabric of the globe are endangered.[21] To address this, USG stability operations policy is designed to become one of the primary forces dedicated to arresting crises and problems like those just listed.

Stability operations aim to help severely stressed governments to avoid failure, to recover from a devastating natural disaster or to assist emerging governments to build new domestic order following internal collapse or defeat in war.[22] This section describes USG stability operations policy, the ends (objectives), means (resources), and ways, which comprise a stability operations strategy, and stability operations relationship to nation-building.

## STABILITY OPERATIONS STRATEGY

Since the end of the Cold War, the U.S. has been increasingly involved in stabilization and reconstruction operations throughout the world.[23] The U.S. military has been involved in over 17 post-conflict reconstruction and stabilization operations since 1990 including Bosnia, Cambodia, East Timor, Haiti, Kosovo, Lebanon, Liberia, Nicaragua, Sierra Leone, Somalia, Iraq and Afghanistan.[24] However, the success rate of the U.S. experience in nation-building is disputed. According to one source, only 25% of nation-building efforts over the past 100 years resulted in democratic governments ten years after the departure of the U.S. military. Obvious successes include the total defeat and reconstruction of Japan and Germany after WWII and two more-recent, small-scale operations in Grenada and Panama.[25] Another source cites that roughly half of USG nation-building operations have produced both sustained peace and continued democratic governance.[26] Despite its difficulty and limitations of expected results, the USG and its international partners still consider nation-building an important responsibility and—within the last seven years—a necessity.

After the attacks of September 11, 2001 (9/11) on the U.S., stability operations—both reconstruction and development—have become even more important, especially in the "Gap" neighborhood. Political and social instability, governmental incapacity, governmental misdirection, poverty and radical movements have riveted U.S. and partner attentions and demanded from them comprehensive and holistic approaches to stability operations. Such operations are very complex, usually involving the participation of several United Nations (U.N.) departments and agencies, international financial institutions, a plethora of non-governmental humanitarian organizations and multiple U.S. agencies. The term stability operations is sometimes referred to by Department of State as "reconstruction, stabilization, and conflict transformation",[27] and by the Department of Defense as "stabilization, security, transition, and reconstruction (SSTR)".[28] The sanctioned definition, however, is: "the military and civilian activities conducted across the entire spectrum of operations from peace to conflict, to establish and maintain order in States and regions."[29] This paper will use the term stability operations to refer to all activities and tasks conducted by the USG to restore or build domestic order in weak or failed states.

The USG recognized the need to improve stability operations and the importance of coordinating diplomatic, information, military and economic instruments of national power with international partners during the Iraq and Afghanistan experiences. In June 2004, then Secretary of State Colin Powell created the Office of the Coordinator for Reconstruction and Stabilization (S/CRS) to coordinate USG efforts to plan and oversee stability operations. Led by DOS, S/CRS

consists of representatives from the U.S. Agency for International Development (USAID),the Department of Defense (DOD), the Central Intelligence Agency (CIA), Homeland Security, Army Corps of Engineers and the Department of the Treasury.[30]

Shortly thereafter, a series of catalyst documents regarding stability operations were released by the White House, Department of State (DOS), Department of Defense (DOD), Joint Operations Command (JOC), and the U.S. Army. Two founding documents, both signed in late 2005, cemented the national vision for stability operations. National Security Presidential Directive 44, *Management of Interagency Efforts Concerning Reconstruction and Stabilization*, provided general guidelines for the leadership and coordination of the interagency process regarding stability operations. Secondly, DOD Directive 3000.5 officially established DOD's new stability operations policy and provided strategic level guidance to change the way the military plans for and executes stability operations.[31] Joint Publication 3-0 and Joint Forces Command *Military Support to Stabilization, Security, Transition, and Reconstruction Operations* outline the military's role in stability operations. Within the military, stability operations are now given the same emphasis as offensive and defensive combat operations and are considered a critical part of U.S. military capability.[32] Sanctioned doctrine sees immediate goals in stability operations as providing to local populaces security, the restoration of essential services and the meeting of humanitarian needs. The long-term goals are seen as the development of indigenous capacity for securing essential services, a viable market economy, rule-of-law, democratic institutions and robust civil society.[33]

In describing the ways of stability operations strategy it is important to draw attention to three commonalities existing in all of the USG's foremost stability operations doctrinal publications and in academic literature. First, stability operations must leverage both civilian and military efforts, interagency relationships, government and non-governmental organizations, comprehensive planning and meticulous oversight to accomplish stability operations objectives. All stability operations literature acknowledges the importance of USG's and international partners' contributions to stability operations.

Second, stability operations efforts may be conducted across the entire spectrum of conflict, from stable peace to general war. They may be conducted, with or without military assistance, as part of a larger Geographic Combatant Command theater campaign plan or independently by U.S. Department of State Country Teams. Stability operations may be preventive, conducted as part of crisis response, or within long-term contingency planning. In Joint Publication 3-0, *Joint Operations*, the Department of Defense expanded the military phasing model from four phases to six phases; stability operations may be conducted in Phase 0 (Shaping Operations), to build host nation capacity, and throughout other phases to Phase V, where the USG becomes a supporter to the host state's positive trajectory toward viable peace.[34]

Third, stability operations tasks are categorized into broad technical areas. While these areas differ slightly from publication to publication, the stability sectors generally include:
- Security—a safe, secure environment
- Justice and reconciliation—the rule-of-law

- Humanitarian assistance and social well-being—refugee assistance, food, shelter, health and education
- Governance and participation-representative, effective governance—a stable democracy
- Economic stabilization and infrastructure—economic development and reconstitute critical infrastructure and essential services.

Often these areas are referred to as the end-states of stability operations. This paper contends, however, that these tasks are the ways to reach viable peace: "the decisive turning point in the transformation of conflict from imposed stability to self- sustaining peace."[35] Seen as end-states, these sectors make stability operations merely a task-driven exercise. Lines of operations are executed or accomplished in their own right but without integration. Seen as the ways of strategy, one can see their inter-related nature.

Much of USG policy guidance, subsequent new multi-dimensional research, and editorial opinions, relate to the **means** by which to accomplish stability operations: unified action, whole of government approach, command and control in the area of responsibility, international coordination, civil-military coordination and staffing levels in USG agencies who implement stability operations. The objectives of stability operations efforts cannot be attained without the policies in place to facilitate resourcing. However, equally important are the ways by which stability operations are accomplished.

The major ways of stability operations strategy—requiring work on enhancing governance and participation, security, justice, reconciliation and social and economic well-being—demand an integration of

efforts that is fundamental to conflict resolution and reconstruction and development. Yet, all of the well-crafted USG policy and doctrine fails to articulate how such integration will occur, exposing gaps in thinking about how to bridge current stability operations policy with implementation.

While this doctrine and policy lay down excellent foundations for the pursuit of viable peace, they stand to be improved by recognition of the importance of social capital—levels of trust, social networks, composition of community relationships and reciprocity within the host nation—as the integrating mechanism between stability operations doctrine and implementation. Before discussing in detail how an understanding of social capital would improve stability operations strategy-making, it is worth highlighting a fundamental problem of the current policy and doctrine that only social capital awareness can correct.

Francis Fukuyama provides us an interesting perspective to assess stability operations policy. He advocates that third parties conducting nation-building operations are involved in two separate processes[36]—reconstruction and development. Reconstruction is achievable when the underpinnings of the political and social infrastructures have survived conflict or crisis. Reconstruction refers to the restitution of a state to its pre-conflict situation, and is associated with Phase IV of the U.S. military standard operational template, where stability operations follow combat operations. Development, however, is transformational, more difficult, long-term and costly. It involves the creation of new institutions and infrastructure for improved governance, justice, security, social well-being and economic stabilization or growth. Fukuyama contends that the development function is critical to nation-

building because "it is only in the ability to create, maintain, and transition to self-sustaining indigenous institutions that permits third parties to formulate an exit strategy."[37] In current U.S. military doctrine, Fukuyama's development concept is essential to Phase V operations—the transition to local authorities once reconstruction is ensured and military operations rescind.[38]

The development phase requires weaning indigenous institutions from reliance on external assistance. Fukuyama asserts that this is hard for three reasons: local institutions are initially fragile in this phase; nation-building agencies make decisions for the local populace based on false assumptions on anecdotal and/or incomplete data; and nation-builders are ignorant about their own dependency—reinforcing influence of their nation building efforts.[39] This paper argues that USG stability operations efforts should maintain broad focus comprising **both** reconstruction and development efforts. This is not always a popular viewpoint. It also maintains that stability operations strategies will only be successful if they address the three recurring problems listed above by understanding and institutionalizing processes that identify and use to advantage social capital in all nation-building efforts. While social capital awareness is required in reconstruction efforts of USG stability operations, it is absolutely essential to mission success in developmental efforts, and without its inclusion in the overall strategy, all USG efforts are in jeopardy of reversal.

## THE IMPORTANCE OF SOCIAL CAPITAL TO STABILITY OPERATIONS STRATEGY

Economic scholars, development practitioners, sociologists, and anthropologists have conducted research on the factors leading to progressive societies, democracies, and market economies. Weber, Durkheim, Tocqueville, Hanifan, Sachs, Coleman, Fukuyama, Doyle, Grondona, Jacobs, Huntington, Putnam, Friedman and dozens of writers, journalists and intellectuals have studied the relationship between cultural values and human progress, defined as democratic governance, economic development and social justice.[40] Harrison (2006) disaggregates culture in a 25-factor typology to identify progressive-prone and progressive-resistant cultures.[41] Religion, wealth, education, risk propensity and family are some of the factors. Factor #19 is labeled association—social capital—and is identified in this research paper as the bridge between stability operations policy and its implementation. This section explores the concept, definition and characteristics of social capital, its components and six influences of social capital on the implementation of stability operations doctrine and policy.

Physical, human, and social capital must be present for a nation to thrive democratically, economically and socially.[42] A leading social capital theorist, James Coleman (1988), presented the foundation for contemporary social capital theory. "Just as physical capital and human capital facilitate productive activity," he argued, "social capital does as well."[43] In addition to skills and knowledge, human capital also includes people's ability to associate with each other. He defined social capital as the ability of people to work to-

gether for common purposes in groups and organizations and contended that social capital is critical "not only to economic life but to every aspect of social existence."[44] A community's ability to network and create positive value for its larger society depends on the degree to which communities share norms and values, and are able to subordinate individual interests to the community. Coleman postulated that societal trust results from shared norms and values, and that trust has a measurable economic value.[45]

Trust, norms and networks—features of social organization—improve the efficiency of society by facilitating coordinated actions in a community.[46] Interaction enables people to build communities, to commit themselves to each other and to knit social fabric. A sense of belonging and the concrete experience of social networks (and the relationships of trust that can be involved) benefit a society and state. Research has shown that the existence and maintenance of social trust and networks in communities lowers drug use, criminality and teenage pregnancies, while increasing youth academic success, economic development and government effectiveness.[47]

The definition of social capital recognizes that community is the primary unit of analysis (versus individuals, households or the state), and that the way communities themselves are structured turns in large part on their relationship with the state.[48] The World Bank, a leading organization in social capital research and in nation-building, defines the term from a community perspective:

> Social capital refers to the institutions, relationships, and norms that shape the quality and quantity of a society's social interactions. Increasing evidence shows

that social cohesion is critical for societies to prosper economically and for development to be sustainable. Social capital is not just the sum of the institutions that underpin a society—it is the glue that holds them together.[49]

Coleman provided one of the best examples of social capital. He describes the New York wholesale diamond market, where diamond merchants frequently exchange bags of diamonds, often worth thousands of dollars, to other merchants to examine at their leisure. The exchanges are done without insurance or formal agreement. This can only work because of the high degree of trust among the community of diamond merchants. A new diamond merchant will soon recognize that having access to this network means a shared understanding of how to behave honorably and facilitates their ability to trade efficiently and profitably. If the new merchant acts dishonorably within this network, the merchant will then be deprived of the economic and social benefits that belong to the network.[50]

Perhaps the most influential study on social capital was conducted by Robert Putnam. In *Making Democracy Work* (1993), Putnam concluded that the quality of governance in different regions of Italy is correlated with social capital.[51] In the early 1970s, Putnam's research focused on the Italian experience of moving to regional governments. By investigating civic traditions in modern Italy for almost 20 years, Putnam discovered a strong link between the performance of political institutions and the character of civic life—what he called the civic community. Civic communities were characterized by civic engagement, political equality, solidarity, trust, tolerance and a strong associational life. Empirically, Putnam concluded that democracies

and economies work better when an independent and long-standing tradition of civic engagement is present.[52] Putnam argued that horizontal ties of social trust create an environment where individuals are able to influence the community life. These ties cultivate high levels of trust, which facilitates social coordination and a strong social fabric and which decreases opportunities for corruption. On the other hand, the antithesis of a strong horizontal network of trust would allow an alternative government or rogue power to step into the gap. Thus, northern Italy has fostered a thriving economy and civil society due to its high levels of social capital, while southern Italy has lagged behind because it relies on vertical networks, turning inward toward the family for sole support and trust.[53]

Putnam's conclusion was that a critical factor in the effectiveness of the regional governments was the vibrancy of community life and the level of trust between strangers in their regions—the concept of social capital.

A 2007 Washington Post article captured the essence of social capital's importance in the conduct of stability operations in Iraq, and drew the conclusion that USG stability operations strategy is "fundamentally flawed."[54] The problem with stability operations, the article says, is that its strategy runs counter to everything known about how social capital grows. Parallel to Fukuyama's characterization of reconstruction as the enemy of development in over time,[55] third party assistance during reconstruction circumvents local institutions and social networks, the very elements that must band together to create social capital to ensure peace. The author cites Putnam, who describes social capital as "a measure of how closely people in the community are interconnected" and "how much people in

a community feel responsible for each other."[56] Third parties in nation-building cannot build connections between people, acknowledges the author. The level of social capital achieved is a forecast for the quality of schools and local government and an indicator of the residual risk of a country becoming a failed state. "Without social capital," he says, "societies fall apart, even if the roads are smooth and the trains run on time."[57] Social capital, by its nature, can only be built, strengthened or erased by the indigenous people involved—people support what they help create.

Understanding social capital is essential to stability operations. There are six aspects of social capital that—if considered by USG stability operations executors—will make the difference between reconstruction and development, successful transition from Phase IV to Phase V, conflict termination versus conflict transformation, and ultimately stabilizing weak or fragile states during Phase 0. A state's levels of trust and reciprocity, the nature, extent and types of its social networks, and the relationship and strength of those networks and state institutions (government, justice, security, social and economic) affect the ability of the USG to implement stability operations doctrine. Each aspect will be described below, followed by a review of how this relates to current USG stability operations doctrine.

The first aspect of social capital that is fundamental to the success of stability operations is the understanding of the level of trust in the state's social networks. Trust is an essential form of social capital.[58] Social trust, arising from norms of reciprocity and networks of civic engagement, is a key ingredient in sustained economic and government performance. Putnam's study illuminated social capital as trust between all

agents in civil society, maintaining that cooperation is required for a successful state—between legislative, judicial and executive branches, between employees and managers, among political parties, between the government and private groups, among small firms and among communities and institutions of governance, security, justice and the economy. A nation's well-being depends on the level of trust inherent in the society.[59]

Almost all forms of traditional social groups—tribes, clans, village associations and religious sects—interact based on long-established shared norms and use these norms to achieve cooperation and facilitate coordination, for good or bad. The literature on development has not, as a rule, found this form of social capital to be a catalyst for change, but rather a millstone to progress. In nations where stability operations strategy is needed most, these groups preside en masse. Economic modernization is often antithetical to traditional culture and historical social organization because these groups have a narrow radius of trust. In-group solidarity reduces the ability of group members to cooperate with outsiders.[60] During reconstruction, gauging the trust that exists within a state's networks is essential to the long-term success of development. By default, the USG and its international partners also become part of the social capital in a stability operations environment. The level of trust—and thus cooperative effort—that is shared between all networks will foretell, for example, whether USG-built powerplants are resourced and utilized, whether student attendance remains high in internationally-funded and renovated community schools for decades, whether Western-modeled courts of law are utilized versus marginalized, and whether voting polls are crowded during democratic elections.

The second aspect of social capital to consider during stability operation is the level of reciprocity that exists in the state's networks. Networks involve mutual obligation and encourage attention to others' well-being.[61] Reciprocity may be described as a sentiment that "I will do this for you now—perhaps without even knowing you, confident that somewhere down the line you'll do something for me," or, as stated on a fund-raising t-shirt slogan produced by a Volunteer Fire Department in Oregon: "Come to our breakfast, we'll come to your fire."[62] This norm of reciprocity, even if a community member does not participate in the fundraiser, generates high social capital and underpins community collaboration. In American terms, lending a quarter to a stranger for a parking meter, buying a round of drinks for colleagues, watching a friend's pet, taking turns bringing doughnuts to the office and mowing a neighbor's lawn are examples of reciprocity. When community members can relax, knowing they transact in trusting communities, the costs of everyday business of life and commercial transactions are reduced.[63] In a stability operations environment, especially where internal conflict is prevailing in a weak or failed state, reciprocity is generally nonexistent. Therefore, the potential for reciprocity and a corresponding plan must be identified by third party assistance. Outside aid provided by the USG or its partners can strip reciprocity from a state or fail to sow its seeds. When a persistent stream of physical and financial capital from external nations engulfs a weak or failed state—without host nation or donor accountability, audits and measurements of reciprocity to the extended community—a culture of non-reciprocity ensues.[64] The very objectives to which the means aspire become worthless.

The third aspect of social capital to consider during stability operation is the nature and extent of a state's social networks. Networks have value.[65] Formal and informal networks of interpersonal communication exist in all societies. Networks may be horizontal, where citizens of equivalent status and power interact. Vertical networks are characterized as "linking unequal agents in asymmetric relations of hierarchy and dependence."[66] Citizens are more likely to cooperate for mutual benefit when horizontal networks are dense (neighborhood associations, cooperatives or sports clubs for instance). A vertical network, no matter how dense or how powerful its participants, cannot sustain social trust and cooperation.[67] Horizontal and vertical networks impact stability operations in two ways. First, the breadth of horizontal networks breeds trust and reciprocity, thus creating a bottom-up approach to community-building. Second, if the USG or its partners are viewed as participants in a vertical network, the host nation state will knowingly or unknowingly reject assistance. A social system simply cannot develop in the presence of vertical networks without the foundation and strength of horizontal interaction among community members.

Communitarian, network and institutional viewpoints of social capital stem from extensive research on economic development and social capital.[68] Each of these perspectives includes one vital aspect of social capital's importance to stability operations.

The communitarian view is society-centered, and equates social capital with local clubs, associations and civic groups. This approach says that social capital is linked to and influenced by social interactions, the day-to-day formal and informal interactions between citizens. The most common form of social

capital, manifestations of this type include the Parent-Teacher Association concept; membership-in-service organizations like Rotary Clubs, Boy Scouts and fraternal organizations and bowling-league participation, for which Putnam became known.[69] Contending that more social capital is better, this view often fails to acknowledge perverse social capital, social capital that hinders community development. When community groups and networks are isolated or are working against a state's progression—in ghettos, gangs or drug cartels for instance—social capital is harmful.[70] With its century-old traditions of bigotry and racially motivated violence, the Klu Klux Klan (KKK), for example, represented a form of social capital that undermined the rules and traditions of democracy. Although the KKK held internal norms of trust and reciprocity, it demonstrated the idea that not all social capital is good.[71] Organizations, which exclude individuals based on race, ethnicity, economics, politics or gender are other examples of negative social capital.

Social capital is not the sole property of a single individual. It is a public interaction, which benefits a specific group. Single individuals benefit from collective norms of cooperation, even if an individual does not contribute directly to the norms. An example of this is some litter-free American military installations, which soldiers monitor, but civilians and retirees enjoy as well. Conversely, social capital is not always accessible to everyone. The society-based view is important for stability operations experts to understand for two reasons and is the fourth learning point from social capital. First, third parties engaged in assistance must recognize the existence of perverse social capital and its effects. During reconstruction efforts, for instance, apparently helpful host nation groups may in fact

be excluding the remainder of community members. Host nation participants must evaluate perverse social capital, however, for an external assessment is not likely to uncover perverse social capital. Along those same lines, social capital as a public good often decries the historical and cultural components of a host nation society. Women's education is one example of a controversial initiative that undercuts reconstruction and development efforts. Recognizing the limits of social capital's public commodity should influence the implementation of the stability operations sectors employed by the USG and its partners.

The networks perspective highlights the fourth application of social capital to stability operations strategy: identifying bridging and bonding (the two types of social capital).[72] Some forms of social capital are inward looking and reinforce exclusive identities and homogeneous groups. Bonding occurs when people socialize with others who are like them: same age, same race, same religion and so on. Examples of bonding social capital include ethnic fraternal organizations, church-based women's reading groups and country clubs. Other networks are outward looking and bring together people who are unlike one another. Examples of bridging social capital include the civil rights movement, political organizations and youth service groups. Bonding social capital provides a kind of superglue where bridging social capital provide a sociological WD-40.[73] In order to create viable peace in a diverse, multi-ethnic country, bridging is essential. Although bonding and bridging can strengthen each other, the external effects of bridging networks are likely to be positive, while bonding networks create a greater risk of producing negative consequences.[74] Social capital allows the different groups within a com-

plex society to band together to defend their interests, which a powerful state might otherwise disregard.[75] The USG stability operations doctrine must address bridging in more detail, creating a new stability sector that focuses solely on the community dimension of reconstruction and development.

The institutional view argues that the vitality of community networks and civil society is largely the product of the political, legal and institutional environment in a society. This view aligns with current stability operations doctrine. The institutional view sees social capital as embedded in and shaped by governments, national public policies and political institutions.[76] The institutional perspective views social capital as a dependent variable, where capacity of social groups depends on the quality of the formal institutions under which they reside. The institutional view equates a high level of social capital with the quality of a society's political, legal and economic institutions. Quantitative, cross-national studies of the effects of government performance show that trust, rule-of-law, civil liberties and bureaucratic quality are positively associated with economic growth. This paper acknowledges that current stability operations doctrine appropriately focuses on this type of social capital in positive, aggressive ways, but also highlights that this occurs to the detriment of the communitarian and networks social capital. This is the sixth application of social capital to stability operations strategy.

Both society and institution-centered approaches to social capital must be considered in stability operations. Stability operations strategies must recognize that the generation of social capital is dependent upon a persistent and synergistic interaction between civil society, its members and its institutions. The presence

and the amount of social capital are dependent upon the interplay between these two factors. When representatives of government; economic, security and social institutions, the corporate sector and community members establish common networks through which they can pursue common goals, development can proceed—not just reconstruction—toward viable peace. Social capital has a role as a mediating variable and is the bridge between stability operations doctrine and implementation.[77]

Social capital matters to stability operations. A state's levels of trust and reciprocity; the nature, extent and types of its social networks and the relationship and strength of those networks and state institutions (governmental, justice, security, social and economic) affect the ability of the USG to implement stability operations doctrine through stability sectors. Host nation social cohesion and fragmentation sway stability operations. In implementing stability operations sectors, questions related to social capital are critical: who benefits and who does not? What kind of society are we encouraging? Are we asking the host nation to contribute to its own social capital? Have we made unfounded assumptions about their communities? Is more reconstruction necessarily better?

Given the importance of social capital to the strategy and implementation of stability operations, the term *social capital* is mentioned only briefly in USG publications—once each in Army Field Manual (FM) 3-07, *Stability Operations*,[78] and FM 3-24, *Counterinsurgency*.[79] FM 3-07 does not define nor explain social capital. The references are made within the stability sectors of governance and economic stabilization, but the relevance of social capital is not practically applied in either sector. FM 3-24 lists social capital as a form

of societal power, and alludes primarily to the perverse aspect of social capital as it pertains to host nation leadership. Neither Army publication accurately defines social capital or captures the essence of social capital's importance to stability operations. Likewise, no other USG stability operations publications directly address social capital. The term **social capital** does not appear in any policy, strategy, or operational documents produced by Department of State, USAID, or the Joint Forces Command. Most significantly, the term does not appear in *The United States Government Draft Planning Framework for Reconstruction, Stabilization, and Conflict Transformation Practitioner's Guide*, issued by the U.S. Joint Forces Command and S/CRS.[80] This document represents the nexus of USG stability operations policy and implementation. Social capital is a missing element.

## ARGUMENTS

This section explores two recurring arguments against the inclusion of social capital concepts in stability operations doctrine. First, Provincial Reconstruction Teams (PRTs) inherently understand and use social capital, and thus provide an adequate bridge between stability operations doctrine and implementation. Second, social capital is the exclusive business of USAID and classic development organizations and has little relevance to the military.

Provincial Reconstruction Teams (PRTs) are part of USG stability operations strategy. Initiated in Afghanistan in 2002, their mission is to "help provincial governments with developing a transparent and sustained capability to govern, promote increased security and rule of law, promote political and economic

development and provide provincial administration necessary to meet the basic needs of the population."[81]

These civil-military teams of approximately 20 to 100 individuals include members of military special forces units, civil affairs officers, engineers, representatives from the State Department, USAID, U.S. Department of Agriculture, the Afghan Ministry of Interior and host nation interpreters.[82] Initial sites were chosen to provide a U.S. military and Afghan central government presence in four primary ethnic areas, the former Taliban headquarters and the base of the country's most difficult warlord. The presence of PRTs was both political and operational: the PRTs could address terrorism, warlords, unemployment and poverty in the communities from whence these problems originated or manifested themselves.[83]

PRT tasks include mediating between state actors and institutional leaders, facilitating meetings with host nation officials and constituents, conducting public information campaigns regarding the importance of voting, providing security for meetings to select constitutional convention delegates, guarding polling stations and providing transportation for election workers. PRTs also support Afghan government efforts to disarm illegally armed groups. PRTs provide training, technical assistance, and equipment to the Afghan police. They also used quickly-built village improvement projects to demonstrate goodwill and encourage a favorable reaction to their presence. These projects have been financed by funds from the Commanders Emergency Response Program (CERP), disbursed on the PRT commander's authority. On the other hand, they provoke criticism from non-governmental and humanitarian organizations, who hold that many PRT initiatives are harmful to long-term development.[84]

PRTs do, indeed, implement many of the stabiliza-
tion and reconstruction tasks outlined in Department
of State and Defense doctrinal manuals. They create
ties with the host nation communities in which they
reside and the USG and its international partners. In
that respect, PRTs become part of the social capital of
the host nation. They facilitate coordinated action, be-
tween community members and the new or reformed
institutions created during stability operations. PRTs
can accelerate a community's social capital stock, as-
sisting in bridging a community's horizontal networks
as well as identifying perverse social capital actors.
However, PRTs are not equivalent to social capital, nor
should they be the sole social capital arbiter. PRTs can
assist states in building social capital, but they must
be trained in its theory. They can intercede between
host nation groups, but they cannot replace or take
the place of trust between those indigenous groups.
They can provide resources to communities, but they
cannot conceive reciprocity among its citizens. They
can identify the sources of social capital, but unknow-
ingly side with and develop the perverse nature of
it. PRTs can assist in building institutions of justice,
governance, economics, social well-being and public
security, but the PRT will always be part of a vertical
network that may be counterproductive to stability
operations strategy. PRTs are critical to the develop-
ment of social capital, but PRTs are **not** social capital
themselves. If social capital is not understood at the
strategic level, the operations and tactics of PRTs will
be amiss.

Training for the military and civilians within PRTs
regarding cultural aspects of the host nation in which
stability operations will be implemented is generally
very good. PRT members learn about host nation at-

titudes toward education, gender, economics, agriculture, food, child-rearing, physical appearance and language. These subjects are integral to the success of stability operations. Both military and civilians operating in the host nation must be sensitive to and participate in these cultural manifestations. Understanding social capital, however, is not cultural awareness training. How to shake hands, conduct a meeting with tribal elders, create a parent-teacher association, transact agricultural investments, or visit a village home are expressions of social capital and can be learned by foreign nation-builders. However, social capital is an indigenous commodity. It is the host nation populace that owns trust, social networks, inter- and intra-network communication and the strength of community-government cohesion.

The USG, contributing to host nation growth through stability operations strategy, must inevitably and patiently rely on the host nation's level of social capital to claim victory.

Like PRTs, USAID plays an extremely critical role in stability operations. Concentrating on development, USAID works with State and Defense Departments in forming and implementing stability operations strategy. USAID promotes peace and stability by fostering economic growth, protecting human health, providing emergency humanitarian assistance and enhancing democracy in developing countries. USAID works in 100 developing countries and, in close partnership with non-governmental organizations, host nation groups, universities, American businesses, international organizations, other governments, trade and professional associations and faith-based organizations.[85]

Social capital theory is part of the foundation for the nine USAID principles that guide U.S. development and reconstruction assistance. Described as characteristics of successful assistance to achieve economic growth, democracy and governance, and social transition, the principles include[86] :

**Ownership**: Build on the leadership, participation and commitment of a country and its people.

**Capacity-Building**: Strengthen local institutions, transfer technical skills and promote appropriate policies.

**Sustainability**: Design programs to ensure their impact endures.

**Selectivity**: Allocate resources based on need, local commitment and foreign policy interests.

**Assessment**: Conduct careful research, adapt best practices and design for local conditions.

**Results**: Focus resources to achieve clearly defined, measurable and strategically-focused objectives.

**Partnership**: Collaborate closely with governments, communities, donors, NGOs, the private sector, international organizations and universities.

**Flexibility**: Adjust to changing conditions, take advantage of opportunities and maximize efficiency.

**Accountability**: Design accountability and transparency into systems and build effective checks and balances to guard against corruption.

USAID implicitly utilizes the concepts of social capital in its agency strategy and operations, although **social capital** as a term does not appear once in a USAID doctrinal publications search. However, social capital cannot be contracted out or parsed to USAID by the USG. Social capital—and the development work conducted by USAID—must be considered within the "ends-ways-means" discussion of stability operations

strategy at the outset. The USG mindset that social capital can be left forgotten until Phase IV, until development officially starts, until conflict transformation officially commences, or ignored all together, is erroneous. Considering social capital must span Phases 0 through 5, and it is not the exclusive patent of USAID.

Social capital must be the business of the entire USG, including Departments of State and Defense, other U.S. agencies and international partners to bridge stability operations strategy and implementation. USAID can assist in strategy development, through its representation on the Country Reconstruction and Stabilization Group (CRSG), Interagency Planning Cell, Joint Interagency Coordinating Groups (JIACG), and other policy coordinating committees (PCCs). In the field, USAID representatives can be the first to lead using their vast experience in development work. However, social capital must be considered broadly, taken into account at the headquarters levels well before "boots on ground," during conflict and certainly into the formal stability operations phase and beyond. Along those lines, the myriad of non-governmental organizations (NGOs), international relief agencies, and international organizations (IOs) working in the host nation should not answer the call for social capital. While IOs and NGOs bring both intellectual and material resources to stability operations—and also become part of the social capital in a state—social capital cannot be left to them for the same reasons PRTs and USAID cannot be equated with social capital.

Additional research on social capital and its influence on stability operations doctrine and implementation will ultimately lead to viable peace in weak, fragile or failed states.;[87] Future USG social capital research and integration into stability operations doctrine will

mitigate the inefficient, expensive and frustrating detours exemplified in some of the Afghanistan and Iraq stability operations experiences.

## RECOMMENDATIONS

At the strategic level, the USG should institutionalize the concept of social capital and revolutionize doctrine Social capital doctrine should be included in many of the joint publications including the Joint Publication/Department of State *United States Government Draft Planning Framework for Reconstruction, Stabilization, and Conflict Transformation Practitioner's Guide and Post-Conflict Reconstruction Essential Tasks* At the operational level and tactical levels, the U.S. Army should include social capital concepts in its field manual when appropriate and across theater campaign planning and shaping operations. Training exercises in stability operations with other services would enhance practicality of social capital concepts and lead to bottom-up social capital applications to stability operations.

## CONCLUSION

Values and interests of the United States are advanced through stability operations in foreign states, regions or nations. Stability operations, facilitated through efforts by the USG, assist local populations with establishing peace, democracy, and market economies in a secure, well-governed environment. Social capital—defined as an instantiated set of informal values or norms that permit cooperation between two or more individuals—refers to community trust, norms and networks that link justice, security, public safety, economic prosperity, governance and social well-

being to each other. Without attention to the level of social capital in a state, USG stability operations strategy and implementation are ineffective. USG stability operations doctrine must be bridged to ultimate success using social capital.

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# CHAPTER 2
## HOME GUARD, POLICE, AND THE SOCIAL CONTRACT

*Kevin S. MacWatters*

> Long-term success in COIN depends on the people taking charge of their own affairs and consenting to the government's rule.
> — Field Manual 3-24, Counterinsurgency [1]

Herodotus' description of Deiokes describes the beginnings of the social contract between people and an empowered person that is trusted to deliver justice and the rule-of-law.[2] Alternatively, governments can be based on powerful leaders who impose themselves on the people. Deiokes' example represents a social contract between the people and their government where a measure of freedom and individuality is traded for personal security.[3] When the contract is not sound, we see the legitimacy of governments questioned (sometimes through insurgencies), personal security endangered and the rule-of-law challenged. Long-term security, good governance and the rule-of-law are permanently linked.

Our own operations in Afghanistan and Iraq highlight the linkage of personal security and support to the government or insurgent. Oftentimes insurgents will seek to gain or coerce the population's acquiescence to their authority over that of the government. The recent security victory in Iraq is perhaps the clearest case of how important personal security is. However, personal or local security is not enough, and we continue to look for signs of how the population's participation through the so-called "Sons of

Iraq" or "Sunni Awakening" and local reconciliation programs translates into a larger political reform and eventual good governance. The missing link needed to translate this personal security to good governance is the rule-of-law and public order. The segments of the population that shifted their allegiance from the various insurgent groups to our counterinsurgency program continue to seek a better social contract with their government. A clear step to linking them to their government is the integration of qualified and tested members of these local tribal or village-based security forces.

Programs similar to these have been attempted in Afghanistan with varying success. In general, where the programs are linked to trusted social systems (e.g., tribes and villages) they improve the situation; where programs are linked to untrusted systems (e.g., warlords and a divided or corrupt national government), they do not.

We have also seen, in history, many violent challenges to legitimacy. Joint doctrine defines an insurgency as an "organized use of subversion and violence by a group or movement that seeks to overthrow or force change of a governing authority."[4]

A brief review of theorists and insurgencies can help us better understand how important good governance, security and the social contract are in designing a successful counterinsurgency campaign. Our study confirms that the complexities involved in this form of warfare make it impossible to identify a certain path to victory, but we can still identify good practices and draw upon them for future operations. Reforming government, securing the populace and rebuilding the people's trust in their government are clear components of any successful Counterinsurgency (COIN) campaign.

This paper will argue for the linking of a successful COIN practice of population security through the recruitment of indigenous or village security forces to the long-term resourcing of local police forces in order to repair the overall social contract and bring about better government.

## SELECTED COIN THEORY

Counterinsurgency theorists Galula, Kitson, Thompson, Paget and Kilcullen largely agree on the need for comprehensive population-focused COIN strategy based on a realistic understanding of the complete milieu. Drawing on their experience and studies, we can link personal security and good governance with COIN success.

In Galula's *Counterinsurgency Warfare,* we find his Laws, a template to success in a population-centric COIN campaign.[5] In his first law, control of the population is the key. The success or failure of a counterinsurgent's effort is measured by the leanings of the people. In the second law, we learn that the larger population can be controlled through an active minority, and the opposing parties can gain their acquiescence by selecting, recruiting, evaluating and empowering the right minority. In the third law, he cautions that the support of the people is conditional; they must see the counterinsurgent as the strongest faction. In his final or fourth law, Galula highlights the importance of creating a program whose success seems inevitable to the population and we learn the steps that are behind the current clear-hold-build tactics.[6] His practical steps include military clearance followed by a series of combined military and population holding steps that, when implemented, generate a larger political build-

ing process that is pivotal to a successful counterinsurgency operation.

Brigadier Frank Kitson agrees that gaining the support of the population is necessary, and argues the population's belief in the inevitability of the counterinsurgent's plan is necessary for its success. [7] Reviewing U.S. doctrine in the 1970s as a third party to the ongoing "internal defence and development," Kitson highlights the U.S. views of the time that steered clear of terms like counterinsurgency or counter-subversion. If the people believe that the external power is not committed, then there is no incentive to side against the insurgents. He goes on to highlight the importance of a strong civilian- military relationship, coordination and the importance of securing the population.[8] He also briefly outlines a technique to secure the population when the counterinsurgent has insufficient forces through police and locally-raised forces.[9]

Sir Robert Thompson's principles are also in agreement with principles espoused by the other theorists. In addition to highlighting the importance of an overall campaign plan that is seen by the population as unstoppable and that addresses all aspects of the insurgency, he further describes four stages of a successful counterinsurgency: "clearing, holding, winning and won."[10]

In his post-Malaysian operations advising role, "Sir Robert Thompson had high praise for the [U.S. Marine Corps Combined Action Platoon] CAP"[11] that linked a Marine Rifle Squad with a locally resourced self-defense force (Popular Forces). His final principle highlights the establishment of base areas that the government uses as a foundation for expanding security to the rural areas.[12]

Colonel Julian Paget also highlights the importance of separating the population from insurgents through either resettling them or establishing a Home Guard.[13] In his Malayan and Kenyan case studies, he shows the importance and direct relationship of these programs to the overall success of the comprehensive COIN campaign.

A recent theorist, David Kilcullen, builds on the others and stresses the importance of better coordination between the COIN community, the peace-building and development community and the rule-of-law community.[14] All three communities represent the essential components of the grander social contract that must be reestablished in order to have long-term success. Kilcullen also notes the benefits of bottom-up focused COIN, especially where the host nation government is seen as ineffectual, corrupt or illegitimate.[15]

## RELEVANT DOCTRINE & POLICY

The *Counterinsurgency* manual (FM 3-24)[16] notes the importance of securing the population by host nation forces and periodic patrols. With the full understanding that our forces will be unable to physically secure all of the people, we seek to provide overall security with mobile patrols and presence. Key infrastructure will be secured, host nation assets maximized and funds established to pay for damages, but individual villages or homes are too numerous to be secured directly. Doctrinally, we are hesitant to raise indigenous and untrained security or paramilitary forces; as a military, we are more comfortable accepting a uniformed host nation security force (even if it is ineffectual) over an armed and ill-disciplined population.[17] This can be seen by our acceptance of risk in providing for a wide

area security through mobile patrols versus the crude civilian checkpoints established in Iraq as part of the Sunni Awakening of 2007.

The combined work of the United States Institute of Peace and United States Army Peacekeeping and Stability Operations Institute, *Guiding Principles for Stabilization and Reconstruction,* provides a concise, comprehensive catalog of important factors necessary for a safe and secure environment, social well-being, stable governance, the rule of law, and a sustainable economy.[18] As a key principle that cuts across the others, governmental legitimacy begins as "a bargain between citizens and the government"[19] and requires the state to provide security and other critical functions. The work goes on to review the tradeoffs inherent with stability enhancements from other international actors, host nation legitimacy, and the challenges of unrealistic expectations of the host nation population or "agreement on the strategic direction for stabilization and reconstruction."[20]

The population's support is key to the insurgent's strategy to defeat the government and is gained by control of an active minority. "It is a well-known principle of counterinsurgency that in the battle between the government and insurgents, support of the civilian population is the key to victory."[21] Insurgents typically gain support of the active minority through a compelling cause or through coercion and intimidation, while the modern counterinsurgent is more limited to gaining support by providing security and addressing the insurgent's cause. In a revolutionary war, that includes an initial strategic-defensive-phase with time to create the political infrastructure, the support of the people comes from the cause and is built over time. An urban style insurgency, without protracted

time to build support, requires a more risky and rapid technique to gain control of the population. These techniques, including force, threats and coercion, can be particularly damaging to the credibility of the host nation government and security forces while being risky, in the initial stages, for the insurgent.

Returning to the basic idea of a social contract between the people and their government, the government's obligation is to provide security, safety and stability first. For the people, this includes security from both internal and external threats, and they expect to see it in the form of secure borders, low crime and a justice system that provides a non-violent alternative to civil conflict. An essential condition for maintaining the public's trust is also a fair, open and non-corrupt government. Furthermore, once security has been established and maintained, the population will expect additional services and programs.[22]

The rule of law is directly related to internal security. Without it warring parties, insurgents, criminal groups and even regular citizens may use violence and force to resolve grievances, take or secure resources and conduct business.[23] Disruption of the rule-of-law benefits the insurgents, and the insurgents can cause the disruption much more easily than the host nation or outside actor can prevent it. The government must demonstrate its ability to defend law-and-order everywhere, while the insurgent gets to choose the time and place to attack it. As a foreign government, the U.S. is further challenged. If we take action to protect the rule-of-law then we risk insurgent claims that our actions highlight the host nation government's inability or unwillingness to meet its own duties. On the other hand, if we do not act we run the risk of the host nation government's failure, while having to answer

to our own citizens asking why we are even supporting a failing host nation government.[24]

Police forces are a critical and daily link between citizens and their government. During an insurgency this essential public order relationship is deeply wounded and in dire need of assistance. Our national leaders understand the nature of this relationship and the effects of a foreign government's misuse or neglect of its police forces, and are wary of our own military influence or the interaction in the relationship. As a policy, Congress bans most military assistance to foreign police because of these and other concerns[25] but has authorized exceptions and allowed support and training in situations of high need. When actively involved in COIN and post-conflict scenarios, we may find that some form of authorization is usually allowed. A better program for foreign police training can and should be designed prior to one of these high-need times, and while beyond the scope of this paper, how we organize to conduct the training is just as essential as how those forces are recruited and manned. In 2006, at the height of internal sectarian violence in Iraq, as many as 75 percent of Iraqi citizens did not trust their police and did not feel safe providing tips to their local police.[26] This isolated survey represents a widely-held Iraqi distrust of their police and is partial evidence of the grievous break in the central social contract of good governance and security. The break went beyond an individual's personal security to the overall fragmentation of the larger social order throughout the country.[27] Without public order, legitimate and effective host nation governmental control of violence and the rule of law, sub-groups of the population turned to a rule-of-force in an attempt to provide personal security. The resulting security

break degenerated into a condition of self-sustaining violence, which permeated throughout all aspects of the society. Without a strong, intelligent and fair outside influencer, these situations could require decades to resolve themselves, as historic examples ranging from European fighting during the 30 Years War to the ongoing Somalia chaos show.

Corrupt and ineffectual local law enforcement is both a cause and a result of these types of situations. A reinforcing negative cycle develops where host nation and international militaries are overwhelmed and outnumbered by insurgents, criminals and vigilantes. Partnering with the local people is a proven technique to address their basic security needs, but it comes with risks. Of course, the most preferred partners are host nation police forces so we can also benefit from building on their legitimacy, but oftentimes they are part of the problem. Ideally, the local law-enforcement security-forces can be retrained, monitored and reinvigorated, but sometimes this is time intensive or impossible. However, when the host nation police forces are corrupt, overwhelmed or ineffective, partnering with them is either nonproductive or even counterproductive. In these common situations, trusting the people and their own social structures, like tribes and informal village groups, is required.

When it comes to the security of peoples, homes, families and neighbors, results matter. Good intentions, a well-designed information campaign or even a well-funded claims program are insufficient when faced with the physical and psychological effects of the coercive practices by insurgents and criminal gangs. A well-designed and resourced home guard of indigenous people are much better at providing continuous security than military forces who may be pulled away

for other missions are. By design, the home guard does not leave and is constantly on vigil. In addition to enhanced security, drawing from the local village also provides employment and may begin to rebuild the local community and the trust between the people and their government.

Locally-raised or community-based security groups created during times of security emergencies, insurgencies or post-conflict phases have been used successfully for resourcing security forces, repairing the social contract and gaining the citizen's trust. Successful previous examples of self-defense community-based security groups include Iraq, Greece, Malaysia, Oman, the Philippines, Peru, Greece, Guatemala, Colombia and to a certain degree in the United States during our war of independence.[28] Frank Kitson, David Galula and David Kilcullen acknowledged that the security-personnel-strength requirements to bring internal violence under control are extensive and that they may be filled by a nation's military and police security forces. While the need is great and recruiting local defense forces has proven successful, it is essential that it is done correctly. The nature of the violence, the situation on the ground and the overarching defensive strategy have to be well-considered, understood and carefully planned. These locally recruited or supported security forces should be an essential component to the overall COIN or post-conflict security strategy, as illustrated by several historic examples.

In the 1982 Guatemala counterinsurgency, all able-bodied men from the villages were obligated to serve in government directed and supported defensive-patrol-forces. The program was designed to renew and reinforce a social contract between the host nation government, the individual villages and the people.

The army supplied weapons and training, and the men served without payment. Instead, the government supported the locally defended villages with development projects and assistance. The government increased its legitimacy in the eyes of the people, the people provided security that was sanctioned and supported by the government and the program was essential to breaking the communist insurgency in the Western Highlands.[29]

In Malaysia, the British rapidly increased the size of the police forces by 50,000 with special constables and police auxiliaries. The new officers were plagued by lack of training, insufficient arms and numbers to protect themselves, widespread corruption and over-reaching mission sets that led to their use as irregular infantry over law enforcement.[30] These faults required British leadership (Lieutenant General Briggs and later Sir Arthur Young) to take extensive measures to re-train, reorganize and re-task the police.[31] In the meantime, the level of insecurity in the villages continued until the standing home guard program was revitalized and included neglected ethnic Chinese.[32] Through the challenges and progress of their program, we can see how the British succeeded when they linked the popular support of a locally raised home guard, government resourcing and police training.

In Algeria, the French turned to locally-recruited village-security-forces that provided village defense in support of other irregulars called Harkis. The French provided training and arming, while the local tribes provided the personnel. These Groupes d'auto-défence once again provided physical links between the counterinsurgent, host nation government and the people to address their number one concern—security. In addition, it began to repair the trust of the people in

their government and created a mood of inevitability for the success of the government's plan.[33]

In Iraq, our own experience shows how a desperate security situation of widespread sectarian violence, teetering on a full-scale civil war, was brought under control by similar locally-based security programs. The initial tribally-based Sahwa in Anbar province was promoted by the people and supported by U.S. and coalition forces. Moral and physical support of these groups made an immediate positive effect on the security situation and began to repair the level of trust between the people (through their tribes) and the counterinsurgent (U.S.). Eventually the Iraqi government accepted the programs and provided limited support. Similar programs were developed in other provinces, all provided immediate security benefits, most were also grudgingly accepted by the Iraqi government and some provided opportunities for long-term repair of the social contract between the people and their government.[34]

## IRAQI AWAKENING AND RECONCILIATION BASED ON VILLAGE SECURITY

Our Iraqi experience differed from previous cases in that several similar programs were developed from the bottom up and not designed and implemented from the top down. Senior U.S. political and military leaders readily accepted, supported and promoted the various initiatives, but, without a larger template from above, the individual commander's programs varied and additional effort was necessary to get the Iraqi government to understand and accept them.

The various indigenous security forces can be divided into either tribally-based or individually-led

groups. Many of the programs were built on former insurgent fighters who had already broken their ties with the societally important tribes, while others were the result of negotiations with tribal leaders. In general, the Iraqi government was wary of both types of groups and considered them to be sleeper cells of Sunni insurgents. The Iraqi government was most wary of the individually-led groups, for some members of government began to trust some of the tribally-based groups. The initial or Anbar Awakening, groups were more trusted by the Iraqi government and slowly repaired the mutual trust between the people and their government. Both types of groups were supported by the coalition forces, and both provided immediate security improvements, but when the locally-raised security forces linked up with an established social structure like a tribe or group of tribes they also provided a promise of future legitimacy. To avoid this type of uneven acceptance by a host nation government, the top-down policies should guide the overall program, but personnel, training and supervision should still come from the bottom up. From these examples, we see that while immediate security improvements are important, they are not enough for a counterinsurgency victory. Political improvements must accompany, or at least immediately follow, security improvements. Ideally, local police forces should be able to serve this critical link, but if they are not, then empowering trusted societal organizations in these short-term security improvements is a way to link these two essential reforms and develop long-term stability.

**TOP-DOWN AND BOTTOM-UP APPROACHES**

As we have seen, indigenous security group programs have proven successful in an overall COIN strategy and are a great tool for both securing and gaining the support of the population leading inevitability to COIN success.[35] From our own experience in Afghanistan and Iraq, we also see how insurgents use corrupt and ineffectual police forces for their own benefit when they provide a daily, visible example of how the government is powerless to stop the insurgents' operations. Creating bad police forces is worse than having no police force at all. We should use the village security forces to assess the effectiveness and corruptibility of the individual members and leaders to identify future police-force-leaders. After identifying effective, trusted individuals, we should use them to build the police forces that then train further and develop into a professional police force. As a stable nation ourself with a fully developed government and fully developed security forces, we tend to expect the host nation government to develop their own local security and local police programs. We can see how these programs are exactly what the host nation government needs to address obvious shortfalls, but they do not seem to meet these expectations. The missing link goes back to the damaged social contract between the citizens and their government, and this missing linkage is a major reason that we are involved as the outside counterinsurgency-supporter.

We must convince the host nation government that a better organized, trained and educated security force must include a better police station, non-corrupt police officers or an integrated military security force

or that nation's citizens will not trust their govern-
ment. Results matter and those results are more likely
to come from the bottom up.[36]

People want to be safe in their homes with their
families, they want their neighbors and fellow villag-
ers to be safe, and they are usually willing to partici-
pate in these local security programs if the government
supports them.  On the other hand, where host nation
governmental institutions are lacking and the security
situation creates a gap that prevents the government
from interacting with its own people, the insurgency
gains strength.

In tribal cultures, people look to the tribe for se-
curity and justice before the weaker or distant gov-
ernment, and are more inclined to understand, trust
and support a bottom-up, locally-raised security force
than they are a security force installed from the top-
down. Later, the locally-raised and tested security
force, which is initially overseen  by a local village
group or community council, can be brought into the
larger host nation government.[37]

Of course, these approaches do not have to be mu-
tually exclusive. The goal of the counterinsurgent is
the overall return to a fully functioning government
that includes both high-level good governance and
low-level public order. As the bottom-up village se-
curity forces are built, trained, supported and moni-
tored for security and future blending into a local law
enforcement force, a top-down development train-
ing and development program is executed to enable
the host nation national and provincial leadership to
function as a legitimate and trusted government. The
broken trust and social contract must be repaired from
both the bottom up and the top down.

A combined approach allows for both the creation of immediate and trusted local security programs initially supported by international security forces a a more open and professional higher government that takes ownership of the local groups when they are ready and trusted. The top-down plan would synchronize and support the bottom-up work. In a recent review essay, Seth Jones summarized this point best when he wrote:

The current top-down state-building and counterinsurgency efforts must take place alongside bottom-up programs, such as reaching out to legitimate local leaders to enlist them in providing security and services at the village and district levels.[38]

While the international community and U.S. government have many programs, institutions and people to train police forces, we continue to get corrupt and ineffectual police forces in these contested countries. The training process and international dedication for the programs is not the problem. The quality and motivations of the leaders and patrolmen are just as important to the overall success of a police force. We must address the entry-level skills, motivation, education and societal norms of the host nation individuals recruited or accepted into the programs. By drawing from a successful village security force program, we can better judge the motivation and entry-level skills of the individuals. We can also see how they respond to community trust and what they do with the power and responsibility that comes with using arms to secure their village. In addition, we can see how the village responds to them and measure their individual effectiveness before entrusting them with more responsibilities. The village security-force-members are not police officers, but, through a good training pro-

gram, they have the potential to be both capable and trusted.[39] There are risks and challenges to this policy, but it is worth reviewing the most critical of them by outlining their risk, their relevance and the mitigation steps to overcome them.

## THE GOVERNMENT IS CORRUPT AND WILL NOT START THIS PROGRAM

In Afghanistan, the local people have been drawn into conflicts including: the anti- Soviet insurgency, the warlord's power struggle, the first Taliban-dominated civil war, our post-9/11 offensive against the Taliban government and, finally, various programs during our current counterinsurgencies. Southern Afghanistani Pashtuns have a tradition of using Arbakai, village protection forces, and this tradition continues under tribal and governmental controls. Because the government is largely seen as corrupt, its groups are generally not respected. When the local jirga or shura control the village security forces, they are respected.[40]

The people and the government do not trust each other, but if there is a guarantor such as NATO, they may accept the program. This is an area in which the international or NATO security forces can serve as a successful buffer between the mistrustful sides of the society. We should bring the local jirgas or other respected community groups into the program to help oversee them. We want the people secured and engaged in the public debate and in monitoring of their own government. We also do not have to link these security programs to individual pay, but in areas of severe economic hardship we may want to. Alternatively, the villages can be rewarded with larger developmental projects or with small payments to the village security force members.

## AREN'T WE JUST CREATING NEW WARLORDS?

Warlords differ from village or tribal leaders in that their power and authority depends on their personal power, their charisma, their leadership skills and their own financial backing. Even when they come from a tribe, we can still identify and classify them as warlords based on how they generate their authority. On the other hand, tribal and other community systems of power and authority are developed forms of social interaction that includes a larger family linkage, long-established responsibilities up and down the power structure, and methods to discuss and implement decisions of the whole tribe.[41]

Tribes and established communities have long traditions for resolving disputes within and against their social structures. We may not understand these procedures, but the members of the tribe, who tend to be loyal to the larger group and not to any particular individual, understand and accept them. Individuals that control locally raised forces without community or societal controls are likely to become next year's warlords. The security that they provide now may seem just as valid as a small community or tribally based force, but will cause many more problems in the future and be extremely difficult to reintegrate into society. For example, after the Soviets departed Afghanistan and the Afghani warlords defeated the communist puppet regime of Dr. Najibullah Ahmadzai, the warlords' quest for power continued through corruption, ministerial infighting and graft. The charismatic and battle-proven leaders with various ethnic and tribal backgrounds viewed themselves above the tribes and beyond societal accountability. The resulting ultra-conservative Taliban backlash was a product of the warlords' excesses.

Any plan that we develop can and should be designed to reinforce communities or societal groupings and not replace them with strong individuals. The near-term gains of supporting an individual-led group are not worth the risks of its future uncontrollable behavior. In addition, the tradeoff is not necessary because the near-term capabilities of tribally-based or village security forces is at least as strong as any individual-led group.[42]

## WHAT ABOUT HOST NATION GOVERNMENTAL LEGITIMACY?

The programs that I recommend will initially challenge the legitimacy of the host nation government. If the security situation can be brought under control by simply supporting the host nation government, their military and police forces, we should put all of our efforts behind the legitimate government. However, in those difficult situations during post-conflict reconstruction or during an active insurgency when the security situation is desperate and the HN government's power is insufficient, we will likely have to begin one of these village security forces programs and later transfer it to the host nation government. In these cases their corruption, lack-of-trust or even active participation at the political level in the insurgency is inherently part of the problem, the government is illegitimate and no amount of pretending will change it. Part of our overall COIN strategy must modify the host nation government's behavior while simultaneously improving the internal security situation.

We have to include good governance development in our overall program.[43] Until we have a host nation government that is trusted to oversee the secu-

rity sector, other international governments security forces, media and local communities must combine to perform this necessary social function. In parallel, we should take action to improve the host nation government and provide opportunities for them to prove trustworthy to their own citizens. Our COIN success will come when we can transition responsibility for security sector supervision back to a trusted host nation government.

If we find ourselves in a post-conflict or failed state situation where there is no host nation government, then we must provide security and good governance with the international community until an indigenous government can be developed. We should not rush to install a government and attempt to build its administrative systems solely from the top down. Instead, we should help the people develop their government from both the local and national levels. We should synchronize the combined program from the top to ensure that both approaches can be melded in the end. If done correctly, host nation governmental legitimacy will be earned and recognized by its citizens.

## RECOMMENDATIONS

The practice of forming tribal or community-based local defense forces should be integrated into our policy and doctrine for countering wide scale insecurity during post- conflict operations or counterinsurgencies. The programs should be resourced, guided and coordinated as part of our overarching COIN operational plans, and executed from the bottom-up through empowered and culturally savvy leaders.

Army and joint doctrine should integrate these procedures into their next publications. Field Manual

(FM) 3-07 *Stability Operations*, Field Manual (FM) 3-24 *Counterinsurgency,* and Joint Publication (JP) 3-24 *Counterinsurgency Operations* should unequivocally include considerations for the creation of local defense forces.

## CONCLUSION

A successful counterinsurgency campaign must be based on a full understanding of the political and security situation. Within that understanding, the basic nature of the social contract describes both people's willingness to be governed and the government's responsibilities. The very nature of the social contract between the host nation government and their citizens is at risk and needs to be repaired. During a counterinsurgency campaign, we can and should begin with a tribal or village-based security force, then build on the improved social contract to reintegrate insurgents, promote economic security and improve the health, and education conditions.[44]

A properly planned, formed, integrated and supported community-based security force is an essential component to repairing the social contract and ensuring that the people take up their responsibilities. A correctly formed indigenous security force can be a visible sign of trust and confidence in the people to rebuild the social contract of personal security, good governance, and the rule-of-law and has proven time and again to be part of a successful COIN operation. The next step is to further build on that trust in the people by drawing from those home guards to develop a trusted and capable police force.

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24.  *Ibid.,* 4-26.

25.  U.S. Department of Army, *Counterinsurgency*, Field Manual 3-24, D-1.

26.  *Ibid.,* 285.

27.  Personal conversations from my own Iraqi tour in 2007 identified two Sunni and Shia tribal leaders whose fathers once operated adjacent market stalls in the Khadimiya district of Bagh-

dad, were actively plotting and fighting against each other because of the general lack of security and escalated sectarian violence.

28.  Seth G. Jones and Arturo Muñoz, *Afghanistan's Local War: Building Local Defense Forces* (Santa Monica, CA: RAND Corporation, 2010), 51.

29.  *Ibid.,* 52.

30.  Corum, Training Indigenous Forces in Counterinsurgency: A Tale of Two Insurgencies, 5-9.

31.  *Ibid.,* 14-19.

32.  *Ibid.,* 20-21.

33.  Geraint Hughes and Christian Tripodi, "Anatomy of a Surrogate: Historical Precedents and Implications for Contemporary Counter-Insurgency and Counter-Terrorism," *Small Wars & Insurgencies*, Vol. 20, No. 1 (March 2009).

34.  Dale C. Kuehl, *Unfinished Business: The Sons of Iraq and Political Reconciliation*, Strategy Research Project (Carlisle Barracks, PA: U.S. Army War College, March 25, 2010), 15-17.

35.  Seth G. Jones and Arturo Muñoz, *Afghanistan's Local War: Building Local Defense Forces*, 73.

36.  *Ibid.,* 84

37.  *Ibid.,* 75.78.

38.  Seth G. Jones, "It Takes the Villages: Bringing Change From Below in Afghanistan," *Foreign Affairs,* May/June 2010, *http://www.foreignaffairs.com/articles/66350/seth-g-jones/it- takes-the-villages?page=show* (accessed January 25, 2011).

39.  Raymond A. Millen, "Time for a Strategic and Intellectual Pause in Afghanistan, "Parameters 40, no. 2 (Summer 2010): 39.

40.  Seth G. Jones and Arturo Muñoz, *Afghanistan's Local War: Building Local Defense Forces*, 32.

41.  *Ibid.,* 26.

42.  *Ibid.,* 79.

43.  *Guiding Principles for Stabilization and Reconstruction*, 6-51.

44.  Seth G. Jones and Arturo Muñoz, *Afghanistan's Local War: Building Local Defense Forces*, 75-76.

# CHAPTER 3
# PROVIDING SECURITY: THE STRATEGIC IMPORTANCE OF POLICING

*David M. Krall*

> Establishing security in a country or region affected by persistent conflict requires a comprehensive assessment of the drivers of conflict in the host nation. It also requires applying all available capabilities to reduce or eliminate the rivers of conflict and create an environment of security and rule of law.
> —Security Sector Reform, FM 3-07
> Stability Operations

In many recent conflicts where peace and stability operations precede the return of power to legitimate government institutions, military forces are used to confront and manage civil unrest, violence and crime. In a post-conflict country, the institutions of law enforcement and criminal justice and the ability to enforce security usually dissolves or are destroyed; in some instances, these capabilities remain but are no longer perceived to be legitimate. Subsequently, military forces must often replace these institutions until an acknowledged and legitimate government can provide the necessary police force and legal system. Our National Security Strategy includes the stated objective of influencing failing and failed states to return to legitimacy, effective governance and providing services to their populations. In post-conflict countries, security-sector-reform, including the reinforcement of diplomacy, democratic ideals and internal security falls to military forces that have the responsibility to restore these facets of governance to functional levels. After military intervention, the desired end-state is

a stable, developing and legitimate government that can ensure domestic security and state sovereignty.

In post-conflict countries, the restoration of stability, the acceptance of the legitimacy of political governmental institutions, the return of the rule-of-law and the return of power to the government all depend on the ability to provide security to the indigenous people of the country. According to the U.S. Army Peacekeeping and Stability Institute (PKSOI),

> Central to the social contract is the expectation of citizens that their government will provide security, both of persons and property, and maintain order. The ability of the state to provide safety and security within its territorial boundaries and to deal with armed intrusion across its borders through a monopoly on the legitimate use of force is a defining feature of state sovereignty. In failed and fragile states, security issues that citizens identify include: (a) war and civil conflict, (b) crime and violence, (c) depredation by police and soldiers and (d) lack of access to justice. Without security and law-and-order, the other government functions cannot be fulfilled. Public services cannot be effectively provided if providers are fearful for their safety and their facilities (e.g., schools or clinics) are at risk. Government institutions such as courts and parliaments have difficulty operating if their members cannot be assured of protection from harm and injury. And the inability to conduct free and open elections in insecure situations can significantly hamper prospects for transitional governments to move forward.[1]

This paper will examine the efforts of the intervening forces' efforts in providing police functions that ultimately restore stability, security and legitimacy to the government that is then accountable to its citizens to assure security and stability. This paper focuses primarily on the restoration of security as a prereq-

uisite for establishing a stable and legitimate govern-
ing body. It will highlight the current methodology
and practices in use by the international community
to establish police functions in post-hostility environ-
ments. The three case studies will cover the United
Nations efforts in East Timor, Bosnia and Kosovo to
provide common themes and processes that resonate
throughout post-conflict attempts to restore security,
stability and legitimate governance. The implications
and conclusions of this study may have value in deter-
mining methodology, resourcing, planning and in the
integration of policing solutions in Afghanistan and
other future post-conflict countries.

## THEORETICAL FOUNDATIONS

In most recent conflicts, a vacuum in security (po-
licing), legal systems (judiciary) and in governmen-
tal legitimacy at the ministerial level and higher has
emerged immediately after hostilities. Peacekeeping
forces have assumed many of the responsibilities in
these areas. As a result of increased militarization of
law enforcement in these instances, "the post-modern
soldier is not only a fighter but also a peacekeeper,
policeman, diplomat, social worker and Peace Corps
worker."[2]

In post-conflict operations, military forces, if prop-
erly prepared and trained, assume specific responsi-
bilities that are normally integrated into the interna-
tional efforts prior to the establishment of a secure
environment. It is in these instances that the military
assumes the responsibility to provide security for the
population, and carry out basic court and judicial func-
tions, including confinement and punishment, and
establishes the foundations for governmental infra-

structure to be restored. This security then allows for the restoration of stability, leading to acknowledged governmental legitimacy and ultimately prosperity.

The idea of security and the legitimacy of the state to provide services to the citizens is best defined by Max Weber, who linked the state with the legitimate means of force. He defined the state as the "political community which within a certain territory claims for itself (with success) a monopoly of legitimate physical coercion."[3] Further indicating the centrality of coercion in conceptualizing the state, Weber included "the protection of personal security and public order (police)" as one of the important functions of the state.[4] According to Francis Fukuyama,

> The rule of law was originally rooted in religion in all societies where it came to prevail, including the West. The great economist Friedrich Hayek noted that law should be prior to legislation. That is, the law should reflect a broad social consensus on the rules of justice. In Europe, it was the church that originally defined the law and acted as its custodian. European monarchs respected the rule of law because it was written by an authority higher and more legitimate than themselves.[5]

The rule-of-law is the principle where all persons, institutions and entities, both public and private, including the state itself are accountable to laws that are publicly shared, enforced and independently arbitrated consistent with international human-rights-law and other international standards.[6] It is the idea that citizens subordinate themselves to a government in exchange for basic services that include security, safety and stability. It is this contract that citizens adapt to societal norms with the expectation for normalcy, and,

in most post-conflict countries, this relationship breaks down. As the security situation dissolves and legitimate governmental institutions disappear, military forces normally assume the responsibility to restore some semblance of security. The examination of the following three distinct case studies will bear out the best practices and the need for a coordinated and communicated unity of effort and will also demonstrate when and where the international community still has work to improve upon in regards to governance, security, stability and the reintroduction of police.

## EAST TIMOR AND THE UNITED NATIONS APPROACH TO RESTORING LEGITIMATE SECURITY AND CONTROL

Portugal colonized the island of Timor in the sixteenth century and the eastern side of the island remained a colony until 1974. Because of the vacuum that the Portuguese left when they withdrew, Indonesian forces invaded East Timor and annexed the country in 1975.[7] In 1998, the Indonesian President B.J. Habibie proposed autonomy for East Timor but under Indonesian authority. In a referendum to decide the fate of East Timor, almost 80 percent of the voting population rejected the Indonesian authority. Riots and violence followed immediately, and Indonesian forces and militias launched a campaign of violence and unrest in East Timor. The effects of the violence caused the displacement of over 500,000 civilians (almost 90 percent of the population). The widespread violence destroyed public and private infrastructure and caused an exodus of civil servants. Government services all but disappeared; the police, judiciary and economic systems were left in ruins.

The resulting humanitarian crisis led to the United Nations establishing the UN Assistance Mission for East Timor (UNAMET) in June 1999 to provide humanitarian assistance and to assist in the restoration of government, legitimate power and security. During this period, the violence grew to the point that the lack of security and increase in violence caused the partial evacuation of the UN mission to Australia. In response to the violence and lawlessness, the United Nations was able to gather support for a multinational force (INTERFET) under the command of Australian military leadership to restore order and security in East Timor.[8] At the same time, the United Nations (UN) initiated a humanitarian relief mission that provided shelter and  supplies and that set the foundation for the reintroduction of security and development. This combination of humanitarian and policing resources was critical to the successful restoration of security. The INTERFET mission was able to reduce the violence brought about by the Indonesian guerillas and militias.

By October 1999, the United Nations established the UN Transitional Administration in East Timor (UNTAET). The mandate of the UNTAET included six specific tenets.

1. To provide security and maintain law and order throughout the territory of East Timor

2. To establish an effective administration

3. To assist in the development of civil and social services

4. To ensure the coordination and delivery of humanitarian assistance, rehabilitation and development assistance

5. To support capacity-building for self-government

6. To assist in the establishment of conditions for sustainable development

UNTAET had overall responsibility for the administration of East Timor and was empowered to exercise all legislative and executive authority of justice.[9] The overarching task of UNTAET was to integrate and conduct peacekeeping operations in order to restore security and law-and-order while also assisting the East Timorese government in developing security and stability infrastructure during their transition to independence. The initial critical task in the UN mandate was to establish security and law-and-order throughout the country.

In early 2000, Western portions of East Timor were still considered high threat areas as militias continued to violently threaten the East Timorese people. With violence and unrest stemming from Indonesian militias, UN Security Council approved Resolution 1319 in September 2000. This resolution forced the Indonesian government to disarm and disband the militia as well as restore law-and-order in West Timor in order to allow humanitarian aid to refugees in the border region.[10]

The UNTAET mission, in conjunction with the developing East Timorese government, established police training facilities in Dili, assisted in the development of governmental and judicial capacity and assisted in establishing the East Timorese Defense Force consisting of 1,500 active troops and 1,500 reserves.[11] The policing of the country from 1999 through 2001 was conducted by INTERFET initially, and later by a coalition of forces, mainly from the surrounding area. The UNTAET military forces from Australia, New Zealand, Pakistan, Philippines, Thailand and Ban-

gladesh included over 8,000 troops and 200 military observers. The police component had more than 1,250 individual police officers and two rapid reaction units of 120 officers each and was made up of 40 different contributing nation's police officers.[12]

The initial restoration of stability and security allowed the East Timorese to hold their first democratic election on August 30, 2001. Less than eight months later, Xanana Gusmao was elected President on April 14, 2002. On May 20, 2002, East Timor became an independent country. The United Nations was able to transition to a more development and economic based mission with the establishment of the UN Mission in Support of East Timor (UNMISET) and later the UN Office in Timor-Leste (UNOTIL).[13] The mission of re-establishing peace was considered a success until in 2006 when internal violence erupted. The interim three years brought a significant number of refugees back to the country, infrastructure and judicial system reform were heading in the right direction and the democratically-elected government was generally accepted as legitimate.[14] United Nations oversight was transferred in a process called "Timorization." However, the legitimacy of both the Timorese Defense Forces and the East Timorese National Police was tainted by political influences and corruption. As a result, political and economic development stalled.[15] In 2007, violence and social unrest returned to the streets displacing 150,000 people. The United Nations once again provided 1,600 international police and peacekeepers under the auspices of the UN Police (UNPOL). The social turmoil and violence was subsequently quelled and the security situation improved significantly. The knowledge, language skills and cultural awareness of the Portuguese police, the *Guarda Nacional Republicana*,

was critical to the restoration of security and order in Dili. The Portuguese police had specific experience in crowd control, through managing soccer hooligans and large-scale demonstrations. They also possessed significant language skills and cultural awareness regarding Portugal's former colony that other UNPOL officers could not provide.[16]

The United Nations was able to claim success by restoring order and through the provisions of a multinational police force. The government of East Timor still has a long road ahead in the development of their police and law-and-order. The judicial systems, economic development and democratic institutions also are in their infancy. The state-building sustained previously by international forces has the potential to lead to the collapse of legitimate governance when these forces depart, as happened in 2006. To date, the United Nations has kept almost 600 UNPOL in East Timor as advisors and as backup leadership for the East Timor National Police.[17]

## BOSNIA AND HERZEGOVINA: NATO AND THE UN APPROACH TO REESTABLISHING SECURITY AND POLICE CAPACITY

On April 6, 1992, the population of Bosnia-Herzegovina sought international recognition of their independence. Their independence came about in an internationally supervised referendum, where 99 percent of the voting population voted, and of which 63 percent voted for independence.[18] The period from 1992 through 1995 was filled with conflict as Croatia and Serbia attempted to create an ethnically pure Greater Serbia and an ethnically pure Greater Croatia while encroaching on Bosnia and Herzegovina's newly de-

clared sovereignty. The violence and calculated ethnic cleansing of non-Serbs by the Federal Republic of Yugoslavia (FRY) under President Slobodan Milosevic left the country in near total ruin. During the war more than a quarter of a million Bosnians lost their lives and over one million left the country, while a further 800,000 became internal refugees.[19] The international community responded. In 1995, the Dayton Peace Accords, which the United States brokered, brought an end to the fighting. The Dayton Accords established a NATO-led international implementation force (IFOR), which later transformed into the NATO Stabilization Force (SFOR). The mission and function for the Stabilization Force (SFOR) was to deter hostilities, stabilize the peace, contribute to a secure environment by providing a continued military presence, target and coordinate support to key areas including primary civil implementation organizations and progress towards a lasting consolidation of peace without further need for NATO-led forces in Bosnia and Herzegovina."[20]

The Dayton Accords also specifically included an international police task force (IPTF). The IPTF was charged with:

1. Monitoring, observing and inspecting law enforcement activities and facilities, including associated judicial organizations, structures and proceedings

2. Advising law enforcement personnel and forces

3. Training law enforcement personnel

4. Facilitating, within the IPTF's mission of assistance, the parties' law enforcement activities

5. Assessing threats to public order and advising on the capability of law enforcement agencies to deal with such threats

6. Advising governmental authorities in Bosnia and Herzegovina on the organization of effective civilian law enforcement agencies

7. Assisting by accompanying the Parties' law enforcement personnel as they carry out their responsibilities, as the IPTF deems appropriate[21]

This mandate allowed the international community to develop the necessary controls, systems and functions that led to the restoration of security, governmental legitimacy and stability. On December 2, 2004, the SFOR mission officially ended and, in its place, the European Union deployed a force.[22] The EU's force included two missions: the European Union Police Mission (EUPM) and European Union Forces (EUFOR) mission. Both missions were designed to provide the infrastructure for the stabilization of Bosnia and Herzegovina.[23]

The EUPM was a follow-on mission after the UN's IPTF ended. It was expected to address the whole range of rule-of-law aspects. The EUPM, in concert with the Dayton Accords, established sustainable policing arrangements under Bosnia and Herzegovina ownership (along with Office of the High Representative - OHR). It was a uniquely European approach to policing. It followed what is still considered as the best example of implementation and practices in police work and reestablishing civil authority. The EUPM tasks included the monitoring, advising and inspecting of the Bosnia and Herzegovina police forces according to three main pillars: support to the police reform process, strengthening of police accountability and support to the fight against organized crime.[24]

The EUPM integrated twenty EU and five non-EU countries into the police mission.[25] The EUFOR police forces included a multinational maneuver battalion with troops from Spain, Turkey, Hungary and Poland and an integrated police unit (IPU) that could respond

to threats throughout the entire country. Additionally, the IPU included police units with military status of France, Italy, The Netherlands, Portugal and Spain (e.g. Gendarmerie and Carabinieri). The EUPM also established specialized elements within the IPU consisting of seven separate investigation teams. These elements were able to provide special police capabilities, such as undercover investigations, document exploitation and antiterrorism operations.[26]

One of the unique approaches to policing in Bosnia and Herzegovina was that of the Multinational Specialized Units (MSUs). These units provided a constabulary capability that complimented the EUFOR. They bridged the gap between traditional military functions and those typical police functions normally provided by standing police forces. The MSUs provided standing police forces with legitimacy and support while the unarmed IPTF or CIVPOL developed and provided technical expertise. Additionally, the MSUs focused on the civilian population, civil order and small unit response to conflict rather than the military response that usually included overwhelming firepower, large numbers of soldiers and a focus on an enemy. The MSUs were flexible, deployable throughout the country and took the initiative to preclude civil unrest rather than react to disband riots and end violence. The MSUs also provided a liaison function between the IPFT, multinational military units and the local police by interacting at all levels of policing. The MSUs were capable of training, mentoring and developing as well as providing suitable levels of force, firepower and legitimacy to preclude unrest or reestablish security when deterrence failed.

The improvements in police capability, coupled with the initial civil affairs soldiers, and later USAID

support, succeeded in reestablishing legitimacy to the judiciary processes that proved to be critical in developing a Bosnia and Herzegovina solution to their security and stability issues. The resulting cooperation, coordination and focus on the development of Bosnia and Herzegovina's police forces allowed the EUFOR to drawdown its military presence while focusing on police related tasks and development of indigenous police capacity. The resulting relative security and stability through the political and financial commitment of the EUFOR has allowed the people and government to develop the police, courts and prisons that permits the society to hold accountable those that promote instability, violence and lawlessness.

Bosnia's divisive politics, long-held ethnic distrust, widespread influence of corruption and continued friction in the overall development process-all continue to affect their security and stability. The reality is that the international community, specifically the European Union, provided the necessary leadership, resources and opportunities to enable the people and the leaders of Bosnia and Herzegovina to build sound governance from a level foundation.

The intent of the EUPM was to provide Bosnia with a professional police force that represented the society it served. This police force was to act in accordance with relevant legislation and regulations. It was to be free from political interference and qualified and accountable to the public for its actions. The Bosnian police forces were to enjoy an institutional framework that allowed for an effective management of personnel and resources free from corruption and political influence.[27]

In many aspects, there were resounding successes. The EUFOR, OHR and the civilian leadership of Bos-

nia and Herzegovina have established an environment where security, economic development and stability have the proper foundation to succeed.

Albeit a positive step in the right direction, the naive belief that the international community, in a few short years of international supervision and leadership, could change decades of entrenched beliefs, culture and actions in Bosnia and Herzegovina, continues to reflect a lack of political and social patience. This patience is critical to see Bosnia and Herzegovina ultimately succeed in providing their own governance by managing their own security, stability and development.

## KOSOVO AND THE UNITED NATIONS APPROACH TO ESTABLISHING THE RULE OF LAW AND SECURITY

The conflict between the Former Republic of Yugoslavia (FRY) military and police forces and Kosovar Albanian insurgents resulted in the deaths of over 1,500 Kosovar Albanians and forced more than 400,000 people from their homes. Following the FRY's capitulation in June 1999, the international community responded with UN Security Council Resolution 1244, which included a mandate authorizing a military force to restore security. The widespread lack of security, humanitarian crisis and the risk of violence spreading to other neighboring countries forced the international community to respond. Resolution 1244 welcomed "the acceptance by the Federal Republic of Yugoslavia of the principles on a political solution to the Kosovo crisis, including an immediate end to violence and a rapid withdrawal of its military, police and paramilitary forces."[28] This resolution also was designed to ensure:

1. A verifiable stop to all military action, violence and repression

2. The withdrawal from Kosovo of military personnel, police and paramilitary forces

3. The stationing in Kosovo of an international military presence

4. The unconditional and safe return of all refugees and displaced persons and unhindered access to them by humanitarian aid organizations

5. The establishment of a political agreement for Kosovo in conformity with international law and the Charter of the United Nations.[29]

UN and NATO leaders assumed a new mission to bring the people of Kosovo back to their homes and to build a lasting and just peace in Kosovo. Acting under Chapter VII of the UN Charter, the Security Council also established an interim UN administration to establish substantial self-governing functions that included the demilitarization of the Kosovo Liberation Army (KLA). These actions allowed the UN interim government to build the foundations of legitimacy and sovereignty by reestablishing a legitimate monopoly on violence, gaining acceptance of the Kosovo Protection Corps (KPC) and establishing police presence backed by a perceived legitimate government.[30] NATO established the Kosovo stabilization force (KFOR) to implement the mandates in Resolution 1244, and the UN established United Nations Interim Administration Mission in Kosovo (UNMIK).

It was through this coordinated effort that the NATO-led security force, Operation Joint Guardian and the peacekeepers charged with restoring security, Kosovo Force (KFOR) were introduced. As FRY forces departed Kosovo, the KFOR forces began providing

credible and legitimate enforcement of governance with the intent of establishing a safe and secure environment where all Kosovars could live. With essentially nothing to build upon, the United Nations Mission in Kosovo (UNMIK) and KFOR forces proceeded to rebuild the police, the judicial and penal systems. Resolution 1244 also mandated UNMIK maintain "civil law and order, including establishing local police forces and meanwhile, through the deployment of international police personnel, to serve in Kosovo."[31] One of the more innovative and positive decisions made while demilitarizing the Kosovo Liberation Army (KLA) by UNMIK was the offer to "individual members of the KLA for the opportunity to participate in a disciplined, professional, multiethnic civilian emergency corps."[32] This idea of developing an integrated KPC was an integral part of the demobilization, demilitarization and reintegration (DDR) process in Kosovo. The effects of including former KLA members, after re-training, in the security sector allowed an almost immediate building of capacity that would have otherwise had to be built from scratch.

The UNMIK deployment of police capability and security sector assistance consisted of international civilian police from countries such as Germany, Canada, France, United States, Russia, Pakistan, Malaysia and the United Kingdom. These peacekeepers were essential to the training, mentoring and eventual monitoring of the Kosovo police, judiciary and courts systems. The initial plan was for KFOR forces to conduct police requirements for three months and then turn over this task to UN Police. Due to multiple, competing demands, the United Nations was unable to generate the manpower to assume the police mission and KFOR forces remained the legitimate police

entity. It took until mid-2000  before there were adequate numbers of UNMIK police to start transferring the responsibility from KFOR forces to UNMIK police. Two years later, the transfer was still slowly taking place. It was during this timeframe when an Italian led MSU was introduced, developed and integrated into the policing functions in Kosovo. The MSU was comprised of Italian Carabinieri, British Royal Police and Special Investigators and French gendarmes. The MSU along with KFOR forces helped to reestablish a functional police system. The Office for Security Cooperation in Europe (OSCE), in coordination with the UN, NATO and KFOR, was also critical in the reform and development of the judicial and corrections systems in Kosovo.

The UNMIK police worked with the Kosovo Police Service (KPS) to reestablish functional, ethical and legitimate police functions from the ground up. More than 50 different countries have provided over 3,300 police to train, mentor and develop the KPS into a stand-alone police capable of providing the necessary security and stability functions that will enable economic and political development.

This process of developing the police as well as the judicial and corrections systems is far from complete. The political, cultural and ethnic challenges in Kosovo remain unresolved. The international police support forces are acknowledged as legitimate by the Serb minority, while the majority Albanian police are not. The polarization and mistrust between the two ethnic groups will remain as long as the ethnic division and status of Kosovo remains contested.

## COMPARATIVE ANALYSIS

Reestablishment of order has always been a necessity in post-conflict reconstruction. Ms. Jane E. Stromseth states, "In the absence of a secure environment, any efforts to promote national reconciliation as well as to establish a functioning justice system are doomed to fail."[33] In every case discussed above, the coalition forces through geographic location and legitimacy in the use of power, assumed the responsibility of restoring security. If the internal security institutions are incapable of providing legitimate governmental controls over their population, the proven next best option is to include Civilian Police (CIVPOL) forces, under the auspices of a recognized appropriate mandate, in partnership with local officials.[34] When this option is unavailable, the post-conflict environment demands that in this security vacuum the military must be prepared, resourced and capable of providing interim security forces. They must also be able to conduct police activities, reestablish the judicial system, establish confinement facilities and set the conditions for the restoration of governmental functions. The intent in doing so is to quickly establish and maintain a safe and secure environment that facilitates identifying suitable indigenous forces and civilians that can provide a reasonable amount of security; develop the judicial systems and restore the ministries, departments and governmental institutions. The indigenous forces are culturally aware, speak the language and normally are perceived as more legitimate than the international or coalition forces. The longer the process of transferring policing activities to the locals takes, the more devastating the influence of criminals, extremists and those looking to undermine the legitima-

cy of the military forces and the governmental institutions  becomes. The coalition military forces must be prepared to quickly transition to train, equip, mentor and develop functional and legitimate police capability, judicial systems and governmental processes as Sarah Meharg points out in her PKSOI Paper entitled, *Security Sector Reform: A Case Study Approach to Transition and Capacity Building,*

> The notion that the West can intervene…through a sort of neo-colonialism meted out through westernized policies and programs is nearly expunged from the imagination of the international community. A far better and more broadly accepted approach is to convene with host nations to build their own capacities to legitimize and sustain reform over the long haul.[35]

In each instance, East Timor, Bosnia and Herzegovina and Kosovo, the prerequisite is the reestablishment of a safe and secure environment. It preceded the establishment of all other aspect of civil society that leads to stability. The three pillars of governing — policing, functional judicial and penal systems — are the foundation that builds an environment that leads to stability, development and legitimacy of government. The police forces must apply accepted laws within their jurisdiction. The judicial system (functional courts or at a minimum, alternate means to resolve disputes) must be recognized as legitimate, perceived as equitable and free of marginalization and discrimination. Lastly, functional prison systems must be able to house and retain those found outside of the law. These three pillars, initially provided by coalition military forces, allow the establishment of international governmental and ministerial oversight. The policing

functions, as a subset of the broader security sector reform, are the key to building indigenous capabilities.

The military forces in each instance worked in close coordination with an acknowledged legitimate authority (UN, EU or otherwise) as part of the process of restoring sovereignty to the indigenous population. This critical path enables the government to be perceived and acknowledged as legitimate authority that has a monopoly on the use of force and conforms to the norms and expected behavior found in peaceful civil society. As stated in *Security Sector Reform: A DAC Reference Document*, the desired end-state is to develop an integrated activity within a system of state and non-state organizations, which include not only the armed forces, police, gendarmerie, intelligence services, justice and penal systems, but also the civil authorities responsible for oversight and democratic control (e.g., parliament, the executive and the defense ministry).[36]

Synchronizing the development of police forces, judicial system and penal systems must progress and be reestablished along parallel lines of development. Police cannot arrest criminals if there are no lawyers or judges to hold trials. If found guilty, criminals must be punished and detained in a functional and managed penal system. If a citizen or alleged combatant is found not guilty, they must be allowed to rejoin the population with no stigma or negative effects.

The international community (through its efforts in East Timor, Bosnia and Herzegovina and Kosovo) has made significant contributions in the integration and development of police forces. The introduction of international police and the development of IPU and later MSU police forces have become the model to reestablishing and developing functional police ca-

pability. The seemingly obvious use of multi-ethnic, culturally-aware police trainers and mentors in the IPUs, MSUs and training facilities resulted in significant success. The desire to allow for some level of reconciliation and reintegration of former police and perceived illegitimate government authorities, similar to the UNMIK efforts to integrate the former KLA members into a Kosovo Protection Corps also has seen moderate success. The legitimizing effect achieved through the training, establishment of police norms and acceptance by the population has allowed security to return in these societies. The use of recognized police, who reflect the norms of the population, are no longer corrupt (or at least to a lesser degree) and no longer discriminate based on ethnic or religious reasons, allows a governmental institution that includes police, judicial and penal systems in a legitimate governmental framework.

The strengthening of the police forces in parallel with the judicial and penal systems has proven to be the only effective way to restore security, legitimacy and stability. This is probably the most difficult and challenging process. The unity of effort in just developing the police or judicial systems is daunting enough, but to attempt to coordinate the redevelopment of the three pillars —police, judicial and penal systems— in most instances is overwhelming. The international community lacks the coordinated oversight and funding of each of these systems. In every case, the police or Army forces far outpace the judicial and penal system reforms. The division of labor, variances in capabilities (e.g. funding, manning and skill sets) all lend to a disjointed and poorly coordinated effort.

## CONCLUSIONS

The international community has the requisite tools, resources and capacity to provide significant support to restore national police, gendarmerie, paramilitary forces, intelligence agencies, presidential guards, coast and border guards, customs authorities, reserve or local security units and, sometimes, formal National Guard forces. Our European allies also have corrections and penitentiary officers they could make available. Many NATO countries have trained capable Gendarmerie and Carabinieri forces that can provide policing functions and respond to threats using resources up to and including their light infantry capability. These forces must be leveraged, integrated and effectively utilized as we work through rebuilding police capacity and capability as well as the other security institutions. The challenge is generating the commitment and maximizing the skill sets that many of our allies maintain while simultaneously coordinating the efforts to generate maximum effects while training, developing and ultimately transitioning duties and responsibilities to local and native stakeholders.

According to Army Field Manual (FM) 3-07 Stability Operations, security sector reform (SSR) involves reestablishing or reforming institutions and key ministerial positions that maintain and provide oversight for the safety and security of the host nation and its people. Through unified action, those individuals and institutions assume an effective, legitimate and accountable role: they provide external and internal security for their citizens under the civilian control of a legitimate state authority. Effective SSR enables a state to build its capacity to provide security and jus-

tice. SSR promotes stability, fosters reform processes and enables economic development. The desired outcome of SSR programs is an effective and legitimate security sector firmly rooted within the rule of law.[37] If properly applied and resourced at the strategic, operational and tactical levels, these concepts of re-establishing, reforming and maintaining a unified action have promise of leading to security, development and stability.  However, this would require  legitimate use of government institutions and would have to address the issues of police (providing security), judicial (courts, lawyers and judges) and the penal system (jails, prisons and confinement facilities) would result in a coordinated, synchronized and effective process that would lead to security, development and stability. This unity of effort is critical to the successful restoration of stability, establishing the foundations for economic development and perceived legitimate governance. These foundations are predicated on the assumption that security leads to stability, this then allows educational, economic and political development. Political processes must be considered legitimate from the beginning of the restoration of governance. Without the concurrence of the population, the foundation for social and political development, including the growth of security, is at risk of failure. Once these pre-conditions are met, the government can  begin the process of retraining, mentoring, re-constituting and sustaining recognized legitimate police forces and judicial systems with the assistance of the international community.

Increased military involvement in crises around the world will require realistic planning, political will and acknowledgement that military forces will fill the security void in post-conflict countries. The in-

ternational community must be prepared to provide its most valuable resources; its soldiers and spend its treasure to reestablish a safe and secure environment where policing, judicial and penal systems are regarded as legitimate functions of the acknowledged government. It will require cooperation, coordination and a whole-of-government approach to post-conflict reconstruction. It will be challenging, frustrating and expensive. Without this paradigm shift, the efforts of the military forces and the expenditure of countries' wealth will be for naught. This long-term commitment from international partners in reestablishing police force capability, judicial systems and governmental institutions will require strategic and political patience, agreed upon metrics to measure progress, multilateral organizations continued efforts and determination in restoring security and stability.

If most governmental services have to be built from ground zero, the cumulative effects are significant. The interim government, regardless of leadership (e.g. NATO, UN and EU) must be capable of providing basic services in which security is the number one priority. All remaining tasks from economic development, re-training and reestablishing police, judicial systems, educational systems, reconstruction and ultimately stability depend on security to progress and develop.

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# CHAPTER 4
# FOREIGN POLICE DEVELOPMENT: THE THIRD TIME'S THE CHARM

*Colonel Robert K. Byrd*

Failed states and unstable governments, combined with religious and ethnic extremism, are the incubators for Irregular Warfare (IW), which is occurring more frequently throughout the world.[1] Insurgency, intermixed with terrorism and other traditional and unconventional warfare combinations (hybrid wars), like those in Iraq and Afghanistan, are at the heart of Irregular Warfare. The United States Government (USG) will be involved in this type of complex counterinsurgency (COIN) for the foreseeable future.[2] Since there is consensus that security is an essential element of any COIN strategy and that some form of professional policing is essential to security, why did police development in Afghanistan and Iraq stray so completely off course? The answer is that the USG rushed police development in both countries in an uncoordinated and impromptu manner with respect to planning, structure and end-state. This rushed development resulted in wasted resources and effort. In Afghanistan and Iraq, each Ministry of Interior (MOI) expanded at a frantic pace from what should have been traditional roles of supervising police to assisting with stabilization of their respective countries. The rapid growth forced each MOI to manage forces, equipment and missions far beyond what they could hope to control. That, coupled with a large turnover inside each MOI, added to the difficulty of achieving a balance as each force grew.[3] As witnessed in Afghanistan and Iraq, when the USG conducts police development in this

manner during COIN, it encourages corruption, apathy, poor leadership and counter-productive business practices. In the short-term, the process undermines public support for the government when citizens view the police, arguably the most visible representation of a fledgling government, as dishonest and incompetent. Over the long-term—in this case more than eight years in Afghanistan and six years in Iraq—negative habits that form due to rapid and unbalanced development become institutionalized, which makes future course correction more difficult.

Because of the USG's failings, "tipping points" occurred when the problems associated with Afghan and Iraqi police development grew so exponentially that they became almost debilitating.[4] Like ripples in a pond, in which little changes have large consequences over time, the cumulative effect of early USG mistakes will take years to correct while unnecessarily robbing each emerging police force and government of critical organizational energy.[5] Specifically, the USG made two fundamental errors early in the process when it failed to: 1) design a coherent structure or organizational blueprint from which to build upon and 2) sacrificed quality for quantity and speed. The four-fold purpose of this paper is to explore: 1) the context of the errors, 2) the impact of the errors, 3) the reasons for the errors and 4) solutions to preclude similar errors in the future. With insight into those four areas, this paper seeks to advance the strategic theory that the goal of foreign police development (a self-sustaining and functional police force) is achieved more rapidly and more efficiently when the creation and subsequent development is slow and deliberate, as opposed to hasty and disorganized, which requires large course corrections during the process. In essence, this paper

argues that "slow is smooth and smooth is fast" or, when considering the antonym for police development during COIN, "fast is sloppy and sloppy wastes time, energy and billions of dollars." This is important because the USG, with an ever-increasing number of complex international problems to resolve and with ever-shrinking resource pools, has no choice but to do better the next time. Hurriedly throwing together a police force in the next failed or failing state and placing the burden on the budding government to fix the mistakes will not be a viable option.

## THE CONTEXT OF THE ERRORS

With respect to Iraq, in May 2003 the Coalition Provisional Authority (CPA) dissolved former security organizations and began anew with the establishment of Iraqi Security Forces (ISF). In this respect, ISF included both Ministry of Defense (MOD) and Ministry of Interior (MOI) forces. In general, U.S. military units assumed the responsibility for recruiting and training MOD forces whereas the CPA worked with the Department of State (DOS) to train MOI forces with emphasis on the Iraqi Police Service (IPS).[6] With respect to the MOI forces, the USG incorporated many of the same pre-war personnel into the hastily reorganized IPS. As a result, its brief and ad hoc training courses provided by the USG did little to change the fundamental culture of the police. Consequently, it initially failed to make any significant contribution to the counterinsurgency mission.[7] In February 2004, the Multi-National Force-Iraq (MNF-I) attempted to transfer responsibilities to Iraqi Security Forces (ISF), which at that pointed included about 76,000 police. However, despite the USG's expenditure of billions of dollars to

train and equip ISF, MOI forces performed poorly during the escalation of insurgent attacks in April 2004. In some cases, ISF fought well alongside Coalition units. However, in many instances the police units simply collapsed with a few even assisting the insurgents.[8] In June 2004, the CPA transferred power to the Interim Iraqi Government (IIG) when it officially dissolved.[9] At that point, the USG lost much of its influence to reform at the same time that the Iraqi Government lacked the capacity to reform, resulting in wasted organizational energy for both groups. From the USG's perspective, the plan was to develop Iraqi forces as quickly as possible (a means to an end) to facilitate a U.S. force reduction and subsequent withdrawal from Iraq. This short-term focus on ISF development hindered the development of a self-sufficient police and the rapid growth created unrealistic expectations for the MOI.[10]

Regarding Afghanistan, a near 30-year history of civil war, dictatorship, and regime change shattered any chance of an effective centralized legal system long before the 2001 U.S. invasion. The resulting chaos left a confusing patchwork of conflicting and overlapping laws influenced by Islam, tribal law, Marxism, fragmentary western legal principles and different interpretations by those in power of all the above.[11] Because of the complexity of the environment, the USG simply was not able to accomplish its goal of building a competent and legitimate Afghan National Police (ANP) during the early stages of the COIN. Four years after the initial invasion, the ANP force was corrupt, incompetent and under-resourced. Additionally, in most cases, the ANP were still more loyal to local commanders than to the MOI. Similar to IPS in Iraq, ANP was low priority and received little attention in

the early stages.[12] In 2005 and 2006, the USG made significant changes to the police-training program, investing more than \$6.2 billion in the MOI and ANP in an attempt to overhaul organizational structures, leadership abilities and pay systems.[13] With respect to the structure, USG and Coalition partners assisted the Afghan government in developing an organizational document (the Tashkil) for both the MOI and ANP.

However, the Afghan government did not adopt the document until November 2005 after substantial and uncoordinated growth had already occurred. At that point, a committee composed of members from the Afghan MOI, the German Police Program Office and Combined Security Transition Command - Afghanistan (CSTC-A) managed the Tashkil, which required committee recommendation and MOI approval to change.[14]

As late as 2007, both Department of State (DOS) and Department of Defense (DOD) personnel concluded that the MOI suffered from corruption, low institutional capacity and limited control over provincial police structures. Additionally they found that the MOI lacked: 1) a clear organizational structure, 2) basic management functions, 3) a clearly defined mission, 4) a strategy for policing and 5) a culture of accountability and transparency. Those conditions, the two agencies concluded, contributed to pervasive violations of the MOI's chain of command in ANP districts and provincial commands, which weakened the MOI's ability to command and control.[15] The Coalition will amplify this problem with its 2010 announcement to add 20,000 additional ANP by October 2011.

## THE IMPACT OF THE ERRORS

The list of second and third order effects resulting from the USG's failings is large. The not all-inclusive list of problems below represents the most detrimental and shares two characteristics: First, correction of each problem either has or will require a large expenditure of USG or host nation energy. Second, each problem represents an obvious characteristic of any paramilitary organization that the USG should have considered during the developmental process without fear that they were forcing Western policing-models upon either country.

The first problem involved lack of a vetting process and employee accountability. As Field Manual (FM) 3-24.2, *Tactics in Counterinsurgency*, correctly identifies, there are four common cultural challenges that often complicate designing a correctly functioning police structure: nepotism, denial of negative results or errors, corruption and influence from competing loyalties (ethnic, religious, tribal or political).[16] Given the history and cultural peculiarities of both Afghanistan and Iraq, the effects of not considering these challenges were significant. The lack of a vetting process meant that large numbers of both IPS and ANP chosen to serve were of questionable character. The lack of a personnel accountability system meant that the USG did not track incoming recruits from training to final assignment. Phantom police, or those personnel retained on the payroll after they had left the force or died, significantly contributed to the lack of accountability in both countries. This resulted in both the ANP and IPS possessing more personnel on the rolls than actually served. Dishonest police commanders often retained the extra pay that the phantom police

accrued. In Iraq alone, an MOI investigation discovered that between 15 and 20 percent of names on the police payroll at that time were no longer active-duty officers, which resulted in the purging of more than 11,000 names from the rolls.[17]

In Iraq, the USG instituted wildly ambitious and unrealistic hiring programs in the fall of 2003, such as "30,000 in 30 days" and "60,000 in 60 days." In these two instances, the USG ordered military commanders to hire 30,000 and 60,000 IPS in 30 and 60 days, respectively, which they did with the utmost of zeal. Though this approach resolved the short-term problem of getting unemployed Iraqis to work, it was the beginning of the end of any coherent plan to carefully and deliberately assemble the IPS. The unintended second and third order effects of this hiring technique were numerous, but two stand out from the rest. First, the mass hirings strained relations between the provinces and the central government because no one knew who the new hires were or how they were to receive their pay. Second, it exacerbated the problem of an inadequate training system, which could barely handle the existing police, much less thousands of new officers.[18] In early 2005, DOS reported they had trained and equipped about 82,000 IPS. However, DOS later qualified that statement by adding that the 82,000 was an estimate because subordinate police leaders around the country had not accurately and consistently reported the personnel strength to the MOI. Additionally, DOS explained that the 82,000 total did not exclude those police officers who the MOI considered absent from duty. Additionally, this process did not reflect the extent to which the 82,000 were equipped with required weapons, vehicles, communications equipment and body armor.[19] The immediate impact of the large-scale

hiring plan, which omitted a fundamental vetting process, came to light in 2006. In the spring, MOI investigators conducted background checks, which exposed that more than 5,000 IPS recruits had criminal histories, some of which included attacking American troops. Not surprisingly, a 2006 internal police survey conducted northeast of Baghdad reflected that 75% of respondents did not trust the police enough to tip them off to insurgent activity.[20] Similarly, DOS and MOI in Afghanistan attempted to validate the status of more than 103,000 applicants for police identification cards by positively identifying all the ANP and developing a computerized police database to validate salaries. Because ANP regional commanders would not respond to requests to confirm police officers in their areas, DOS established joint contractor/MOI validation teams to execute the mission.

As of November 2008, nearly 47,000 MOI and ANP personnel received identification cards after validation teams confirmed the applicants had not retired, died or otherwise left the MOI or ANP. The validation teams also determined that another 26,700 applicants had retired, died or otherwise left the MOI or ANP, including an estimated14,200 to whom the MOI issued identification cards to before they retired, died or left the ANP.[21]

The second problem concerned rank imbalances that affected promotions, chain of command and the budget process in both countries. While the USG has accomplished a large amount of work with the ANP and IPS, they must continue to provide additional resources to sustain each institution on a long-term basis.

In Iraq, this problem manifested itself as a critical shortage of competent IPS non-commissioned offi-

cers (NCO) and mid-level officers. Because the USG's training effort focused on generating street level police and the time it takes to grow professional NCOs and officers, there were inadequate numbers of junior leaders entering the ranks. The lack of mid-level supervisors adversely affected command and control, morale, retention and ethical conduct. Compounding the problem was the fact that the MOI had to compete with the MOD for the same pool of recruits, severely undermining the effectiveness of MOI incentive programs.[22]

In Afghanistan, rank equals status, which resulted in early development of a reverse pyramid organizational structure of the ANP. In response, the USG reduced the ANP officer corps from about 17,800 to approximately 9,000. At the same time, the USG pushed the MOI to reorganize their headquarters by reducing a large number of higher-ranking officers.[23]

The third problem was a general lack of sustainment capacity development. The inability of the MOI to develop key ministerial functions at the national and local levels directly influenced both logistics systems and command and control. As both forces grew, each became less self-sufficient and more reliant on the USG for support, a less-than desirable effect.[24]

In Iraq, neither the USG nor the MOI initially developed a national inventory, distribution, or maintenance system for vehicles, weapons and communications. As a result, the MOI was incapable of supplying its forces or maintaining its equipment on a consistent basis. The USG eventually developed a logistical concept for the IPS, but the MOI will not be able to fully implement it below the regional level for some time.[25]

In Afghanistan, the USG developed a plan where the ANP would receive their initial issue of equip-

ment as they arrived to their unit. As an accountability incentive, the USG replaced vehicles and equipment lost by the ANP due to maintenance failures and combat damage, but did not replace equipment lost by the ANP due to corruption.[26]

Despite this rather unsophisticated system, the ANP still suffered from equipment shortages of trucks, radios and body armor, which the leaders at the MOI and regional levels stockpiled. To counter this problem, the Tashkil called for establishment of a central logistics office, national logistics center, five interregional logistics centers and 34 provincial supply points, which the USG has scheduled for future construction. Unfortunately, the new system comes eight years too late and the USG will be unable to fully implement the plan prior to completion of an enormous hiring and training campaign for maintenance and supply personnel.[27]

## THE REASONS FOR THE ERRORS

In general, there are two strategic level reasons and one operational level reason that account for USG errors in Afghanistan and Iraq. At the strategic level, the first reason was that there was little consensus among President George Bush, Secretary of Defense Donald Rumsfeld, Deputy National Security Adviser Stephen Hadley and Secretary of State Colin Powell, regarding the type of wars the U.S was fighting or what the correct strategy should have been to execute them. On one hand, the Pentagon's chief measure for Iraq in 2004 was the number of ISF personnel completing training. At that point in the war, both President Bush and Secretary Rumsfeld were eager to hand the war off to the Iraqis and withdraw U.S. forces as quickly

as possible. As a result, there was little emphasis on quality control.[28] On the other hand, by this time the USG had relegated Afghanistan to an economy of force operation, which was just beginning its downward spiral. One of 2007's most memorable quotes by Admiral Mullen, Chairman of the Joint Chiefs of Staff, expressed the general attitude of the two wars in this way: "In Afghanistan, we do what we can. In Iraq, we do what we must."[29]

The mindset toward Iraq and the reality of the situation in Afghanistan facilitated a jumbled approach to police development in both countries. In this respect, groupthink was a contributor at the highest level in which the national leadership became so engaged in concurrence seeking that they never really considered alternative courses of action.[30] In *The War Within*, Bob Woodward wrote, "Now in the fourth year of war, the defense secretary was still asking about the elusive numbers of exactly how many Iraqi soldiers were trained and ready for duty."[31] Woodward recounts that despite General George Casey's best efforts to explain the war, President Bush reduced the conflict to simple attrition warfare—a strategy that failed so miserably in Vietnam.[32]

The second strategic level reason, closely related to the first, was that the USG has not designated a lead agency for foreign police development since the mid-1970s, resulting in an uncoordinated, ineffective approach to the problem. In 1962, President Kennedy placed the Office of Public Safety (OPS) under the United States Agency for International Development (USAID). The OPS's mission was to promote effective civilian law enforcement development in countries threatened by Communist expansion. At its peak in 1968, OPS administered a $60 million budget and su-

pervised 458 police advisors working in 34 different countries. Over the course of its existence, OPS provided more than $300 million in police training, equipment and technical assistance to 52 countries.[33] In 1974, after growing weary of Vietnam and uncovering allegations of human rights abuses in OPS-supported countries, Congress adopted Section 660 of the Foreign Assistance Act. That act significantly restricted USG funding for foreign law enforcement assistance and effectively ended the OPS program.[34]

Additionally, the USG cut USAID by nearly 40% during the past two decades. In 1990, USAID had 3,500 personnel assigned to the task of annually administering approximately $5 billion in developmental aid and other assistance. Today, USAID has 2,200 personnel administering more than $8 billion each year, excluding cash grants.[35]

Since 1974, Congress authorized several exemptions that allow police development under certain conditions. However, USG sponsored law enforcement development is inefficient, chaotic and unsynchronized. In summary, DOD, DOS, Department of Justice (DOJ) and Department of Transportation (DOT) all conduct foreign police development in some form, but with little coordination.[36]

Further aggravating the situation is the fact that the USG does not budget by mission resulting in unprepared agencies taking on tasks that fall outside their capabilities or core mandates. As a result, agencies do not adequately train or plan for what they attempt to tackle. In the end, when DOD and DOS face challenges such as foreign police development that fall outside their traditional competencies, they produce insufficient ad hoc arrangements. Government personnel with little relevant training or experience

end up deploying to difficult missions, such as DOS personnel operating in hostile environments. The lack of clarity regarding exact missions or roles explains why like Iraq and Afghanistan DOD and DOS experienced trouble cooperating or working in unison because nothing in the process prepared them to do so.[37]

The third reason was the U.S. military's unpreparedness for police development at the operation level when it did become involved. Specifically, the U.S. military did not realize how intrinsically more complicated police development was as compared to military development. By its very nature, military development is more structured, consolidated and centralized with hierarchical chains of command. Additionally, military units tend to operate in large formations, facilitating top-down as opposed to bottom-up expansion, which require less manpower. Moreover, military units can better insulate themselves from problems such as ethnic rivalries or corruption because they generally operate at a distance from society.[38] Police, on the other hand, operate in smaller, more decentralized groups, which complicates matters exponentially from both a security, and a supervisory perspective. Unlike military development, police development likely begins and continues as the police force becomes operational. This phenomenon is similar to building an airplane while in flight.[39]

## SOLUTIONS TO PRECLUDE THE ERRORS AGAIN

In the future, the probability of a large-scale police development mission beyond Iraq and Afghanistan is not only possible but also very likely. At some point, Cuba, North Korea, and possibly Iran are all

likely candidates for large-scale police development missions. Additionally, the chances of at least two of those police development missions occurring in hostile environments are extremely high. To improve the USG's ability to develop police forces in the next failed or failing state and to preclude the errors of Afghanistan and Iraq, three fundamental considerations are presented for review.

The first consideration is the USG leadership, at the highest levels, must clearly understand that war in the future will be much more complex. It will consist of multiple participants possessing various abilities who will fight by combining conventional and asymmetric capabilities, inevitably creating even more fog and friction. In addition to understanding the characteristics of future war, there must be strategic level consensus concerning where on the scale of national interests a particular conflict will fall, as well as agreement on the end state and exit strategy. Additionally, the USG must transform the interagency process to make it more agile. As the *Project on National Security Reform* points out, the USG has become an excessively hierarchical system and is unable to effectively plan or achieve unity of effort.[40] Charles Lindbolm describes this as an incremental approach where the USG makes decisions, like those made in Afghanistan and Iraq regarding police development, in small analytical increments.[41]

The second consideration is the USG needs to determine how it can best organize the agencies to execute foreign police development in the most effective and flexible manner. An example of how the USG successfully integrated civilian and military expertise to achieve effect occurred in the late 1960s when President Johnson signed National Security Action

Memorandum 362. That policy established the Civil Operations and Revolutionary Development Support (CORDS) program in Vietnam.[42] The CORDS program placed General Westmoreland, Military Assistance Commander-Vietnam (MACV), in charge of the pacification program with three deputies (one of whom was a three-star equivalent civilian) in charge of pacification. This approach embedded civilians within a wartime command and put them in charge of military personnel and resources. Subordinate units adopted parallel structures, which facilitated a common approach.[43] The synergy garnered from the CORDS program facilitated a South Vietnamese National Police growth from 60,000 in 1967 to more than 120,000 in 1971.[44] Clark Murdock suggests the even more inclusive concept of a standing Interagency Task Force headquarters, which would deploy on short notice as part of a combatant command's combined joint task force. In this case, the President would appoint a senior civilian to lead the Interagency Task Force and its fully integrated civil-military staff, which would include a fully integrated police development team.[45]

With respect to designating a lead agency for police development, power sharing by DOD and DOS, based on the situation with other agencies in support seems the most practical, flexible, and cost-effective.[46] Documents like National Security Presidential Directive (NSPD) 44[47] and Department of Defense Directive (DODD) 3000.5[48] are a good start at promoting this concept. In this case, NSPD-44 directs the Secretary of State to coordinate and lead integrated USG efforts for stabilization and reconstruction activities, while DODD 3000.05 establishes stability operations as a core military mission on par with combat operations. The directive also articulates that DOD will ex-

ecute stabilization and reconstruction missions in the event host nation or other civilian agencies are incapable. Under that concept, DOD could take the lead in hostile environments and DOS could take the lead in permissive environments. This concept best combines the strength of DOS (diplomatic expertise) with the strength of DOD (capacity and security) in the most efficient arrangement for the given environment.

The third consideration, after the USG creates an effective interagency police development team, is the planning effort the team undertakes to develop the force. In this respect, there are seven general considerations: [49]

First, the team must determine on paper the personnel end-state, the command and control structure and the support structure of the new police force before they begin creating the force. Just as no DOD organization would form a military unit without first designing a template; neither should a police development team form a police unit without proper planning and preparation.

Second, the team should identify and hire local national human resources, logistics and training personnel and simultaneously create support mechanisms to sustain the force. These key positions will assist in recruiting, equipment procurement and distribution and training the new force. Teaching and assisting these key personnel as the team moves through the process will also facilitate a smoother transition to the newly appointed police leadership. Failure to do so will result in the USG providing logistics, maintenance, training and other types of support to the fledgling force for a much longer period.

Third, the team should develop personnel policy up front by deciding how and who will identify, hire,

fire and pay police officers. The team should clearly articulate which USG personnel or new police leaders have authority. The team should also consider the type of promotion system the new government should institute.

Fourth, the team should locate, identify, and classify (large, medium, small and extra-small) police structures on a nationwide basis as early as possible. The team should also assign an adequate number of personnel to this project, ensuring that those personnel have continuity for the long term. The identification and classification of all police facilities early in the process will help determine which existing police structures to repair and where to construct new ones.

Fifth, the team should link its personnel organization plan to the building infrastructure plan. Reducing the number of police stations to a manageable level will allow more money to be spent on real improvements, including force protection, on the few, as opposed to simple cosmetic repairs on the numerous.

Sixth, the team should determine if they should fully modernize or simply upgrade the new police force. Unless team members thoroughly think this through in advance, they typically cannot modernize some aspects of the police force and skip others. For example, spending millions of dollars on a state-of-the-art communications center will be in vain if the rest of the force cannot communicate with it due to lack of radios. Along the same line, buying thousands of automobiles for a force that has traditionally been static and reactive and plans to remain that way, could potentially be a waste of time and money.

Seventh, the team should obtain the newly established government's buy-in to whatever plan they develop. On one hand, if the host nation is not part of

the planning process, the plan will not likely progress. T.E. Lawrence best articulated this point when he said:

> Do not try to do too much with your own hands. Better the Arabs do it tolerably than you do it perfectly. It is their war, and you are to help them, not to win it for them. Actually, also, under the very odd conditions of Arabia, your practical work will not be as good as perhaps you think it is.[50]

There is a small window of opportunity when the USG has more control of the developing force than does the forming government and has the greatest influence to make positive changes to the organizational design. It goes without saying that different cultures organize and delegate differently. With that in mind, there are certain aspects of any paramilitary organization that transcend culture. Primarily, those involve training, discipline, standardized equipment and a recognizable command structure with clearly defined responsibilities. The challenge is to impart those universal aspects of paramilitary organizations onto the new force while, at the same time, allowing newly designated police and government officials to embed their unique cultural aspects into the organization. Although there may be danger in over-relying on western models and concepts, there is a greater risk in allowing a newly established force to resort to old habits. Balanced with new governmental leaders' input, the team should make sound changes to the organizational structure. After the newly installed government assumes control, the police development team, and the USG in general, must live with the seeds it has sown.

With the Afghan and Iraqi police development missions still fresh in the minds of many, the USG

must capture and learn from its errors. Decision-making with respect to police development in those two countries became frustrated and fragmented for three primary reasons. First, there was little consensus in the USG at the strategic level concerning the type of war the U.S. was waging as the insurgency grew in both countries. Second, the USG did not designate a lead agency for police development since the early 1970s, resulting in an uncoordinated effort among different USG agencies. Third, the U.S. military was ill prepared for the complexities of police development. These three conditions resulted in the USG making two fundamental errors early in the Afghan and Iraqi police development processes: 1) it failed to first design a coherent structure or organizational blueprint from which to build upon, and 2) it sacrificed quality in exchange for quantity and speed. Those fundamental errors resulted in lack of a vetting and personnel accountability process, rank imbalances and a general lack of sustainment capacity for both developing forces. To preclude those errors from reoccurring, the USG must reform in a variety of ways. First, the USG must clearly understand that the style of war has changed and that future COIN will be intrinsically more complex. Second, the USG must design coherent policy to help determine which failed or failing states warrant an appropriate level of USG response, and establish a list of clearly articulated goals, expectations, and end states. Additionally, the USG must improve the interagency process, which will facilitate cooperation and unity of effort. The interagency process simply must become more agile and less bureaucratic. Before development begins, the interagency team must take into consideration the personnel end state, command and control structure, and support structure of the

new police force. Additionally, the team should identify and hire local national human resources, logistics, and training personnel, while at the same time create support mechanisms to sustain the force. The team should also create up-front policies that articulate how and who will identify, hire, fire and pay new police personnel. Moreover, the team should locate, identify and classify police structures by size, on a nationwide basis, as soon as possible. The team can begin to link and integrate the infrastructure plan into the over-all personnel organization concept. Finally, the team should determine if they are going to fully modernize or simply upgrade the new police force and obtain buy-in from the newly established government.

Beyond Afghanistan and Iraq, the USG will likely undertake other large-scale police development missions in hostile environments while conducting COIN. If it is true of COIN that: 1) citizens are the center of gravity, 2) citizen confidence in government is paramount, 3) police are the most visible representations of the government and 4) little development occurs without the security provided by a well-established police force, then it is critical to develop quality police organizations from the start. With respect to police development, the USG must significantly improve its efforts in the next failed or failing state because it will not possess the resources or political capital to squander. More importantly, the next failed or failing state will not have the time to waste.

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# CHAPTER 5
# AFGHAN CIVILIAN POLICE: POLICE INSTEAD OF SOLDIERS

*Colonel David L. Ward*

The Afghan police have been a key part of the international community's plan to rebuild Afghanistan society since the Taliban's expulsion in 2001 by coalition forces. Increasing the size of the Afghan police emerged as a key part of the new counterinsurgency (COIN) strategy that was approved by U.S. President Obama in December 2009.[1] Unfortunately, the efficiency and effectiveness of the Afghan Civilian Police (ACP) has not kept pace with the Afghan National Army (ANA). All the approaches over the past eight years failed to achieve an end-state in which the police force is centrally controlled by Kabul and helps to create an Afghan nation-state by reducing the power of the warlords in the provinces.[2] A new intermediate end-state for the ACP is required, and it should consider the socio-cultural dynamics in solving what poses a wicked problem.[3] This paper argues that the Afghan Civilian Police (ACP) train and focus on law enforcement duties in the application of tribal and secular law in order to build legitimacy for the Afghan government instead of performing paramilitary duties in support of counterinsurgency operations.

Socio-cultural dynamics determine the training and employment of the ACP in Afghanistan. A simple solution does not exist and any actions taken will be the least bad option available to the international community and the Afghan people. Before taking action regarding any of the options on the ACP stated above, decision makers must understand the context in the

form of local traditions, religion, society and ethnic groups' past and current interactions with the central government and the history of police forces. This paper presents a summary of how the ACP could better fit into the mosaic of Afghanistan and several pros and cons of the proposed solution.

## THE COMPLEXITY OF AFGHANISTAN FOR POLICE

Afghanistan is a diverse country with numerous tribes, ethnic groups and religious sects spread over very challenging terrain. In addition, the operating environment for the ACP is complex as well. The complexity manifests itself in an insurgency, illegal drug trade, poor governance, corruption, organized crime, illegally armed groups and normal crime.[4] Three major sources of law reside in the country: tribal law, sharia and secular law.[5] Although there are many similarities between them, enough differences exist to present formidable challenges to standard application and enforcement throughout Afghanistan. The balance between them depends on the region, population density and ethnic background. The Uzbeks, Tajiks, Hazaras, Ismailis, Turkmen, Baluch, Brahui and Pashtun ethnic and religious groups each have their own Islamic law traditions,[6] and the conflicts in Afghanistan do not predominantly result from the Sunni and Shia sectarian religious differences. Whereas the traditional law or tribal law may be effective in rural areas, the tribal system has less sway in the urban areas where secular law from the 1960s and 1970s and its recent rewrites are more accepted.

Afghanistan tribal cultures have significantly different views on central authority and concepts on the

application of justice. There are two main forms of tribal management in Afghan tribes: top-down and bottom-up. The Uzbeks, Hazaras, Ismailis, Turkmen, Baluch and Brahui ethnic groups can be generally characterized as top-down. The Pashtuns follow a bottom-up tribal management style. Even within the Pashtun tribes, there are very different leadership cultures, but almost all are very suspicious of outside authority.[7] The top-down tribal areas in the north and east are more amenable to a centrally directed national police force due to their cultural tendencies for strong top-down leadership. The Pashtun south, however, are hostile to a national police force which conflicts with their tribal traditions and law. The Pashtun tribal areas have their own versions of police forces in keeping with traditions and culture.[8] The Tajiks do not organize themselves by tribe and normally refer to themselves by the valley or region they inhabit.[9]

The culture and history of Afghanistan dictates that the local population will look to their local governments for solutions to their issues before they turn to a central government for resolution. There has never been a strong functioning central government in Afghanistan. Although there have been several leaders and outside powers who have tried to rule the country from Kabul, the most stable periods have occurred during a loose federal system. The best example is the Musahiban dynasty that ruled Afghanistan from 1929 to 1978.[10] For several centuries, the central government has had no positive impact on the people's lives and remains almost non-existent in their minds. Traditionally, several Pashtun tribes also have a history of exemption from central rule and service.[11]

One of the main challenges facing the Afghan police forces is a lack of tradition and history in a strong cen-

tral police force.[12] A national police force existed only briefly in the 1960s and 1970s. Designed along European lines, the police force members received training from both East and West Germany. The Soviet period resulted in a reorganization of the police and the creation of additional police forces that became responsible for internal intelligence, arrest and interrogation of political prisoners, subversion of border tribes, assassinations and counterintelligence. As a result, while the Afghans did not have a functioning national police force, they did have functioning secret police forces for several years,[13] which caused increased distrust of police forces.[14] After the departure of the Soviets, there was essentially no national civilian police force in Afghanistan. Local militia and tribal forces reverted to traditional rule of law in much of the country.[15]

This remained the case through the Taliban rule from 1995 until the formation of the ANP in 2002. The diversity of tribes, ethnic groups and cultural traditions make it extremely difficult to develop and implement a standard solution for the employment and control of police forces in Afghanistan. Each region and tribal area has its own distinct cultures and traditions that will require accommodation for the successful application of law enforcement by police. The different organizations within the Afghan National Police require different employment methods depending on the area to successfully support a counterinsurgency strategy as one of their many missions.

## THE AFGHAN POLICE AND COUNTERINSURGENCY DOCTRINE

The ANP consists of Afghan Civilian Police (ACP); the Afghan National Civil Order Police (ANCOP), also known as the Afghan Gendarme; the Afghan Border Police (ABP); the Counter-Narcotics Police of Afghanistan (CNPA) and additional specialized police including criminal investigation, counter-terrorism and customs units.[16] The ACP provides the primary interface with the local population and is the focus of discussion in this paper. The ACP enforces the law at regional, provincial and district levels. This enforcement involves standard police work such as patrols, traffic control and crime prevention. The current plan is for them to spread the rule-of-law throughout the country.[17]

Currently, the ACP is the face of the Afghan government for most of its citizens. How the population interacts with the ACP will determine how the average Afghan views the government. If the ACP is ineffective, corrupt and unavailable, then the Afghan citizens will perceive the government in the same way.[18] The goal of the international community and the central government is to create a democratic society compatible with Afghan culture. Law enforcement is the primary role of police in a democratic society.[19]

Police play important roles in COIN doctrine and theory written in the 20th century. Trinquier and Galula both emphasize the role of police in the counterinsurgency fight. Both theorists started with a premise that a police force existed and had been overwhelmed by the insurgency. The implicit assumption carried through both Trinquier's and Galula's works was that the police existed and needed military help. Trinquier,

especially, spent a great deal of text on how to reinforce the police in their law enforcement roles to combat the insurgency.[20] For all intents and purposes, Afghanistan did not have a police force to reinforce in 2002.

There seems to be a doctrinal tendency among western powers to believe that police officers are the front line in a counterinsurgency fight.[21] Police are an important part of the COIN fight because they enforce the rule-of-law.[22] However, when the insurgency escalates to the level of organized combat, it is no longer a law enforcement problem. Combat is the mission of soldiers. If organized insurgents are attacking police officers with heavy infantry weapons, it is the job of the army to protect them.[23] No additional amount of training or equipment can turn ordinary police into soldiers without compromising their primary role as law enforcers. If the strength of the insurgency is so strong that police officers cannot adequately enforce the law, then the ACP ought to leave the area and be replaced with the Afghan Gendarme or the Afghan Army. Soldiers and police officers operate with different mindsets, engagement and employment techniques. Although there are some similarities in organization, the strength of the police comes from their knowledge of the local population. Affinity with the local population through knowledge of the language and culture is a prerequisite for fulfilling the law enforcement mission and gathering intelligence. Unlike the soldier who could be deployed anywhere to do his mission, the average police officer loses much of his effectiveness when removed from his station or locality, and this loss is magnified by the diversity of Afghanistan.

Effective police interact with the population in small teams and interact with the people in a non-

threatening manner. The one-to-one interaction with civilians allows the police officer to collect intelligence, maintain situational awareness and build trust in his operational area. A large, heavily-armed unit faces much greater difficulties in building these bonds with the locals. As a result, a heavily militarized civilian police is not in the best interests of the government.[24] Furthermore, a level of trust and knowledge of an area can take months or years to build and although the tactics and experience can be transferred from region to region, the trust necessary for a successful COIN strategy still takes a long time. Afghanistan has the Afghan Gendarme, which can reinforce the ACP to a certain level when the ACP is out-numbered or out-gunned.[25]

The Afghan Gendarme is a nationally-controlled paramilitary police force that can work with the ACP to stabilize area situations before they require Army support. Employing the Afghan Gendarme to maintain the rule-of-law before martial law is required is an important step in a successful COIN operation. Since COIN doctrine recognizes that successful counterinsurgencies take time, short-term fixes must be balanced against long-term goals. This is especially true in the use of bad and ill-trained police. As a counterpoint, one can argued that some police are better than nothing at all. Getting some police on the ground to establish law and order and to extend the reach of the government to show progress and to win the loyalty for the government will help stem the tide of the insurgency. However, once heavily armed police, who are poorly trained in law enforcement missions, start dying at the hands of the insurgents and cannot provide either basic security or law enforcement to the population, this will no longer seem to be a successful course of action. When incompetence in basic

law enforcement tasks reveals itself and the inevitable corruption occurs, the competence of the government will be questioned. Unfortunately, police, who prey on the population[26], are not trained on law enforcement tasks, and are ineffective, are more counterproductive for government legitimacy than no police at all. Since the police are the face of the government, the patience of the population in accepting failures will be tested and the government's standing will be lowered. A short-term fix in providing ill-trained police officers for law enforcement duties will make the insurgents' job even easier. The results of the short-term fix will allow the insurgents to say "I told you so" and install their shadow government.

Training an effective police officers takes longer than training a new soldier. Although the current training for an Afghan Soldier is longer at fourteen weeks than that for a police officer at eight weeks, six weeks difference should not be the criteria to rush more police into a job they are not trained to do. If soldiers are needed, train soldiers and deploy units to combat the insurgency. After the insurgency is contained, soldiers and units can leave the area, while police will need to remain. It is imperative that police be trained to high standards to maintain the legitimacy of the government. Training police in paramilitary duties to allow soldiers to do other tasks is a mission doomed to failure in the long-run.

## TRAINING AND REFORM OF THE ACP

The lack of literacy among Afghan police recruits is the single biggest impediment to a western style law enforcement organization and requires concerted training and education. Rural Afghan males have a literacy rate of under 40 percent.[27]

Illiteracy is a bigger impediment to successful police reform than corruption, warlordism, terrorist targeting or local authorities' co-option. The modern rule-of-law requires written documents. Modern forensic techniques and judicial proceedings rely on written reports for adjudication as a case moves through the system. The inability to read and write creates the opportunity for lapses in memory and lost evidence ,which can easily be perceived by the aggrieved party as evidence of corruption and favoritism. This is especially true of secular law that is not fully understood and unfamiliar in the rural areas and may actually be in conflict with long established traditions.

The conflicts between secular law and tribal traditions are not the only problems the ACP must overcome. The international community also has different ideas on how the police should be trained, controlled and employed. For example, the Europeans and Americans have philosophical and organizational differences in the training and formation of the Afghan National Police force. The Bonn Agreements in 2002 divided Afghanistan's security sector reform (SSR) into five components with one nation in charge of each. The United States took responsibility for the Afghan National Army (ANA). Disarmament went to the Japanese while the United Kingdom tackled the counter-narcotics problem. Italy attempted judicial reform while Germany assumed the mission of reforming the Afghan National Police. Although politically palatable to divide the mission between the international community partners, this approach was doomed from the start. SSR is a system that requires holistic reform. Delays or failures in one sector or component cause serious ramifications in another sector. The lack of co-ordination and differing philosophies between lead

nations caused problems still evident today.[28] The location of the original international forces in Kabul and the small footprint methodology adopted by the United Nations further narrowed the scope of the reform efforts.[29]

Germany accepted responsibility for training the police force. In their tradition of a highly trained national police force, the Germans created a central police academy that focused on civilian law and produced very professional officers. The German intent was laudable but the three-year course for officers and one-year course for non-commissioned officers only produced 870 officers and 2,600 NCOs in the first three years. The numbers produced came nowhere near meeting the requirements. This approach neglected the security environment and allowed the interim local commanders and militia leaders to place their own untrained and corrupt cronies into positions of authority and become the de facto face of the national government.[30]

The gaps in capacity and capabilities were magnified by the differences in employment and control of police between the U.S. and Europe law enforcement traditions. Fundamental differences separate the European and American views of policing. The Europeans have a strong tradition of a high quality national police force. The United States prefers the community-policing model.[31] The difference between community policing and the national system are legal and political. The European policing system serves the state first while community-policing system serves local communities first. Although there seems to be an overriding desire to extend the reach and control of the central government through a national police force, the tension between the two systems may be creating future

problems for the Afghan National Police.[32] Due to U.S. dissatisfaction with the scope and speed of the German efforts, and the worsening security situation the U.S. assumed responsibility for the Ministry of Interior (MOI) and police force training in 2006.[33] The organization responsible for police training is the Combined Security Transition Command-Afghanistan (CSTC-A). By July 2007, under U.S. direction, 71,147 rank-and-file police had received training.

The course at the regional centers includes eight-week basic training for literate recruits. The training regime omits many obvious policing functions such as in-depth study of the law, note-taking and witness statements. The training attrition rate was estimated in 2006 to be 15 to 30 per cent and, as of 2009, there are still problems with police completing their training and being diverted to counterinsurgency missions.[34] Moreover, in 2007 the head of the Combined Security Transition Command-Afghanistan (CSTC-A) efforts said only 40 per cent of the police have proper equipment.[35]

Even after the U.S. assumed the responsibility for reforming the ANP, the training and equipping of the Afghan Civilian Police has been uncoordinated within the international community, within the U.S. government, and unfocused on the skills needed for law enforcement. The international community's competing and conflicting visions of reform thwarted progress and demonstrated the lack of international organizations equipped and trained to oversee police training.

Numbers through academies and dollars spent on equipment are often easier to measure than real progress in policing.[36] Unfortunately, buying equipment and placing it into the hands of ill-trained and possibly corrupt individuals does not cause real reform or

improve the efficiency of the police or their standing in the public's eye.[37] As mentioned earlier, if the police do not receive the training for law enforcement, they cannot perform their vital role in a counterinsurgency. Training them as a paramilitary force moves them farther away from law enforcement expertise and roles and actually makes them even less useful in a COIN role. The U.S. decision to give the leading role in its police programs to the Department of Defense did not help this conundrum and further blurred the distinction between the military and police. Realizing that the Security Sector Reform (SSR) is a system, CSTC-A's current efforts, with the support of the State Department's Bureau for International Narcotics and Law Enforcement Affairs (INL), focus on a greater unity of effort within the international community toward reforming the entire rule of law system, to include the police.[38] The International Security Assistance Force (ISAF) and CSTC-A are working to set the conditions for improvement. Pay reform, grade reform, elimination of private militias and use of police mentor teams with the ACP are the more important initiatives that are starting to show results.[39] The reform efforts have lessened the corruption and bloated bureaucracy of the MOI, but have had little effect on improving the effectiveness of ACP at the local level.[40]

The thesis to focus on law enforcement of tribal and secular law over paramilitary duties for police under the control of regional governments is not without controversy. This paper will now briefly examine the arguments for and counterpoints against the thesis by examining the three main parts: law enforcement over paramilitary, tribal law and secular law over solely secular law and local control over central control.

## THE PRIMACY OF LAW ENFORCEMENT OVER PARAMILITARY DUTIES

The police's primary role is to prevent crime. The population expects their police officers to provide a safe and secure environment to safeguard their families and property from crime. The crime referred to here does not encompass organized crime such as drug trafficking by cartels or attempting to label all insurgents criminals and grouping everything they do as crime. The crimes that the ACP deals with are the routine acts such as thefts, personal assaults-and-disputes and traffic law enforcement.[41] Since the police are the most visible, omnipresent and powerful face of the government to the normal civilian, any feelings the population have about the police transfers to the government and its legitimacy. The thievery, bodily assaults, traffic violations and corruption affect the sense of security of most of the population. Therefore, the prevention of crime as it affects the individual remains the primary focus of law enforcement policing.[42]

The inability of the police forces to control crime reduces the legitimacy of the government. Efficient and honest policing goes to the very essence of creating a nation-state. National institutions must provide security and justice for a government to be regarded as legitimate. Currently, the Afghans regard the police as a source of fear instead of security.[43] The police are a successful part of a COIN program only if they are effective police officers. Making them auxiliary soldiers, paramilitary forces or economy of force units instead of enforcers of the law does more harm than good.[44] If organized insurgents are attacking the police, the correct response is not to give the police military training and military equipment. The correct response

is to provide the police protection through army units trained to handle combat so the police can do their law enforcement mission. Without such protection, the police will continue to be at the mercy of the anti-government forces, to suffer casualties and to desert.[45]

Police officers cannot function as substitute soldiers and perform paramilitary duties in addition to their law enforcement duties. Currently, the police are being forced to combat the insurgency as an inadequately trained and equipped security force.[46] In 2008, over 1300 police died, which is three times the number of Afghan soldiers during the same period. As of November, the tally for police was over 1000 killed and 1600 wounded in 2009.[47] The Taliban understand how important the police are for the legitimacy of the government and singles them out for attack.[48] Although the pay scale for police is now the same as soldiers, the lack of backup during combat operations, lack of respect or prestige from the population and high death rate contributes to an attrition rate of 20 percent per year.[49]

There is also the counterpoint idea that law enforcement, regardless of training and laws, is infeasible in the current security climate and the ACP needs to focus on paramilitary roles to defeat the insurgency and create a security climate where law enforcement is feasible in the future. The reasoning follows that the ACP are dying due to insurgent attacks and it is necessary to train them in paramilitary roles or they will not survive to do law enforcement. Even among some international police, there is the assessment that Afghanistan's security environment is unready for civilian policing; therefore, the police must remain an auxiliary military force while the current security situation continues.[50] The problem with this line of think-

ing is that it assumes that the security situation can only be improved by military means. It assumes that once the insurgents are removed, then law enforcement can start or resume.

Continuing this line of thinking is dangerous because it neglects to consider that the lack of law enforcement is actually allowing the security situation to deteriorate. The lack of law enforcement is not just in the crimes that the insurgents commit, but also in lack of legitimacy that the locals feel towards the government because they feel unprotected from common crimes and criminals.[51] This insecurity leaves an opening that the insurgents, and especially the Taliban, have been able to successfully exploit through their use of night letters and a shadow government.[52] Unfortunately, police officers trained in paramilitary duties are not going to be the best personnel to conduct law enforcement among the population. As noted earlier, the mindset for law enforcement and combat is entirely different and not easily switched.

One of the hardest objections to overcome for training and using police in a law enforcement role is the education level of the Afghan population. There is the view that the Afghan police force recruits are too illiterate to train in law enforcement duties and are better suited for a paramilitary role. It is much easier and quicker to train a recruit to be soldier who is part of unit subject to supervision than it is to train a recruit to be a police officer to operate with little to no supervision and have daily interaction with the local population in complex situations that require on the spot judgments. The inability to read the law, to apply forensics techniques, to read and understand standard operating procedures, or to fill out reports severely curtails the Afghan's ability to practice modern police work.[53]

The ability to perform modern police work will develop over a generation as the education system produces personnel able to function in a modern bureaucracy. Until then, police trained in the basic concepts of civil rights, evidence collection and service to the population under the guidance of the traditional tribal structure will need to suffice.

## TRIBAL LAW AND SECULAR LAW OVER SOLELY SECULAR LAW

The employment of police in law enforcement roles needs to reinforce existing tribal culture and mechanisms for justice that will ensure a greater chance of success for the police and the people. The mechanisms for justice in many areas are longstanding. For generations, tribal elders and village councils have been dispensing justice and enforcing societal norms according to traditional or tribal law. There is some concern that thirty years of war may have subverted customary traditional law, but centuries of tradition are difficult to erase. In the near-term and probably for much longer, the national set of laws should allow the traditional tribal systems in place to take priority in those areas where tribal law could be effective.[54] A set of laws that has acceptance among the people will do more to provide for security than a universal set of written laws that are very unfamiliar and cannot be read.  The police will have greater success in enforcing a set of laws that everyone is familiar with instead of enforcing decrees issued by a central government. A return to traditional laws will do more to calm the countryside than a top-down enforcement of secular law at this point in Afghanistan's history. A melding of secular law dealing with capital crimes and serious

offenses with tribal law could then take place over a generation once stability or a rough equilibrium between national and local governments has returned.[55]

There are several good reasons to enforce tribal law over a poorly understood secular law for the immediate future. Traditional law follows the general tenets of religious law and is accepted and understood within the different cultures of Afghanistan. Traditional courts and processes already exist in many rural areas and they can be leveraged. Where tribal ties and religious courts do not hold as great an influence, secular law based on the Afghan constitution can be enforced. These areas for secular law will predominantly be in the urban areas where tribal ties may not be as strong or in areas where disputes occur between entirely different tribes or ethnic groups. Secular law may be the only common denominator between the opposing plaintiffs in certain areas.

However, there is no accepted and understood secular law within Afghanistan that can be successfully and universally enforced. Several contradictions exist about the rights of suspects and how long they can be held. The police law states that suspects can be held for 72 hours, while the Interim Criminal (Procedure) Code for Courts (2004) only allows 24 hours. This is an example of the disconnect in security sector reform between the Italians working with the judiciary and the Germans working with the police. This is only one of the many reasons that police are unfamiliar with applicable laws and adds difficulty to an illiterate police force more familiar with tribal tradition than western-inspired human rights ideas. The criminal code however, is under revision and this effort will eventually help in the long term. Until then, most police are unfamiliar with the relevant secular laws.[56]

The police should focus on enforcing the tribal or secular law accepted by the population in their area. Any attempts to enforce laws that do not have legitimacy in the population's minds provide an opening for insurgents and alternative systems. Another counterargument says that Afghanistan will never be a modern country where human rights are respected for all if the current system of traditional justice is allowed to continue. Proponents of these ideas reason that the enforcement of tribal and religious law strengthens the tribal and religious structure at the expense of the central government and the creation of a viable Afghan nation-state. This is true. As long as the people continue to see their local leaders as the providers of security and prosperity rather than the central government in Kabul, they will not transfer their loyalty to a central government. An Afghan national identity may be in the future, but a regional tribal loyalty is better than an autocratic and theocratic regime controlled by Taliban extremist-inspired ideas.

## LOCAL CONTROL OVER CENTRAL CONTROL

Local governments should have responsibility for law enforcement for the foreseeable future. There are too many barriers to a centrally-controlled law enforcement system in the form of cultural traditions, past abuses, repressions and general mistrust. As stated earlier, the most stable periods in Afghan history occurred when the central government reached accommodation with regional leaders and the Kabul government led a relatively weak, loose federation. It would be folly to try to supplant local power brokers with centrally selected individuals. The local power brokers have the power for a reason. Power comes

from money, tradition, tribal affiliation and ability. Local governments can reinforce the tribal status quo through the enforcement of tribal law. Although there is some danger of the police forces being co-opted by local authorities or warlords, the solution to this issue is to ensure good governance by local authorities. It is not to position the police between local and national power conflicts. Local governments need to be responsible for the security of their populations. Police are an integral part of the solution. Control of the police should not be removed from local authority because there is the fear that the local authorities will misuse them. This is self-defeating course of action.

The arguments for a strong central government center on the need to create an Afghan nation. An effective and respected centrally-controlled police force better enables support for a central government. A national police force can strengthen the central government and aid in the development of an Afghan nation-state. A national police force allows the central government to weaken the influence of the warlords and private militias. A centrally controlled national police force also can reduce corruption and increase quality across the entire force by ensuring standards. The rule of law is critical in the economic development of the country and can only be enforced by centrally controlled and competent police forces that are not under the influence of regional power brokers. Without a strong central government with the ability to tax and a monopoly on the use of violence, Afghanistan will not be able to develop economically. However, though a nationally controlled police may allow a strong central government to exist, the traditions and histories of decentralized tendencies of the Afghan peoples are not going to be overcome within one generation.

Therefore, tribal police forces are more viable for now.

A well-reasoned argument can be made for wanting the power centers to shift to Kabul instead of remaining in the provinces. Strong regional governments weaken the central government and degrade the central government's ability to manage scarce assets and establish quality training for police. There will come a time when the international community's resources will decrease. Afghanistan is not a rich country and will need a means to pool scarce resources to train and maintain a military and a police force. If the power remains in the provinces, this loyalty will not transfer to Kabul and the central government. This will delay the formation of a modern state and the recognition by the Afghan population that they are Afghans before they are members of a tribe or ethnic group. Although the reasons articulated for strengthening the central government above appear logical and reasonable, they do not adequately factor in the socio-cultural dynamics, difficulties, cultural changes and time involved to become a reality. Attempting to use the ACP to force the changes is not a wise way to increase the government legitimacy.

## RECOMMENDATIONS

*Recommendation 1*

Afghan Civilian Police (ACP) training should consist of law enforcement tasks and responsibilities with a strong emphasis on literacy education. The role of the police in a counterinsurgency is understood to be important. The police can only perform this role if they are truly police serving in a law enforcement role under the mantle of to serve and protect the Afghan

population. In order to perform their law enforcement tasks as well as gather intelligence, the police should be given special emphasis on literacy training to enable them to perform in a modern bureaucracy that requires written reports. If they are not seen by the public as trustworthy and competent, then the public will not provide them with the information and intelligence that allows them to know their areas of responsibilities and help thwart the insurgents. The recommendation is to stop training police to be paramilitary forces and stop using them to hold areas cleared of insurgents. Soldiers should hold areas cleared of insurgents and deal with any insurgent returnees.[57] The police gather intelligence while performing their primary law enforcement role and the soldiers react to combat.

*Recommendation 2*

Afghan Civilian Police should enforce the traditional or secular law appropriate for the area under the control of local authorities. The police should work for the local authorities enforcing the tribal or secular law appropriate for the area and provide an atmosphere of security for the population. The employment of the police in a law enforcement role in Afghanistan depends on each region's composition of tribes, history, culture and traditions. The ACP should be recruited from the local area and reflect the cultural, ethnic and tribal environment. The different tribes that make up the country of Afghanistan share very few cultures and traditions that would allow a strong central government with a uniform system of laws and police force to exist at this period in time. Expecting the police to expedite the transition to a strong central government is misguided and antagonizes the locals and puts the

goal of a strong central government further off in the future. Any attempt to establish a standard formula for the employment of police, the enforcement of laws and police organization in Afghanistan is foolhardy.

*Recommendation 3*

Afghan Civilian Police should leave those areas where the security situation does not allow law enforcement duties to be performed and be replaced by the Afghan National Army or the Afghan Gendarme. If the security situation does not allow routine law enforcement duties to occur, then high-threat law enforcement operations by the Afghan Gendarme or combat operations by the Army are required. If suffi-☐ cient Afghan Gendarme or Army units are not readily available, then the area may need to be surrendered to the insurgents until security forces are available and present. The temptation to use police in economy of force roles in insurgent controlled areas must be resisted. In order to hold the areas after the insurgents are removed, trained police performing law enforcement duties are needed to reestablish government legitimacy. If police are not trained in law enforcement duties or dead, the situation will quickly deteriorate again. A course of action where the police focus on law enforcement may mean a larger and more visible army for the near future to defeat the insurgents. The time during which the army provides security can be used to develop a professional police force that is developed from the bottom-up to include literacy. Until the police are trained in law enforcement roles and gain proficiency in their tasks as well as gain the trust of the population, their utility in the current COIN fight is limited and may be counterproductive. Another at-

tempt to rebadge or retrain the police with even more short training courses, as either units or individuals, will guarantee the same results if the ACP are used in the same manner as present.

## CONCLUSION

There is nothing more wasteful than trying to solve the wrong problem more efficiently. To manage a wicked problem like the role of the Afghan Civilian Police (ACP) in the current counterinsurgency environment, the socio-cultural dynamics of history, society, tradition, and roles of police and soldiers must be integrated into a solution. The least bad option is for the Afghan Civilian Police to  train and focus on law enforcement duties in the application of tribal and secular law at the regional level to build legitimacy for the Afghanistan government instead of performing paramilitary duties in support of counterinsurgency operations.

## ENDNOTES

1. Anand Gopal, "Afghan Police Deaths Highlight Holes in Alliance," *The Wall Street Journal*, December 15, 2009.

2. Hamid Karzai, *National Security Policy*, (Kabul, Afghanistan: Office of the National Security Council, 2010), Chapter 3, 14; Patrick Donahue and Michael Fenzel, "Combating a Modern Insurgency: Combined Task Force Devil in Afghanistan," *Military Review*, June 2008.

3. Socio-Cultural Dynamics is defined as information about the social, cultural and behavioral factors characterizing the population of a specific region or operational environment. A "wicked problem" is an ill-structured problem that professionals will disagree on: how the problem can be solved, the most desirable end

state, and whether it can attained. U.S. Department of the Army, *Commander's Appreciation and Campaign Design*, TRADOC Pam 525-5-500 (Washington, DC: US Department of the Army, January 28, 2008), 9.

4. Mohammed Hadeef Atmar, *Afghan National Police Strategy* (Kabul, Afghanistan: Afghan Ministry of Interior, January 2010), 3.

5. Secular Law is defined as law derived from the Afghan Constitution. Traditional or tribal law predates the influence of Islam. For example, in the southern Pashtun regions, tribal or traditional law is known as Pashtunwali. Sharia law is derived from the precepts of Islam.

6. The Pashtun's traditional tribal law is "Pashtunwali" which governs a tribe's actions and is administered by tribal elders. Pashtunwali differs from Islamic Law "Sharia" enforced by mullahs. See Tribal Analysis Center, "Starfish, Spiders and Jellyfish: Pashtun Cultural Factors limiting Warlord Development," 2009. *http://www.tribalanalysiscenter.com/freePDF/ Afghanistan%20A %20 History%20of%20Utilization%20of%20Tribal%20Auxiliaries.pdf* (accessed November 10, 2009).

7. *Ibid.*

8. These are the Tsalweshtai "guard force" which is a platoon-sized force of forty men formed for special mission such as protection from bandits or brigands.  The Tsalweshtai forms from various groupings within the tribe.  The Tribal police force is known as Arbakai and enforces tribal jirga decrees. In addition, there are also larger groups such as Chagas and Chalweshtai to implement tribal decisions. Lashkars are raised and used for large-scale problems and can be between 12 and 50,000 men. See Tribal Analysis Center, "Starfish, Spiders and Jellyfish: Pashtun Cultural Factors limiting Warlord Development," 2009. *http://www.tribalanalysiscenter.com/freePDF/Afghanistan%20A%20History%20of%20Utilization%20of%20Tribal%20Auxiliaries.pdf* (accessed November 10, 2009).

9. Peter R. Blood, ed., *Afghanistan: A Country Study* (Washington, DC:: U.S. Government Printing Office, 2001),. *http://countrystudies.us/afghanistan/39.htm (accessed, February 27, 2010)*

10. The Musahiban dynasty included Zahir Shah, Nadir Shah, and Daoud Khan.This dynasty was one of the most stable periods in modern Afghan history, partly because the Musahibans understood the importance of local power. There had been some spectacular failures before this period of relative calm. Previously, Amanullah tried to emulate Ataurk's Turkey and Reza Shah's Iran from 1919 to 1929. His government's attempts to extend the rule from the capital resulted in rebellions. The social and political upheavals started in Khowst in 1923 and continued to Jalalabad in 1928. Amanullah abdicated in 1929 and anarchy ruled for several months. As a result, in the rural areas, especially, in the Pashtun enclaves, the central government is seen as a foreign entity. The familiar saying of "my allegiance to my family first, then to my village, sub-tribe and tribe" is rigorously applied. See Seth Jones, "Going Local: The Key to Afghanistan," *The Wall Street Journal*, August 7, 2009.

11. "Those Pashtun tribes, especially those from southeastern Afghanistan and those from Waziristan in British India that made the military difference and allowed Nadir Khan to become Nadir Shah to continue the line of Barakzai kingship received special concessions afterwards. They were granted a complete exemption from taxation and conscription into the army in return for the support they provided in securing him the throne. This use of large tribal militia forces led to government concessions, as in agreeing to the execution of Habibullah Ghazi, and providing them exemptions to control from Kabul's central government that remains a factor in today's political environment in southeast Afghanistan where the government's writ is barely noticeable in the region's rural areas. This is an unintended consequence of Nadir Shah's concession to the tribes that supported him and a warning about how large, tribal based militias can get beyond central government control in countries like Afghanistan where weak national governments and powerful regional tribal structures are the norm. Nadir Shah's policy that exempted his tribal militias from some governmental controls had additional far reaching impacts on later generations, however." See Tribal Analysis Center, "Afghanistan: A History of Tribal Auxiliaries," 2009. *www.tribalanalysiscenter.com/freePDF/Afghanistan%20A%20 History%20of%20 Utilization%20of%20Tribal%20Auxiliaries.pdf* (accessed November 10, 2009).

12.  Sarah Canna, comp., *The Rich Contextual Understanding of Pakistan and Afghanistan (PAKAF)* (Boston, MA: Harvard Kennedy School, September 9, 2009), 17

13.  Seth Jones, *Counterinsurgency in Afghanistan* (Santa Monica, CA: RAND, 2008), 34.

14.  Tonita Murray, "Police-Building in Afghanistan: A Case Study of Civil Security Reform," *International Peacekeeping*, 14, no 1 (2007), 109

15.  Jones, *Counterinsurgency in Afghanistan*, 33.

16.  *United States Plan for Sustaining the Afghanistan National Security Forces*, Section 1231, Public Law 110-181, June 2008, 21 and Atmar, *Afghan National Police Strategy*, 25.

17.  The MOI is in the process of reorganizing and reforming the Afghan National Police to improve police training, education and overall effectiveness. There are five categories of police: Afghan Civilian Police (ACP), Afghan Gendarmerie (ANCOP-AG), Afghan Border Police (ABP), Afghan Anti-Crime Police, (AACP) and the Afghan Public Protection Force (APPF). See *United States Plan for Sustaining the Afghanistan National Security Forces*, Section 1231, Public Law 110-181, June 2008, 22 and Atmar, *Afghan National Police Strategy*, 25.

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19.  David H. Bayley, *Changing the Guard: Developing Democratic Police Abroad* (Oxford, England: Oxford University Press, 2006), 58.

20. Roger Trinquier, *Modern Warfare: A French View of Counterinsurgency* (New York: Praeger, 1964), linked from *http://carl.army.mil/resources/csi/trinquier/trinquier.asp* (accessed January 3, 2010)

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22.  "Policing is one of the most effective -- and also the most ill-used -- tools available to tackle extremism. In an insurgency police should be the eyes and ears in uncovering violent networks, spotting bombs, guarding public facilities and reporting suspicious activities. More generally – but just as importantly -- police keep everyday public order on the streets. Reducing general criminality and providing security to the public provides the most widely shared and distributed public good. It is much more effective in winning hearts and minds than digging wells or building schools -- and indeed encourages and protects such development activities." See speech by Nick Grono, "Policing in Conflict States: Lesson from Afghanistan", to International Police Commissioners' Conference, in The Hague, June 16, 2009.

23.  The Afghan National Security Policy states that it is the task of the ANA to combat insurgencies. See Karzai, *National Security Policy*, Chapter 3, 10.

24.  Atmar, *Afghan National Police Strategy*, 8.

25.  "The Afghan Gendarme's mission is to maintain law and order utilizing proportional armed capability. It will be organized geographically into regional brigades and battalions. The Afghan Gendarmerie will be the lead police organization in counterinsurgency operations and work in close cooperation with the Afghan Border Police and Afghan National Army. Operations conducted by these units should be fully supported by military forces or conducted jointly with the military to support the 'clear' phase of counterinsurgency operations and the Afghan Gendarmerie will eventually be the primary police organization in the 'hold' phase of counterinsurgency operations and will support the Afghan Civilian Police." See Atmar, *Afghan National Police Strategy*, 27.

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linked from http://afghanistan.usaid.gov/ en/Program.23a. aspx (accessed January 14, 2010). The UNESCO statistics put literacy at 28% overall based on year 2000 data. See United Nations, *Education in Afghanistan* (UNESCO Institute for Statistics: Montreal, Canada, 2007) linked from http://stats.uis.unesco. org/unesco/TableViewer/document.aspx ?ReportId=121&IF_ Language=eng&BR_Country=40 (accessed January 14, 2010).

28.  International Crisis Group, *Reforming Afghanistan's Police, Asia Report N°138*, 30 August 2007, 6.

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31.  Community Policing: "Community policing is a philosophy that promotes organizational  strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime." See U.S. Department of Justice, *Community Oriented Policing Services*, (Washington, D.C.: U.S. Department of Justice, April 2, 2009), linked from *http://www.cops.usdoj.gov/files/RIC/Publications/ e030917193-CP-Defined.pdf* (accessed January 22, 2010).

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33.  U.S. Government Accountability Office, *Afghanistan Security, U.S. Programs to Further Reform Ministry of Interior and National Police Challenged by Lack of Military Personnel and Afghan Cooperation* (Washington, DC: U.S. Government Accountability Office, March 2009), 2.

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37. Ann Marlowe, "The New Strategy for Afghanistan's Cops," *The Wall Street Journal*. April 25, 2008.

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39. "The reduction of corruption has received significant emphasis through changes in pay, personnel systems, block training of officers and reductions and reassignments of staff and is starting to show results. The MOI officer corps shrunk by almost half from 17,800 to 9,000. Pay and rank reform started in late 2005 has been important. The reduction in senior MOI officers has streamlined the bureaucracy and reduced the opportunities for corruption. The reduction has also allowed for rigorous testing and the promotion based on merit rather than personal contacts or factional connections." See David D McKiernan, "Winning in the Islamic Republic of Afghanistan," *Army*, October 2008*, 127*; Andrew Wilder, *Cops or Robbers: The Struggle to Reform the Afghan National Police* (Kabul, Afghanistan: Afghan Research and Evaluation Unit, July 2007), viii.

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41. Atmar, *Afghan National Police Strategy*, 25.

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43. International Crisis Group, 1; Atmar, *Afghan National Police Strategy*, 8.

44. Murray, 119.

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# CHAPTER 6
## MOUNTING A U.S. CIVIL-MILITARY CONSTABULARY POLICE FORCE

*Colonel Robert A. Karmazin*

Recent history and numerous sources, including the 2010 Quadrennial Defense Review (QDR), recognize partner-nation security as a necessary component of United States National Security. The Quadrennial Defense Review specifically illustrates the necessity for enhancing U.S. capabilities to train, advise and assist partner-nation security forces.[1] Such forces prevent adversary groups from recruiting members and enjoying sanctuary in areas around the globe where they can plan and launch attacks on the United States.

A partner-nation's security force can be comprised of both its police forces as well as its military forces. Today, the U.S. Government provides dedicated military trainers to assist a partner-nation develop and mature their military force capabilities, and then focus their efforts on external military threats. However, the U.S. Government does not possess a dedicated corps capable of creating or assisting partner-nation police forces who are trying to address their internal security concerns. This is a capability gap directly affecting U.S. National Security. To comprehensively address U.S. National Security and assist partner-nations attempting to address their internal security concerns, the U.S. Government must develop a permanent civil-military professional policing component, i.e constabulary, capable of creating, training, and advising existing partner-nation police forces while simultaneously sustaining local security in an uncertain environment.

The United States Government has been historically involved in foreign security assistance activities, including training programs for foreign police forces. This engagement expanded in the early 1960s under the Kennedy administration. Concerned about growing communist facilitated insurgent activities, the administration established a public safety program within the United States Agency for International Development (USAID) through the congressionally enacted Foreign Assistance Act of 1961. This act reorganized U.S. foreign assistance programs and separated military and non-military aid. By 1968, the United States Government was spending $60 million a year to train police in 34 countries.[2] However, in the early 1970s, Congress became concerned over the use of program funds for two primary reasons. First, their concerns surrounded allegations of human rights violations by regimes supported by the funding. Second, their concerns reflected the overall absence of clear-cut policy guidelines for implementing and monitoring the police training programs. As a result, Congress determined that the United States Government would not continue supporting foreign police organizations.[3]

To alleviate concerns over the use of funding, Congress enacted the Foreign Assistance Act of 1973, forbidding the use of foreign assistance funds for police training and related law enforcement programs in foreign countries.[4] One year later in December 1974, the Congress amended the Foreign Assistance Act of 1961 by adding section 660, which prohibited USAID's public safety program.

However, that is all it did, and it did not apply to any of the Drug Enforcement Agency (DEA) or the Federal Bureau of Investigation (FBI) programs related to "crimes of the nature of which are unlawful in the

United States"[5] or assistance to combat international narcotics trafficking. Officials from both the Drug Enforcement Agency and Federal Bureau of Investigation, use this exemption to permit their organizations to train and assist foreign police.[6]

Throughout the remaining 1980s and 1990s, Congress granted numerous exemptions to the 1974 prohibitions, authorizing activities that benefited specific U.S. goals — a total of eight between 1981 and 1990. In addition to the exemptions granted by Congress, the President may also authorize foreign assistance when it is important to U.S. security interests. This allows the President to waive any provision of the Foreign Assistance Act of 1961 including section 660.[7]

Today in Afghanistan and Iraq, supported by limited Congressional authorities, the Department of Defense (DOD) plays the lead U.S. Governmental role in providing training assistance to Iraqi and Afghan security forces, including police.[8] This dynamic policy change provides the DOD with categories of funding and authorities to take the lead in implementing activities allowing international partners to contribute to the coalition efforts.[9] However, it can be argued that this effort has been ineffective in meeting today's post 9/11 security assistance challenges. Overall, the authorities are still too restrictive, reflect an inflexible approval and implementation process, and fail to encourage an effective whole-of-government solution.

These quick fix efforts lead to several strategic questions: Can the U.S. Government conduct the mission of training and advising partner-nation police forces while simultaneously sustaining local security under the current construct? Should the U.S. Government establish a civil-military constabulary police force? Should the U.S. Government leverage local

(non-federal) law enforcement capabilities and assets to fill this capability gap?

## DEFINING THE GAP

A key factor in Afghanistan and Iraq affecting operational success is the permissiveness of the environment in which U. S. military forces and U.S. Government civilian elements must operate. It is imperative for the success of the overall U. S. Government effort to implement security assistance activities to build a strong partner-nation civil law enforcement organization. This partner-nation law enforcement capability must create the permissive environment needed to facilitate all other post- conflict stability activities necessary for restoring good governance and peace in the region. The key element missing in this chain of necessary events is the permanent, civil-military professional policing component of the U.S. Government. When created, this U.S. Government professional policing component must be capable of quickly subduing armed opposition, de-escalating civil disorder and ensuring that partner- nation civil law enforcement officers can perform their functions in a secure environment.[10] This missing U.S. Government component creates a capability gap that other U.S. Government agencies, such as the DOD, must fill temporarily. Temporary gap-fillers create imperfect solutions and inconsistent outcomes. Thus, the product of the security assistance activities performed by the temporary gap fillers is a partner-nation law enforcement element lacking a solid foundation for future growth.

As outlined in the DOD Capstone Concept for Joint Operations version 3.0, "Security assistance activities are implemented to ensure a safe and permissible

post- conflict environment is established to enhance, protect, and control civil populations and territory — friendly, hostile or neutral. These activities may be performed as part of a military occupation during or after combat or to help defeat an insurgency. Security assistance activities conclude when the civil violence is reduced to a level manageable by civil law enforcement authorities."[11] Recent experiences in Afghanistan and Iraq revitalized awareness of both the importance of security activities and the importance of providing a dedicated constabulary force with the capabilities needed to train andadvise partner-nation law enforcement elements to increase internal security.

## POST-CONFLICT STABILITY FORCE PLANNING

Prior to hostilities, a comprehensive campaign plan must be developed that addresses post-conflict stability. This plan must include an analysis of both internal and external security threats and their direct relationship to the permissiveness of the post-conflict environment. This campaign plan should incorporate civil-military constabulary forces to train and advise a partner-nation's police force. It has been suggested that the aggressive planning process prior to Operation Iraqi Freedom (OIF) combined with planning compromises derived through rapid, successive and continuous vetting sessions represented a new intensity in the scope and frequency of iterative campaign plan development.[12] Historians have argued that there was no coherent plan for post-conflict stability operations — either in the Department of Defense (DOD) or the Department of State (DOS). However, evidence suggests otherwise. From the outset, creating a secure post-conflict environment was a primary DOD planning objective.[13]

During the OIF-campaign-planning process, President George W. Bush signed National Security Presidential Directive 24 (NSPD 24), a unified mission plan for post-conflict activities in Iraq concerning reconstruction and stabilization. Within this document, formal post-conflict authorities enabled the DOD to perform security assistance activities.[14] However, it was recognized during the planning process that post-conflict security was an unsettled issue and perhaps not all of the security requirements should be the responsibility of the military. In fact, Dick Mayer, the deputy director of the International Crimminal Investigative Training Assistance Program (ICITAP), recommended the addition of 5,000 international police advisers to fill the law enforcement vacuum following the collapse of Saddam Hussein's Baathist government.[15] The police advisors would train the Iraqis in modern police tactics, identify and eliminate committed Baathists and help maintain law and order.[16][25] Mayer estimated that the program would cost $600-700 million, while DOD officials estimated $38 million would be required to establish the program.[17] Furthermore, DOD officials considered Mayer's estimate to be an excessive and unnecessary expenditure. Ultimately, they appeared to dismiss his suggestions since the U.S. would not be ultimately responsible for enforcing the law in Iraq.[18] The DOS Bureau of International Narcotics and Law Enforcement later refined the estimate for the overall program upward to $1 billion.[19]

The Defense Policy Board also invited Robert Perito, an expert on peacekeeping operations at the United States Institute for Peace, to outline his recommendations regarding post-conflict stability operations in Iraq.[20] Perito, who had extensive experience in the Balkans conducting peacekeeping operations, supported the creation of a U.S. sponsored civilian constabulary

force, as Mayer, had [21] Perito advised Pentagon offi-
cials not to rely on local authorities for security in a
post-conflict Iraq.[22] Perito also explained that neither
the North Atlantic Treaty Organization (NATO) nor
the Organization for Security and Co-operation in
Europe (OSCE), which contributed police and legal
experts in Bosnia and Kosovo, would be interested
in supporting post-conflict security operations in
Iraq.[23]Additionally, Perito felt relying on U.S. military
forces was not the answer since they primarily focused
on decisive combat operations. He further concluded,
it would be vital to have an international police force
on the ground to stop any rioting or civil disorder
before it got out of control. Police forces needed to
be recruited, trained, equipped and ready to deploy.
Perito urged Pentagon officials to establish a standing
stability force for Iraq consisting of legal experts and
a constabulary force totaling 2,500 personnel.[24] "The
fact that we may be within weeks of the decision by
the President to intervene in Iraq should not deter us,"
Perito said.[25] "Experience in the Balkans, East Timor,
or Afghanistan showed that coalition forces will have
to deal with high levels of violence for the first two
years of the mission."[26] Pentagon officials thanked
Perito for this contribution. Perito never heard from
the Pentagon again.[27]

It was eventually decided that 1,500 advisors
would train the Iraqi police force. The planned advi-
sory team included 1000 Americans and 500 experts
recruited from European countries.[28] However, with
the little likelihood of recruiting foreign advisors and
limited funds to support this initiative, the adminis-
tration decided to hire a private contractor to line up
150 initial advisors.[29] Upon the conclusion of decisive

combat operations, 50 experts would go to Iraq to conduct a fact-finding mission to evaluate the security requirement. These experts would not directly enforce the law.[30] Clearly, many lessons can be learned from this example. Most importantly, if the U.S. Government possessed a dedicated constabulary corps, a significant portion of this debate would have been eliminated.

## DEFINING A CONSTABULARY FORCE

To address U.S. National Security from a comprehensive perspective, the U.S. Government must develop a permanent and deployable civil-military professional policing component or constabulary force. Historically, nations engaged in post-conflict security assistance operations recognized the increased importance of a constabulary force to maintain law and order. The purpose of a constabulary force is to re-stabilize post-conflict environments and assist with building partner capacity. A constabulary force is a large civil-police-force organized and trained along military lines, which may contain paramilitary elements. However, there is a wide range of definitions on what constitutes the purpose of a constabulary. Some experts define a constabulary by the nature of its organizational structure, while other experts define a constabulary based on the operational tasks and functions it performs.[31] Erwin A. Schmidle, a Senior Researcher at the Austrian Ministry of Defense, Bureau for Military Scientific Studies, defined a constabulary as a force which is "organized along military lines, providing basic law enforcement and public safety in a yet to be fully stabilized environment. Such a force can provide the nucleus for professional law enforce-

ment or police force."[32] An example of this organizational paradigm is the Royal Canadian Mounted Police. Charles Moslos Jr., a renowned sociologist whose specialty is the military profession, supports Schmidle's views, and believes constabularies, in contrast to regular military armed forces, are concerned with attaining viable political compromises rather than with resolving a conflict by force.[33] Other definitions focus on the operational tasks constabulary forces are likely to perform. United States Military Academy Professor Don Snider and Major Kimberly Field define a constabulary force as "one which provides for public security in a post-conflict area of operation after the combat-heavy units have redeployed and before peacekeeping efforts have succeeded in re-establishing local or federal law enforcement agencies."[34]

For the purpose of this paper, the definition of a constabulary force is based on the Schmidle's definition. Such forces can serve in either a military or a civilian capacity and operate independently or in cooperation with other military or civilian police forces. It is also important to define the operational role of constabulary forces in democratic countries. These trained forces perform a range of police functions such as traffic control, criminal investigations and general policing activities. These functions also include supporting host-nation police by patrolling, providing area security, staffing checkpoints and intervening directly if events exceed the capability of local authorities.[35]

Another characteristic of constabulary forces is their participation in the military operations of their countries. For example, the constabulary forces of France and Italy are trained to function as part of the national armed forces. In many cases, constabulary

forces operate as light infantry and perform military police duties.[36] International constabulary forces have also deployed as members of an international peace-keeping force performing both military and police functions and can be assigned in either a military or civilian capacity. Constabulary forces from several European countries served with NATO military forces in Bosnia, as United Nations civilian police forces in Kosovo and in East Timor. These units are ideal for service in complex contingency operations requiring flexibility and adaptability.[37]

In the U.S., the concept of a constabulary force and our Armed Forces performing police duties is not a new theory. The Second Amendment of the U.S. Constitution states, "A well regulated Militia, being necessary to the security of a Free State, the right of the people to keep and bear Arms, shall not be infringed."[38] This amendment ensured that individual states would have forces capable of enforcing laws and maintaining sovereignty in an uncertain environment.

The Texas Rangers represent a historical example of an effective U.S. constabulary force. Formed in 1823 and considered the oldest law-enforcement agency in North America, the Texas Rangers served as a volunteer frontier defense force organized to protect settlers from the Indians.[39] The Texas Rangers served within the Union and Confederate armies during the Civil War. By the end of the post-war reconstruction period, they transformed into a state constabulary with responsibilities for border control and frontier defense.[40]

While the mission of the Texas Rangers dramatically changed as they entered the twentieth century, they remained a leading law enforcement organization. In fact, people have compared them to other world-famous agencies such as the Federal Bureau of

Investigation (FBI), The New Scotland Yard, and the Royal Canadian Mounted Police.[41] Clearly, the creation of the Texas Rangers demonstrates the ability of the U.S. Government to mount an effective, permanent civil-military professional policing component.

## EFFECTIVE CONSTABULARY FORCES

U.S. policymakers and strategic leaders can learn key lessons by examining effective modern constabulary forces. These lessons include studying their organizational structure, size, deployment capacity and functions. From these lessons, clearly defined roles and organizational paradigms can enhance the development of a future U.S. civil-military professional policing component. These forces are highly trained, agile and reflect distinct histories of civilian and military service to their respective governments.[42] They have a clear command structure and are governed by specific policies. Their primary missions focus on the security and safety of their country and its citizens. Additionally, they also carry out the international obligations of their governments and have the capacity to deploy outside of their sovereign territories.[43] The most widely known and most effective European constabulary forces with specific mission capabilities designed to deal with complex contingency operations are the French Gendarmerie National and the Italian Carabinieri.

## THE FRENCH GENDARMERIE

One of the world's premier and effective constabulary forces is France's Gendarmerie National. The French Gendarmerie is one of the oldest French insti-

tutions and is the natural heir to the Royal constabularies "Marecjaussees de France," which dates back to 1720.[44] This national police force reflects the characteristics of a military force and answers to the Minister of Defense, but it performs predominantly civil police functions. The French Gendarmerie is divided into two subdivisions: the Departmental Gendarmerie and the Mobile Gendarmerie. With approximately 63,400 members, the Department Gendarmerie is responsible for law enforcement in towns with fewer than 10,000 inhabitants and in rural areas much like U.S. State Police Divisions are.[45]

Much of the French Gendarmerie's peacetime mission focuses on routine domestic general police responsibilities along with traffic control, public security and judicial investigation.[46] During times of war, the French Gendarmerie is organized under the Ministry of Defense and is considered part of the French Army assuming responsibility for the protection of sovereign domestic territory and functioning as a military police organization.

Today, the Gendarmerie responds to increasing international demand for its services. Examples of employment of this capability include promoting multilateral law enforcement cooperation in Western Europe, providing bilateral police assistance programs in developing countries and serving as an international military and police force under the auspices of NATO and the United Nations.[47]

## THE ITALIAN CARABINIERI

The ancient Corps of the Royal Carabinieri is also one of the world's premier and effective constabulary forces worthy of examination. Established in July 1814

as part of the Army of the States of Savoy, Carabinieri authority extended to all of Italy after reunification in 1861.[48] The Carabinieri are an arm of the Italian armed forces and report to the Ministry of Defense. In this role, they are a special branch of the army with similar functions to the police, particularly concerning criminal investigation.[49] Additionally, they are responsible for providing domestic security and public order, including responding to crime and natural disasters. When performing these missions, they are subordinate to the Ministry of the Interior.[50] The Carabinieri units function both as a military police force and as an internal security force. Duties range from criminal investigation to riot control to border patrol, and they often operate in tandem with regular army units.[51] Like the French Gendarmerie, the Carabinieri units reflect a military organizational paradigm composed of divisions that have interregional responsibilities and are further broken into subordinate regional commands, groups, companies and stations.[52]

Recruitment is conducted mainly among military personnel leaving the service, so most members of the Carabinieri units have military experience.[53] The Carabinieri have a long tradition of participating in international police missions. Their experience extends from the Crimea in the 1850s; to the Persian Gulf, El Salvador and Cambodia in the 1990s; to present-day missions in Albania, Kosovo, Bosnia, Guatemala and Eritrea. The Carabinieri served in three forces in Bosnia.[54]

First, they served as part of the NATO-led Stabilization Force (SFOR) in Bosnia and Herzegovina. Second, the Carabinieri provided leadership and most of the personnel for the Multinational Specialized Unit (MSU). The it bridges the gap between traditional

military forces and civil-police-type units. It is organized along military lines and is equipped to carry out a wide range of police and military tasks.

Third, the Carabinieri provide tactical-military assistance, serve as military police in other Stabilization Force units, and provide members of the United Nations International Police Task Force in Bosnia and Herzegovina, tasked to monitor and advise local police.[55] The successful employment of the French Gendarmerie and the Italian Carabinieri demonstrates the need for a similar U.S. Government sponsored civil-military constabulary force to provide security in a post-conflict environment.

## ORGANIZATIONAL PARADIGM WITHIN THE UNITED STATES

To ensure U.S. National Security, the U.S. Government must be prepared to assist partner-nations by addressing internal as well as external security threats. A critical component for attaining and maintaining internal security is a nation's police force. In a comparative organizational analysis, the United States Department of Homeland Security (DHS) has organizational management responsibilities similar to both the French Ministry of the Home Secretary,[56] and the Italian Ministry of Defense,[57] responsible for the management of the French Gendarmerie National and the Italian Carabinieri respectively. The DHS's overriding and most urgent mission is to lead the unified national effort to secure America.[58] The DHS performs this function by centrally coordinating integrated activities across law enforcement components that are distinct in their individual law enforcement missions and operations. Numerous law enforcement related

functions reside in the DHS including the Transportation Security Administration (TSA), Customs & Border Protection, Citizenship & Immigrations Services, Immigration & Customs Enforcement, United States Secret Service, Federal Emergency Management Agency and the United States Coast Guard.[59] The bulk of the personnel comprising these directorates are responsible for securing our borders, protecting key and critical infrastructure, to include the personnel who work and reside in these facilities, and providing secure commercial airline commerce, i.e. ensuring the passenger safety of national as well as international airline travel.[60] Although these offices are organized under a DHS construct, they are separate and distinct entities with separate roles and responsibilities. These offices share responsibilities within the DHS similar to the ways sub-components of the French Gendarmerie and the Italian Carabinieri support their respective ministries.

## THE ROLE OF THE DEPARTMENT OF HOMELAND SECURITY OVERSEAS

Because of the attacks on 9/11, the U.S. Government recognized homeland security does not stop at a nation's border. The Homeland Security Act of 2002, Section 879, established the Office of International Affairs.[61] Among its many responsibilities, this office manages international activities within the Department in coordination with other federal officials responsible for counterterrorism matters. The creation of this strategic level office establishes an organizational paradigm capable of developing and maintaining overseas responsibilities to train and assist partner-nation security forces. This office works closely with

the DHS's regional and functional counterparts at the National Security Staff, and DOS, e.g., geographic and functional bureaus. The office supports the Secretary of Homeland Security, the Deputy Secretary and the Department's leadership in all their interactions with foreign counterparts and their international travel. The office also ensures that the subordinate components of the DHS have situational awareness of the entire Department's international activities so that they have a contextual understanding of their respective activities.[62]

Within the DHS headquarters, an International Coordinating Council was established. This council is chaired by the Deputy Secretary and has representation from all agencies within the Department that have an international portfolio and from the key staff advisors to the Secretary. The creation of this council, much like the Office of International Affairs, provides an organizational paradigm to establish relationships with foreign governments critical to the integration of an effective, professional and transparent constabulary force. The council meets on a regular basis and is the formal mechanism for checking the pulse on issues of importance to the Department. There are also numerous international offices distributed across the DHS. Many are new including the international coordinating elements that support the DHS under secretaries. Additionally, DHS created attaché positions at overseas diplomatic missions where some 1,200 DHS employees protect the United States from abroad. These attachés provide members of the U.S. Embassy country teams with identified points of contact to address issues to DHS and manage international portfolios.[63] The DHS has proven itself as an organization capable of managing large departments, coordinating

activities overseas and, if expanded, could provided the foundation for mounting a U.S. Government sponsored civil-military constabulary force.

## U. S. DEPARTMENT OF JUSTICE AND DEPARTMENT OF STATE LAW ENFORCEMENT INITIATIVES

In order to advance the strategic law enforcement priorities of the U.S. Government, Congress created the International Criminal Investigative Training Assistance Program (ICITAP) within DOS in 1986.[64] Through funds provided by USAID to the Department of Justice (DOJ), an interagency coordinated program emerged with a mission to work with foreign governments to develop effective, professional and transparent projects to advance foreign law enforcement institutions that protect human rights, combat corruption and reduce the threat of transnational crime and terrorism.[65] The ICITAP supports both national security and foreign policy objectives and works in close partnership with the DOS, USAID, the DOD and the Millennium Challenge Corporation.[66] Additionally, these agencies and departments fund ICITAP's initiatives in forty countries around the world to conduct short-, medium-, and long-term law enforcement programs.[67]

To assist the United States military's stability and security building efforts in Iraq and Afghanistan, the DOJ/FBI and the DOS/DS (Diplomatic Security) operate outside of their traditional law enforcement roles by conducting security assistance and building partnership capacity activities. The FBI expanded the responsibilities of their 75 international Legal Attaché offices; including offices located in the U.S. Embassies in Kabul, Afghanistan and Bagdad, Iraq; to assist

their foreign counterparts overseas. Examples of these activities include joint investigations, intelligence-sharing and developing new methods for preventing future attacks.[68] Another portion of this program includes foreign criminal investigative training overseen by the U.S. military's multinational Civilian Police Assistance Training Team.[69] The purpose of this joint relationship between the FBI and the U.S. military is to provide civilian U.S. law enforcement expertise to train the reconstituted Iraqi Police.[70]

The Bureau of Diplomatic Security, the law enforcement and security arm of the DOS, administers the Antiterrorism Assistance program through the Office of Antiterrorism Assistance. This program, first established in 1983, trained and assisted over 48,000 foreign security and law enforcement officials from 141 countries.[71] This program increases the capacity of key states abroad,which includes the countries of Afghanistan and Iraq, to fight terrorism; establish relationships between foreign security officials to strengthen bilateral anti-terrorism ties; and share modern, humane and effective anti-terrorism techniques.[72] In their primary role, the Bureau of Diplomatic Security oversees a robust, worldwide force protection program, which is heavily augmented by a costly and management intensive contract security force in Iraq and Afghanistan. The application of these various DOJ/ DOS programs has been valuable and independently effective. However, the creation of a U.S. Government sponsored civil-military constabulary force would provide the necessary construct to manage partner-nation training under the umbrella of one organization.

## LEVERAGING THE EXPERTISE OF STATE AND LOCAL LAW ENFORCEMENT

A critical requirement for the development of an effective constabulary force is the proper employment of experienced and mature law enforcement officials. In the United States, state and local law enforcement agencies have extensive experience conducting general policing operations and thwarting an array of criminal threats. Recognizing state and local law enforcement expertise, the FBI significantly expanded the role and integration of these agencies within their 106 nationwide Joint Terrorism Task Forces.[73] These are "permanent" organizations comprised of state, local and federal law enforcement personnel under the operational control of the FBI. Their mission is to prevent acts of terrorism before they occur, and then swiftly and effectively respond to any actual criminal terrorist act by identifying and prosecuting those responsible.[74] Their jurisdictional authorities are specific to the U.S. and only extend beyond U.S. borders when conducting an investigation of hostage taking or the kidnapping of Americans, as well as terrorist acts conducted against U.S. nationals or interests overseas.[75] Additionally, U.S. Military Police components leverage state and local law enforcement communities looking to expand their perspective by learning best-practices and obtaining training recommendations for use in Iraq and Afghanistan. Through the creation of a U.S. Government sponsored, civil-military constabulary force the need to borrow mature law enforcement expertise and experience would not be necessary. This experience and expertise would be found in the organization itself, and mature over time.

## DEVELOPING A STRATEGY BY ADDRESSING FOUR INTERWOVEN PROBLEM AREAS

The attacks on September 11, 2001 and our lessons-learned while engaging in the Global War on Terrorism proves our nation's security is inextricably tied to the effective efforts of our partner-nations' security forces.[76] In the context of U.S. Government efforts in Iraq and Afghanistan, current capacity-building initiatives hosted by the FBI and the Bureau of Diplomatic Security continue to improve the security environment abroad. These efforts required numerous special legislative authorities designed to allocate specific funding in support of these conflicts. Unfortunately, the approval process reflects a piecemeal effort needing significant revision. To sustain success, the U.S. Government must turn short-term successes into a long-term engagement strategy. A single Departmental management effort is required to improve the overall effectiveness of future efforts.

To create a permanent constabulary force, the U.S. must resolve four interwoven problem areas in order to provide law enforcement training and local security to our partner-nations.

### Authorities

Legal authorizations and appropriations to execute this focused initiative are required. It is imperative that the U.S. recognizes the need to create a single Department to assume the lead role as the U.S. Government's civil-military law enforcement capability responsible for partnership development. Proper and robust legal authorities will ensure the success of the assigned mission.

**Resources**

To be effective, this initiative requires the right seasoned law enforcement personnel to establish local security and create a partner-nation police force. Despite the current federally sponsored efforts undertaken by multiple U.S. Departments, deploying seasoned law enforcement personnel continues to drain critical personnel and taxes the primary responsibilities of the multiple contributing U.S. Departments. Additionally, the Department of Defense; which has the personnel, equipment and robust budget; again finds itself filling this existing law enforcement gap. Conducting this mission degrades their ability to perform the military's primary mission of winning the Nation's war, deterring potential adversaries and defending the homeland from abroad.

Secretary of Defense Robert M. Gates recognized the DOD role in developing partner-nation security forces through a whole-of-government security assistance paradigm. In a Landon Lecture series speech on public issues delivered at Kansas State University in 2007, Secretary of Defense Gates stated, "The most important military component in the War on Terror is not the fighting we do ourselves, but how well we enable and empower our partner-nations to defend and govern and the mentoring of partner-nation indigenous army and police."[77] To prevail in this era of persistent conflict, the DOD must focus its attention on developing the ability to train and advise partner-nation police forces, concentrating both on internal and external security capacities. A permanent U.S. constabulary force could effectively replace the DOD forces performing this function today.

## Processes

Planning is often difficult to synchronize between multiple U.S. Government departments. Under the current construct, the DOS is the lead agency responsible for coordinating and approving security assistance and building partner- capacity missions. This responsibility requires coordination between the Departments of Justice and Department of Defense, which can lead to excessive delays because of the complex inter-agency coordination processes. A single departmental solution responsible for implementing law-enforcement security-assistance and partner- capacity building programs resolves this synchronization issue.

## Sustainment

A successful partnership-capacity building mission must be sustained over many years. The sustainment of a country-by-country security assistance mission while building partnership capacity proves to be difficult. Each component accountable for planning and resourcing this mission is responsible for maintaining an effective collaborative relationship with the partnered nation. Again, without a dedicated civil-military constabulary force, the DOD finds itself in the lead providing personnel, both in the form of military security personnel and trainers. Additionally, legislative involvement is necessary to ensure the critical long-term efforts are sustained. Properly addressing these four interwoven problem areas will be the key to establishing a successful civil-military constabulary police force.

## COMPREHENSIVE APPROACHES

Addressing the capability gap and the four inter-woven problem areas must start near the top of the U.S. national security system where a comprehensive interagency review must begin. Due to competing priorities, only a National Security Staff led review of the current multi-department security-assistance engagement-effort can produce the recommendations necessary to create real change from our Iraq and Afghanistan lessons-learned. This comprehensive re-view should focus on recommending either a single existing Department (such as DHS) or a new Depart-ment be created to form a civil-military constabulary police force. This review should address congressional oversight, legislative restrictions, legal authorities and funding for a single Department capable of deploy-ing a civil-military constabulary police force. Until fully fielding a capable constabulary force, the review should examine ways to revise current authorities and create a streamlined funding mechanism to increase the effectiveness of existing engagement programs. Finally, any review must leverage the vast experience and expertise of U.S. state and local law enforcement agencies to garner their recommendations for imple-menting a single department-led U.S. Government solution. Law enforcement personnel with the proper amount of experience would be the perfect resource to fulfill the initial personnel requirements.

## CONCLUSION

Partner-nation security is a necessary component of United States National Security. Such partner-na-

tion security forces prevent adversary groups from recruiting members and enjoying sanctuary in areas around the globe where they can plan and launch attacks on the United States. Today, the U.S. Government provides dedicated military trainers to assist a partner-nation develop and mature their military force capabilities and focus their efforts on external military threats. However, the U.S. Government does not possess a dedicated corps capable of creating or assisting partner-nation police forces trying to address their internal security concerns. This missing U.S. Government component creates a capability gap that other U.S. Government agencies, such as the DOD must fill temporarily. Temporary gap- fillers create imperfect solutions and inconsistent outcomes. Thus, the product of the security assistance activities performed by the temporary gap fillers is a partner-nation law enforcement element lacking a solid foundation for future growth. To comprehensively address this issue and to further assist partner-nations address their internal security concerns, the U.S. Government must develop a permanent civil-military professional policing component (constabulary) capable of creating, training, and advising existing partner-nations. Establishing this capability under the management of one Department (such as DHS) rapidly closes this pronounced gap.

A U.S. civil-military constabulary component should be developed in the historical context of the Texas Rangers and have the specific mission and the necessary deployment capabilities to deal with complex contingency operations like the French Gendarmerie National and the Italian Carabinieri do. It is imperative for the U.S. Government to leverage state and local law enforcement personnel to provide ex-

perienced policing capabilities to enhance the effectiveness of a civil-military constabulary police force. Furthermore, in an effort to develop this strategy, a National Security Staff led review must assess legal authorities, related policy constraints, Congressional funding, authorities and budgets, necessary to build this capacity. Finally, adopting this paradigm enhances partner-nation security forces and allows the DOD to concentrate on winning the Nation's war, deterring potential adversaries and defending the homeland.

## ENDNOTES

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4. Foreign Assistance Act of 1973 (P.L. 93-189, sec 2, 87 stat 714, 716, Quoted in U.S. Government Accountability Office, *Foreign Aid: Police Training and Assistance* (Washington, DC: U.S. Government Accountability Office, March 1992), 2, *http://archive.gao.gov/ t2pbat7/145909.pdf* (accessed March 4, 2010).

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8. Nina M. Serafino, "The Department of Defense Role in Foreign Assistance: Background, Major Issues, and Options for Congress," Congressional Research Service RL34639 (December 9, 2008), 86.

9. *Ibid.*

10. Robert A. Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force* (Washington, DC: United States Institute for Peace, 2004), 324

11. "The U.S. military has conducted security operations since the birth of the Republic, from the Whiskey Rebellion in 1794 to today's insurgencies in Iraq and Afghanistan. Federal forces occupied the defeated South from 1865 until 1877, and military activities associated with America's westward expansion included many aimed at enforcing law and order in rough frontier communities lacking effective civil enforcement. More recently, military forces have performed domestic security missions ranging from riot control and counterdrug operations to border control. Since the attacks of 11 September 2001, the military's role in homeland security only has expanded. Abroad, security operations have been required in nearly every war the Nation has fought, during both hostilities and incident to post-war occupations. The duration of these operations occasionally has been controversial but, until fairly recently, not the need for them. During the Cold War, however, with U.S. joint forces tasked largely with helping to defend allied nations that would be responsible for securing their own populations, security capabilities such as civil affairs personnel and military police units were curtailed or shifted to the Reserve Components, and both the doctrine and training associated with security operations tended to lapse." See U.S. Department of Defense, Capstone Concept for Joint Operations v. 3.0 (Washington, DC: U.S. Department of Defense, January 15, 2009), 16.

12.COL Bryan G. Watson, Operation Iraqi Freedom: Three Pitfalls of Adaptive Planning, USAWC Warfighting Studies Program Research Paper (Carlisle Barracks, PA: U.S. Army War College, 2005), 2

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14. Michael R. Gordon and General Bernard E. Trainor, *Cobra II, the Inside Story of the Invasion and Occupation of Iraq* (New York: Pantheon Books, 2006), 150.

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20. The United States Institute of Peace is an independent, nonpartisan, national institution established and funded by Congress located in Washington, D.C. Robert M. Perito directs the USIPs Initiative on Security Sector Governance under the Centers of Innovation. He is also a senior program officer in the Center for Post-Conflict Peace and Stability Operations where he directs the Haiti and the Peacekeeping Lessons Learned Projects. Perito came to USIP in 2001 as a senior fellow in the Jennings Randolph Fellowship program. Before joining the Institute, he was a Foreign Service officer with the U.S. Department of State, retiring with the rank of minister-counselor. He served as deputy executive secretary of the National Security Council (1988-1989)." The United States Institute for Peace Home Page, *http://www.army.mil* (accessed March 4, 2010).

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22. *Ibid.*

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35.  *Ibid.*

36.  *Ibid.,* 47.

37.  *Ibid.*

38.   William Rosenau, "Peace Operations, Emergency Law Enforcement, and Constabulary Forces, in Peace Operations: Developing an American Strategy," ed. Antonia Chayes and George T. Raach (Washington, D.C.: National Defense University Press, 1995), quoted in Robert A. Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force* (Washington, DC: United States Institute for Peace, 2004), 47.

39.   *The Texas Rangers Home Page, http://www.lsjunction.com/facts/rangers.htm* (accessed January 17, 2010).

40.   *Ibid.*

41.   *Ibid.*

42.   Robert A. Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force* (Washington, DC: United States Institute for Peace, 2004), 37.

43.   *Ibid.*

44.   Ministere de la defense "Gendarmerie National," *http://www.defense.gouv.fr/gendarmerie/   votre_espace/contents_in_english/introduction.html* (accessed October 1, 2009).

45.   *Ibid.* "Special units of the Department Gendarmerie total approximately 4,500 personnel. These units included the Republican Guard, units for the protection of commercial aviation, units that conduct criminal investigations for the judicial police, units that carry out surveillance duties, investigate traffic law violations, and protect mountain regions."

46.   *Ibid.,*

47.   "In Europe, the French Gendarmerie is actively involved in the European Union's (EU) criminal intelligence agency Europol, and other regional organizations that are committed to law enforcement cooperation and collaboration. The French Gendarmerie has a special cooperative agreement with other European constabulary forces, specifically, the Spanish Guardia Civil, Italian Carabinieri, and the Portuguese Republic National Guard." See Robert A. Perito, *Where is the Lone Ranger When We Need Him?*

*America's Search for a Postconflict Stability Force* (Washington, DC: United States institute for Peace, 2004), 38.

48. Arma dei Carabinieri Home Page, *http://www.carabinieri.. it/Internet/Multilingua/EN/.htm* (accessed September 16, 2009)

49. Robert A. Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force* (Washington, DC: United States Institute for Peace, 2004), 39.

50. Ibid. "Specialized units answer to other government ministries including Health, Culture, Labor, Agriculture, and Foreign Affairs. The Carabinieri units function both as military police and an internal security force. Duties range from criminal investigation to riot control to border patrol, and they often operate in tandem with regular army units."

51. *Ibid.*

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53. Robert A. Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force* (Washington, DC: United States Institute for Peace, 2004), 39.

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64.   U.S. Government Accountability Office, *Foreign Aid: Police Training and Assistance* (Washington, DC: U.S. Government Accountability Office, March 1992), 13, *http://archive.gao.gov/t2pbat7/145909.pdf* (accessed March 4, 2010).

65.   International Criminal Investigative Training Assistance Program, "ICITAP Strategic Plan," *http://www.justice.gov/criminal/icitap/* (accessed February 28, 2010).

66.   "Created by the Congress in January 2004, the Millennium Challenge Corporation (MCC) is an independent U.S. foreign aid agency focused on global poverty. The MCC provides well-performing countries with large-scale grants to fund country-led solutions for reducing poverty through sustainable economic growth. MCC grants complement other U.S. and international development programs." The Millennium Challenge Corporation Home Page, *http://www.mcc.gov/mcc/about/ index.shtml* (accessed March 25, 2010).

67.   *Ibid.,* 2.

68.   Federal Bureau of Investigation, "Legal Attaché Offices," *http://www.fbi.gov/contact/legat/ legat.htm* (accessed October 23, 2009).

69.   Federal Bureau of Investigation, "The Iraqi Training Initiative," *http://www.fbi.gov/page2/ nov5/itau110905.htm* (accessed October 27, 2009).

70. *Ibid.*

71. U.S. Department of State Bureau of Diplomatic Security, "2008 Year in Review," *http://www.state.gov/documents/organization/121616.pdf* (accessed October 27, 2009).

72. *Ibid.*

73. Federal Bureau of Investigation, "Protecting America Against Terrorist Attack, A Closer look at Our Joint Terrorism Task Force," *http://www.fbi.gov/page2/May09/jttfs_052809.html* (accessed December 7, 2009).

74. *Ibid.*

75. *Ibid.*

76. Robert M. Gates, *Quadrennial Defense Review Report (Washington, D.C:* The Pentagon, February 2010), 73.

77. U.S. Department of Defense. Speech by Secretary of Defense Robert M. Gates, the "Landon Lecture" delivered at Kansas State University, Manhattan, Kansas, November 26, 2007. Accessed through *http://www.defenselink.mil/speeches; last accessed July 22, 2008.* (accessed January 17, 2010).

# CHAPTER 7
# MILITARY POLICE: THE ANSWER TO THE STABILITY OPERATIONS GAP

*Colonel Jesse D. Galvan*

The United States Government (USG), the Department of Defense (DOD), the Department of the Army (DA) and other Governmental Agencies have all garnered extensive lessons learned in the Global War on Terrorism. Unfortunately, many lessons, regarding tenets necessary in stability operations and nation building, were relearned having been forgotten since World War II, Vietnam, Korea and Kosovo. During this era of persistent conflict, U.S. interests have grown and using the military as an element of national power is the default solution due to its capacity and ease of use.

According to the Department of State's initial Quadrennial Diplomacy and Development Review,

> The mandate of the U.S. Department of State (DOS) and the U.S. Agency for International Development (USAID) to lead U.S. stabilization and reconstruction efforts is marked by an inability to field a viable civilian response capable of managing in the absence of the military leadership or of leading an integrated civil-military team.[1]

Service component competencies remain the same despite the high operation tempo (OPTEMPO) experienced over the last 10 years and the impending restructuring of the national budget, which will require respective services to reassess their core competencies and their ability to execute those competencies in the interests of national policy and strategy. Many of the

lessons learned during this war on terror will have an impact on agency and service core-competency-assessments and may impact the DOD's ability to meet strategic requirements to achieve national interests.

With impending budget cuts impacting respective services, the question begs asking, who should be accountable for planning, managing and executing stability and nation-building operations? The U.S.'s current policy and directives fail to provide clarity with any clear-cut answer. Responsibilities for stability and nation building operations are directed toward the DOS, DOD and USAID. Responsibility, accountability and lines of effort are not well- defined, as stated in the Special Inspector General for Iraqi Reconstruction Report (SIGIR) dated February 2010. The multilateral approach with collaboration efforts between multiple agencies contributing to post-combat operations and nation-building has proven to be a bridge too far.

Unfortunately, this is not a new challenge for the U.S. In May 1997, Presidential Decision Directive 56 established a useful framework for stability and nation-building effort reform in response to disjointed contingency operations in Somalia, Haiti and Bosnia.[2] This new approach was specifically designed to assist the U.S. in managing complex contingency-operations. Unfortunately, the effort failed to effect institutional change. After a subsequent policy shift away from nation-building, the reality of continuing engagements abroad forced renewed reform efforts, yielding new presidential directives and concomitant congressional actions seeking to improve stability and reconstruction operations planning, management and oversight.[3]

## FRAMING THE PROBLEM

The current National Security Strategy and policy fail to adequately identify the critical means to achieve the stated requirements necessary for achieving success during phases IV and V: stability operations and nation-building post-combat operations. [4] Critical to a nation achieving sovereignty after combat operations is the establishment of security in order to further establish and institute national rule of law.

> The rule of law is the cornerstone for all other elements of democracy. A free and fair political system, protection of human rights, a vibrant civil society, public confidence in the police and the courts, and economic development all depend upon accountable governments, fair and accessible application of the law and respect for international human rights standards. In post-conflict settings, reestablishing the rule of law is the first step in the rebuilding process. Establishing peace and security and rebuilding justice institutions can help to develop the necessary climate for reconciliation, public confidence and subsequent economic growth.[5]

According to both the *Rule of Law Handbook 2010*, which is published by the Judge Advocate General's Legal Center and Law School, and the *U.S. Army Field Manual (FM) 3-24, Counterinsurgency*, the foundation to achieve the successful implementation and execution of a nation's rule-of-law are the establishment of security, a law enforcement capability and a corrections capability. Fundamental to peace and stability is the rule-of-law, which exists when a law enforcement system operating under the guise of internationally accepted standards with respect to human rights and freedoms maintains a safe and secure environment.[6]

Further, legitimacy is crucial to achieving good and positive governance. Good governance equates to the positive control over those activities that exercise power such as the military, the police, the judicial system (both prosecution and defense) and corrections and to the establishment and enforcement of the rule-of-law.[7]

Dennis Keller reaffirmed the importance of effective local policing to the success of counterinsurgency (COIN) and stability operations. He notes that this effort is what the U.S. is least prepared to handle, but it is absolutely necessary in order to reform the security and justice sectors and in order to transition back to the host nation. However, though absolutely necessary, the USG does not have the institutional capacity—to provide an immediate and coordinated civilian police training and advisory effort, particularly in a failed or fragile state.[8]

Unfortunately, in both recent and current operations, there has been a push to establish policing more suited to secure environments and the preferred method to train the host nation has been to bring in contractors with—community policing experience. As noted by Karen Finkenbinder, community policing has been the model advanced by the U.S. Department of Justice for over twenty years.[9] She further noted that it is a model that promotes partnerships, problem-solving and proactivity to address social disorders and crime.[10] She believes that policy makers have this vision of policing as community policing, something that is probably not possible in less secure environments. The contracts that have been written for police trainers often require contractors with community policing experience and she questions the necessity for that skill set in post-conflict environments. Instead, she believes that military police are well-suited to policing in such environments.[11]

This paper will examine historical perspectives and current national security policy in concert with the doctrinal capabilities and the vision of the Military Police Corps Regiment with respect to the establishment of stability operations. Likewise, this paper will examine the technical capabilities of the Military Police Corps as the DOD's means to assist in the establishment of security; train and build capacity for a law enforcement capability; and train and build a corrections capability—all of which are necessary to ensure success in stability operations and nation-building.

## STRATEGIC FAILURES

Stability operations in Operation Iraqi Freedom (OIF) commenced in June 2004; however, due to the lack of a detailed strategy identifying a single or an interagency lead, efforts conducting stability operations and nation-building floundered. The mismanagement of treasure soon became the black-eye of the Coalition Provisional Authority, Iraq, as it struggled to gain an upper hand in an out-of-control and volatile situation. Reconstruction in Iraq was plagued by poor management, mishandling of reconstruction funds, inadequate coordination with Iraqis and widespread attacks on construction sites and contractors. What was assumed and sold as a quick win and short-term operation quickly spun out of control resulting in catastrophic failure due in large part for failing to secure the country and further the commencement of stability operations. Colonel Joseph J. Collins, a professor of the National Security Strategy at the National War College and former Deputy Assistant Secretary of Defense for Stability Operations in 2001-2004, concluded the most serious planning short comings connected

with Operation Iraqi Freedom (OIF) were: First, ineffective planning and preparation for stability operations. Second, inadequate forces to occupy and secure a country the size of California. Third, poor military reaction to rioting and looting in the immediate post-conflict environment. The failure of leadership to implement a plan for post-combat operations led to the slow civil and military reaction to a growing insurgency. Further, the de-Ba'athification decree implemented by the CPA exacerbated the ability to make effective use of the Iraqi military forces and to further develop Iraqi security forces to assist in establishing security and stability across Iraq. The U.S.'s lack of planning for phase IV and V operations likewise added to the inability to provide enough trained civilian officials, diplomats and aid workers to conduct effective stabilization and reconstruction activities. The lack of stability across the region slowed the creation of an interim Iraqi authority that could have minimized the perception of occupation and enhanced the perception of liberation.[12]

Due to the findings of the Office of the Special Inspector General for Iraq Reconstruction (SIGIR), Congress authorized the State Department to create an organization to gain control and manage reconstruction operations in Iraq and abroad. The USG requires a more robust capability to manage stabilization and reconstruction operations in countries emerging from conflict or civil strife.

On January 20, 2003, less than 60 days before the invasion of Iraq, President Bush signed National Security Presidential Directive (NSPD) 24 on post-war Iraq reconstruction. At the urging of Secretary of Defense Donald Rumsfeld, NSPD-24 placed the Defense Department in exclusive charge of managing Iraq's

post-war relief and reconstruction, supplanting the ongoing Interagency planning process. The directive created the Office of Reconstruction and Humanitarian Assistance (ORHA), charging it with planning, overseeing and executing relief and reconstruction activities in Iraq. ORHA was never able to establish sufficient capacity to operate effectively, and, within six weeks of the March 20 invasion, the Coalition Provisional Authority (CPA) had superseded and subsumed it.[13]

In addition to the changes in leadership, the stated directives and initiatives failed miserably due to the assumptions in the design methodology. The CENTCOM planning staff assumed the forces necessary to establish required security at the cessation of combat operations would come from Iraqi brigades previously identified by coalition authorities. From a historical perspective, the U.S. Military trained and empowered indigenous forces to stand up necessary security and policing forces at the conclusion of combat operations. Unfortunately, the de-Ba'athification process implemented by the Coalition Provisional Authority eliminated those resources that planners identified for post-conflict operations. Planners assumed they would be able to recall leaders in the Army and the Iraqi Government; however, the policy changed removing senior level bureaucrats and officers in the Ba'ath party.[14]

The chaos that issued after combat forces moved through Baghdad, military leadership attempted Phase IV and V operations with a meager handful of advisors. "Overmatched from the start, one [advisor] was sent to train a 4,000-officer unit to guard power plants and other utilities. A second was sent to advise 500 commanders in Baghdad."[15]

Further, in May 2004, President Bush signed National Security Presidential Directive 36, entitled *United States Government Operations in Iraq*. Superseding NSPD-24, this new directive formally transferred responsibilities for relief and reconstruction operations in Iraq from CPA/Defense to the U.S. Department of State (DOS), placing the Chief of Mission (COM) in charge of the Iraq reconstruction program. It also established two new temporary organizations to manage ongoing programs and projects: the Iraq Reconstruction Management Office (IRMO), within State, and the Project and Contracting Office (PCO), within Defense. IRMO was charged with facilitating transition in Iraq, while PCO provided acquisition and project management support. Ambiguities in NSPD-36 bred coordination problems among State, USAID and Defense and, one level down, among IRMO, PCO and the U.S. Army Corps of Engineers Gulf Region Division. Lines of command and communication became blurred and crossed, in part, because Defense continued to control most of the contracting for the reconstruction program and, in part, because State had neither the capacity nor the experience to manage so large a reconstruction effort.[16]

Clearly, the Phase IV planning efforts (security and stability operations) by ORHA, the Joint Staff and CENTCOM attest to the fact that many within the U.S. Government and the DOD community realized the need to plan for operations after the fall of the Saddam regime. Coalition Forces Land Component Command's ECLIPSE II (stability operations and nation building) represents the most detailed of these efforts. Nonetheless, as in the planning process for Operation JUST CAUSE, the emphasis within the major U.S. commands, as well as within the DOD, was on plan-

ning the first three phases of the campaign.[17] Although a plan did exist, the plan lacked the specific guidance and responsibilities detailing who would conduct Phase IV operations. The implication was that units would conduct a rolling transition to Phase IV operations; however, that too posed a problem.

> At some point in the campaign tactical units conducting combat operations would transition to stability and support operations—few if any of the soldiers in these units seemed to understand what this meant or were aware of the general [Coalition Forces Land Component Command] concept for [Phase] IV operations.[18]

Due to the collapse and inability of the United States Government to gain the upper hand in Phase IV operations, the DOS created the Office of the Coordinator for Reconstruction and Stabilization (S/CRS), endorsed by Congress in the Consolidated Appropriations Act of 2005. Charged with promoting a whole-of-government approach to stabilization and reconstruction operations, S/CRS's core mission was to lead, coordinate and institutionalize U.S. government civilian capacity to prevent or prepare for post-conflict situations and to help stabilize and reconstruct societies in transition from conflict or civil strife, so they can reach a sustainable path toward peace, democracy and a market economy. Unfortunately, this office failed to achieve the whole-of-government approach.

According to the report conducted by the Special Inspector General for Iraq Reconstruction (SIGIR) in 2010, the S/CRS had yet to realize its potential. Among the causes for S/CRS's lack of progress, according to the report, included the failure to receive adequate

funding, the lack of timely and sufficiently strong authority, the lack of interagency acceptance, its early decision to not focus on Iraq and Afghanistan and its marginalization in DOS's bureaucracy.[19] Further, the report found that State commented that the development of S/CRS, like Defense's Goldwater-Nichols reform in the 1980s, would take years to implement.[20]

In November 2011, the Department of State subsumed the S/CRS under the umbrella of the Bureau of Conflict and Stabilization Operations with a mission of focusing on conflict prevention, crisis response and stabilization activities as mandated by the Quadrennial Diplomacy and Development Review (QDDR). The list of agencies to lead Phases IV and V operations, like the list of failings, goes on and on. Repeated attempts to find the solution set to the stability operation gap get caught up in the quagmire of governmental bureaucracy. The reality is there is no real clear-cut solution on who should lead the efforts transitioning into stability operations and nation building.

## CURRENT OPERATING ENVIRONMENT

Due to the continued extensive lessons learned, stability operations have become articulated in all U.S. strategies and are an entrenched necessity to succeed and pursue U.S. national and foreign interests. The Defense Department outlines six missions, two directly related to stability operations in its 2010 Quadrennial Defense Review (QDR). Key Mission Areas outlined in the QDR include success in counterinsurgency, stability, and counterterrorism operations:

> The United States must retain the capability to conduct large-scale counterinsurgency, stability and counter-terrorism operations in a wide range of environments. In order to ensure that America's Armed Forces are prepared for this complex mission, it is vital that the lessons from today's conflicts be further institutionalized in military doctrine, training, capability development and operational planning.[21]

U.S. forces have been training, advising and assisting Afghan and Iraqi security forces so that they can more effectively uphold the rule-of-law and control and defend their territories against violent non-state actors. In these contested environments, partnered COIN, in which Afghan and Iraqi units operate in tandem with U.S. forces, is an effective way to train and advise forces while conducting combat operations against insurgents.[22] The security situation in such environments ebbs and flows. It is, at best, tenuous. At worst, it reverts back to conflict. The military police are best suited to policing and are well-suited to supporting rule-of-law efforts, particularly in the policing and corrections realms.[23]

In a June 2010 interview, the former Secretary of Defense Robert Gates posited, "this strategic reality demands that the U.S. Government get better at building partner capacity, helping other countries defend themselves or, if necessary, fight alongside U.S. forces by providing them with equipment, training or security assistance."[24] This goal takes on renewed urgency in light of Gates predicting such security assistance operations to be a core U.S. military job for years to come.[25]

Likewise, the newly appointed Chairman of the Joint Chiefs of Staff, General Martin Dempsey, stated

in a blog, "Tactical commanders will have a security force assistance mission to train, advise and assist tactical host nation forces."[26] This comment further articulates the Army's way ahead on seeking stability operations as a core competency as we continue to train and build capacity in the Afghanistan Police Force, Corrections Officers, Army and local infrastructure.

Department of Defense Instruction (DODI) 3005.05 Stability Operations reasserts stability operations are a core U.S. military mission  that will be given priority comparable to combat operations and will be explicitly addressed across all DOD activities.

> The Department of Defense shall be prepared to…. Lead stability operations activities to establish civil security and civil control, restore essential services, repair and protect critical infrastructure, and deliver humanitarian assistance until such time as it is feasible to transition lead responsibility to other U.S. Government agencies, foreign governments and security forces, or international governmental organizations. In such circumstances, the Department will operate within U.S. Government and, as appropriate, international structures for managing civil-military operations, and will seek to enable the deployment and utilization of the appropriate civilian capabilities. The Department shall have the capability and capacity to conduct stability operations activities to fulfill DOD Component responsibilities under national and international law…..Establish civil security and civil control.[27]

The concept of stability operations and nation-building are further nested in the Army at the operational and institutional realms articulated in both the Army Action Plan for Stability Operations and the

Army Campaign Plan. *Objective 8-3 Adapt the Army for Building Partner Capacity* outlines the responsibility of the Army, as a core competency, to build capacity and capabilities for stability operations across the Doctrine, Organization, Training, Material, Leader Development, Personnel and Facility domains (DOTMLPF)—those specified areas identified by the Department of Defense to be researched when building a new requirement to a need generated by a commander in the field. [28]

**THE CHALLENGE**

According to Lieutenant Colonel J. Porter Harlow, United States Marine Corps Associate professor at the Judge Advocate General's Legal Center and School Charlottesville, Virginia, the tension between leading versus supporting stability operations ultimately derives not from the Secretary of Defense (SECDEF) but from the President.[29] National Security Presidential Directive 44 (NSPD-44) tasked the Secretary of State to "coordinate and lead integrated United States Government efforts" to stabilize and reconstruct post-conflict countries. The President ordered all other agencies to "enable" and "assist" the Secretary of State. The tension lies in the fact that the agency with the mandate to lead does not have the resources, personnel or the ability to project an effective amount of either into post-conflict countries like Afghanistan or Iraq. Though relatively significant for the interagency processes for those working in Washington, D.C., NSPD-44 did not have nearly as much impact on the operating forces as DODD 3000.05, which was published about ten days before.[30]

The mandate of the U.S. Department of State (DOS) and the U.S. Agency for International Development (USAID) to lead U.S. stabilization and reconstruction efforts is marked by an inability to field a viable civilian response capable of managing such efforts in the absence of the military leadership or of leading an integrated civil-military team. The DOS's Quadrennial Diplomacy and Development Review (QDDR) outlines reforms to close this capacity gap. Even if implemented, QDDR reforms are unlikely to be sufficient to address the root problems of bureaucratic rivalries and strained resources or to be timely enough to ensure a seamless transition in Iraq, Afghanistan and future stability and nation-building operations.[31] SIGIR observed that the heart of the failures in the Iraq reconstruction program lies in the lack of executive authority over interagency coordination.[32] Because there was no unity of command, little unity of effort was possible. Instead, programs were agency-focused, designed for an individual agency's goals, rather than the bigger goal, U.S. national interests.[33] The issues were not just those related to civilian and military cooperation but of civilian-to-civilian cooperation and coordination. SIGIR concluded that weak interagency cooperation is an endemic feature of the U.S. national security system and, because of this, reform efforts should promote the development of unifying strategy with clearly delineated agency responsibilities and adequate authority to enforce its execution.[34]

Regardless of what agency's core responsibility stability-operations happens to fall into, the establishment and construct of a theater strategy and campaign plan fall into the realm of the Geographical Combatant Commander (GCC) as outlined in Joint Publication 5.0, *Joint Operation Planning*. The strategy and

policy are the results of the efforts of the Geographical Combatant Commanders and their staffs, nesting these efforts with those of the National Security Council, Quadrennial Defense Review, Service Secretaries and the Joint Chiefs of Staff. Historically, the results of theater strategy and policy have had an emphasis on the military element of national power because the military component is ultimately responsible for researching, for staffing and for producing the policy and strategy documents. Likewise, history shows the input or lack thereof from the DOS also adds to the perceived heavy dose of the "M" (military) as both the means and ways due to the lenses the Geographical Combatant Commander and his staff are looking through while developing the policy and strategy.

Another factor contributing to the military as a means of implementing national power is the lack of a grand strategy. The lapse of an overarching strategy for the nation, again, allows Geographical Combatant Commanders to shape and move the planning process to an "M" (military) solution. The majority of the efforts on behalf of the theater strategy and campaign plan will fall into pre-combat operations, those phases referred to as **shaping the environment** with nonmilitary and military aid as well as **deterring the enemy**. Lessons learned in this era of persistent conflict have ensured current plans account for Phases IV and V.

According to Lieutenant General Colmar Freiherr von der Goltz, a Prussian staff officer and Clausewitz subject matter expert, "Clausewitz insisted that the planners must always look beyond the war to the question of enforcing the peace, for the inability to do that raises the possibility of having to fight another war; perhaps at a disadvantage."[35] So even as early as the nineteenth century, planners, strategists and lead-

ers understood the significance of planning for operations post-combat and of stabilizing and rebuilding nations. Unfortunately, we failed to implement those lessons learned!

## CURRENT DOCTRINE

According to the United States Agency for International Development (USAID), guaranteeing security is not simply a military or police objective, but a political one that promotes the state as the guarantor of that security. This is the very first step in rebuilding shattered legitimacy. USAID recognizes that the rule-of-law is the cornerstone for all other elements of democracy.[36] Accountable governments give life to a free and fair political system, protection of human rights, a vibrant civil society, public confidence in the police and the courts, economic development, fair and accessible application of the law and respect for international human rights standards.[37] Rule-of-law is so essential that the first step toward rebuilding a state after conflict is to establish it.[38] By doing so and allowing for the establishment of peace, security and justice institutions, it is possible to develop the necessary climate for reconciliation, public confidence, and subsequent economic growth, which, in turn, will create popular support for later democratic reforms.[39]

Department of Defense Directive 3000.05 dramatically changed DOD policy towards nation-building.[40] The change came with the declaration that stability operations are a core U.S. military mission on par with combat operations.[41] This created another tension as soldiers and marines compared the amount of training their units spent preparing for combat with what they realized the actual mission to be: building police

stations and prisons, recruiting and training police officers, mentoring judges and corrections officers and working with tribal councils.[42]

Soldiers and marines are expected to be nation-builders as well as warriors. They must be prepared to help reestablish institutions and local security forces and assist in rebuilding infrastructure and basic services. They must be able to facilitate establishing local governance and the rule-of-law. The list of such tasks is long; performing them involves extensive coordination and cooperation with many intergovernmental, host-nation, and international agencies.[43]

Field Manual (FM) 3-0, *Operations*, articulated this change in mission set. FM 3-0 states, "Winning battles and engagements is important but alone is not sufficient. Within the context of current operations worldwide, stability operations are often as important as—or more important than—offensive and defensive operations."[44]

This evolution of warfare at the tactical level has expanded how service members must think, train and act in the execution of orders from superiors. In summary, the broadening definition of war has changed the way individual soldiers and marines conceive of their role on the world stage.[45]

In the recently published Army Doctrine Publication (ADP) 3-0 *Unified Land Operations*, stability operations are defined as, "Military missions, tasks and activities conducted outside the United States to maintain or reestablish a safe and secure environment and to provide essential government services, emergency infrastructure, reconstruction and humanitarian relief."[46]

The publication further identified five tasks critical to stability operations and nation-building. These

tasks are: establish civil security, establish civil control, restore essential services, support to governance and support to economic and infrastructure development. They are all necessary to ensure success in post-combat operations, stability operations and nation-building.[47]

The trend in the number of stability and broader peacekeeping operations, from 1948 to 2010, supports this conclusion. In particular, there has been a significant increase in the number of these operations since the end of the Cold War. Starting in 1989, the U.S. has played a major role in stability operations in Panama, Somalia, Haiti, the Balkans, Afghanistan and Iraq. Shilling stated, "Barring genocide, no recent major war has led to lasting peace without a significant period of reconstruction and stabilization—stability operations—following a peace agreement."[48] U.S. Army doctrine clearly states that the deployment of military force is important to provide a secure environment for civil authorities to achieve their goals.[49]

The Army and Joint doctrine nest succinctly, explaining stability operations as conducted outside of the United States. These activities are executed to reestablish or maintain a safe and secure environment enabling the establishment of government services, infrastructure reconstruction and humanitarian relief.[50]

In conducting stability operations, the cost of failing to deal effectively with internal security threats is high. It can undermine the legitimacy of the government, undercut efforts to reconstruct the political, economic and infrastructure systems, and provide rationale for the insurgency. Ultimately, failing to defeat internal threats may lead to the same problems that led to intervention in the first place.[51]

## PILLARS OF STABILITY OPERATIONS

Rule-of-law is a central focus and critical underpinning of post-conflict reconstruction. Though no two conflicts are identical, many situations share a number of common attributes with regard to the breakdown of the rule-of-law and the impact it has on society.[52]

When indigenous military or security forces are dismantled and new civilian police forces have not yet been recruited, trained and deployed, international peacekeepers (United Nations (UN) International Civilian Police (CIVPOL), military personnel or other types of monitors) frequently exercise temporary control over the immediate security situation until new police, trained by internationals, begin their deployment. This period is always the most dangerous both for order and security and for state legitimacy. It is frequently characterized by rioting, looting, abductions, ransom seeking, retaliation and other types of citizen-on-citizen violence. Unchecked, these environments are the perfect soil for spoilers with strong incentives and means to destabilize and discredit new governments.[53] Frank Miller, a former National Security Council official who coordinated the American effort to govern Iraq from 2003 to 2005 and one of the officials who objected to the original proposal to deploy thousands of advisers, conceded in an interview that the Administration did not put enough focus on the police. He noted that "more attention should have been paid to the police after the fall of Baghdad… That is obvious. Iraq needed law and order established."[54] Iraq was simply a hard lesson we already learned in Kosovo. Mayer said that two lessons had emerged from the Balkans: law-and-order first — a warning that failing to create an effective police force and judicial

system could stall postwar reconstruction efforts and second, blanketing local police stations with foreign trainers helped ensure that cadets applied their academy training in the field and helped deter brutality, corruption and infiltration by militias.[55]

According to USAID, the past two decades have seen the evolution and measured increase in the involvement of military forces at the cessation of combat operations. Recent stability operations such as those in Iraq and Afghanistan have likewise seen an increase in other U.S. government agencies. Due to the involvement of the military and other government agencies, the Ambassador, the Mission Director and the Democracy & Governance Officer as well as military leaders will have to grasp the whole-of-government process, sharing critical information to ensure success during the critical stability and nation-building phases of an operation.[56]

## HISTORY

From a historical perspective, USAID was preceded by the International Cooperation Administration from 1954 to 1974. The purpose of the administration was to provide technical advice, training and equipment for both civil and paramilitary organizations. In 1961, USAID took on the duties of training indigenous police forces and in 1963, established the International Police Academy in Washington D.C. The highly successful academy graduated 5,000 students from 77 countries. Unfortunately, the academy was closed due to concerns torture techniques were being taught as part of the curriculum, tarnishing the image of the United States. The result was detrimental to the future training of local police forces as legislation was passed

preventing the future assistance or funding of law enforcement agencies outside of the United States.[57]

In mid-2003, the U.S. government undertook a massive reconstruction mission— much larger than planned and now exceeding $53 billion—with an ad hoc management system. Some projects met contract specifications, but the many unacceptable outcomes stemmed chiefly from the lack of a clear, continuing and coherent management structure (as opposed to a paucity of resources or poor leadership).[58]

Like so much that has defined the course of the war, the realities on the ground in Iraq did not match the planning in Washington. An examination of the American effort to train a police force in Iraq drawn from interviews with several dozen American and Iraqi officials, internal police reports and visits to Iraqi police stations and training camps shows a cascading series of misjudgments by White House and Pentagon officials, who repeatedly underestimated the role the United States would need to play in rebuilding the police and generally maintaining order.[59]

On November 28, 2005, the Defense Department issued Defense Directive 3000.05, entitled *Military Support for Stability, Security, Transition, and Reconstruction Operations*. The directive committed the Pentagon to developing robust stability operations doctrine, resources and capacities, defining stability operations as military and civilian activities conducted across the spectrum from peace to war and designed to establish and maintain order. Significantly, DOD Directive 3000.05 provided that such operations are a core U.S. military mission that must receive emphasis comparable to offensive and defensive operations. Since its issuance, the directive has bred the development of a substantial stability operations capability within the

military, but the integration of this capability with the civilian side of Stability Reconstruction Operations remains insufficient.[60]

Defense Instruction 3000.05 replaced Defense Directive 3000.05 as Defense policy on stability operations. It provided that during stability operations the military shall support establishing civil security, restoring essential services, repairing and protecting infrastructure and delivering humanitarian assistance until such time as is feasible to transition lead responsibility to other U.S. governmental agencies, foreign governments and security forces or international organizations. It emphasized the importance of integrating civilian and military efforts in preparing for and executing stability operations. General Stanley McChrystal, former Commander, ISAF, concluded in his initial assessment in Afghanistan, "We must significantly modify organizational structures to achieve better unity of effort."[61] The disjointed efforts on behalf of agencies committed to the fight led to an operation that was deteriorating with a potential of failure. The consequences of not having a coherent stability operations management system in Afghanistan were underscored in December 2009, when Ambassador Richard Holbrooke, the U.S. Special Representative for Afghanistan and Pakistan, made the following observation about the Afghanistan Stability and Reconstruction Operation into which more than $38 billion has already been invested, "The whole thing was uncoordinated and did not get us very far. The upshot is that in the ninth year of the war we are starting from scratch."[62] The lack of a clear policy, the inability of organizations to work as part of a government as a whole concept, the lack of capacity and the lack of a clear-cut lead agency to perform stability operations

and nation building have all added to the U.S.'s failure in effectively conducting post-combat operations.

## THE ANSWER BUILT ON HISTORY

In the short 70-year history of the Military Police Corps, the MP Corps struggled to find an identity and to prove to be relevant, viable and a contributor to the Army's mission. Throughout the Army's history, policing forces were created and then disbanded at the conclusion of the conflict. Finally, on September 26, 1941, the Military Police Corps became a recognized branch in the Army, with the distinct duties of Law Enforcement, limited maneuver and mobility support, and area-security operations. Post-Vietnam, the drawdown of the Army raised concerns that, once again, the MP Corps would be disbanded. Justifiable arguments stated that law enforcement and access control on posts, camps, and stations could be, as it is today, contracted out. This led to the Military Police Leadership asking themselves, "What does the MP Corps bring to the Army and how will it contribute to the next war?" The result was a study of rear area combat operations (RACO) by the Military Police School.

In the late 1970s, the Combat Developments branch of the Military Police School conducted an analysis to determine how the Military Police Corps could contribute in the Army's emerging doctrine. The analysis was on RACO and the centers of gravity for North Atlantic Treaty Organization forces proved to be securing and maintaining the air and seaports in Western Europe ensuring rapid reinforcement of combat power. The Army leadership accepted the conclusion of the analysis that the Military Police could secure and maintain the air and seaports. This concept proved to

be the foundation for rear battle tactics and operational concepts stated in the Air-Land battle doctrine.[63]

The emphasis on RACO operations was a change in paradigms for the MP Corps resulting in huge transitions in teaching and training at the MP School and across the Regiment.[64] Over time, the impact was the Regiment lost policing as a skill set and instead emphasized combat operations and survivability. Soldiers were trained to shoot, move, and communicate instead of police patrol, respond to criminal incidents and conduct police investigations. MP leadership quickly realized the over-emphasis on combat operations and the lost skill set of policing would have an impact on the future of the MP Corps. The conclusion of the Cold War and smaller non-total wars such as JUST CAUSE generated a new vision from the MP Leadership. Operations in Panama bought critical lessons learned to the forefront and likewise foreshadowed the challenges of future conflicts and, more importantly, asked the question of what happens at the conclusion of combat operations? The real lesson of Operation JUST CAUSE might have been "what happens on the morning after?" What happened in Panama was a breakdown in civil order with no police force to intervene. This situation drove U.S. troops into the uncomfortable role of de facto police force. This role was not difficult for military police units, but the transition for some combat arms units was more problematic, and this led to a longer period of unrest than might have resulted if planning for the post-conflict period had been more creative.
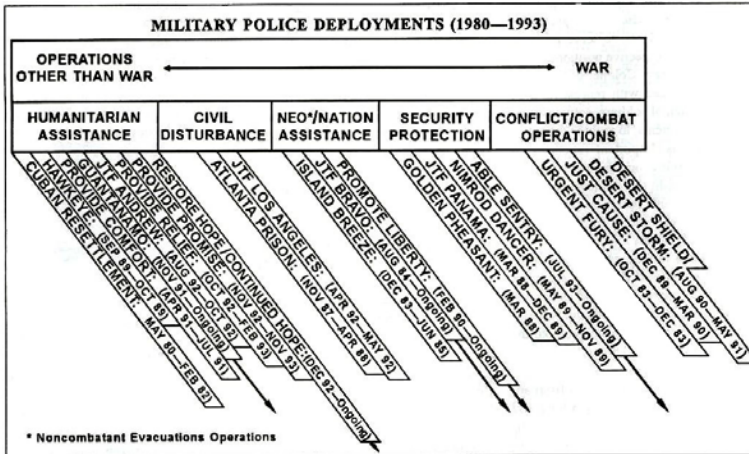
> What we had in Panama was a classic stability operation where military forces are required to maintain law and order, sustain or restore basic services and

nurture the development of new domestic civil insti-
tutions until they are prepared to take over these roles.
Performing this mission puts a premium on the abil-
ity of military police soldiers to be more "police" than
"military."[65]

So, during the 1980s and 90s, the MP Corps bal-
anced their respective skill set in both combat op-
erations and law enforcement operations in order
to maintain both relevancy and viability in an ever
evolving environment. Ironically, in the mid-1990s,
the Army and DOD were restructuring due to budget
cut as well, and so the Commandant of the Military
Police School and Chief of the MP Corps Regiment
advised, "

> …don't get caught up in worrying about the things
> that are not within your direct sphere of influence-let
> the [Secretary of Defense], [Secretary of the Army] and
> the [Chief of Staff of the Army] of the Army worry
> about  the Congressional budget process.[66]

Despite the turbulence, the MP Corps remained re-
silient on those vital assigned tasks. MP Corps leaders
refocused MP capabilities and competencies so as to
remain an enabler to the combat arms commanders
and devised the five MP functions. The five functions
were more in line with the Army Doctrine as stated
in Army Field Manual 100-5, *Army Operations*. The
five functions are: Maneuver Mobility Support, Area
Security, Internee Resettlement, Law-and-Order and
Police Intelligence Operations.

| MILITARY POLICE DEPLOYMENTS (1980—1993) | | | | |
|---|---|---|---|---|
| OPERATIONS OTHER THAN WAR | | ← → | | WAR |
| HUMANITARIAN ASSISTANCE | CIVIL DISTURBANCE | NEO*/NATION ASSISTANCE | SECURITY PROTECTION | CONFLICT/COMBAT OPERATIONS |

* Noncombatant Evacuations Operations

**Figure 1: The operational continuum reflects the commitment of MP units across the whole spectrum of war and other-than-war scenarios.[67]**

 

The multifaceted and diverse role of the Military Police Corps coupled with the complexities of future operations required the Corps to evolve from the four battlefield missions to the five military police functions. The five functions would focus efforts and capabilities nesting with Army doctrine, Field Manual (FM) 100-5, *Army Operations* and likewise adhere to the complexities of future operations. The change also saw that other branches and services would better understand their operational mission support.[68]

The five MP functions continue and remain in the MP Corps inventory today serving as its foundation as it has been a vital part of both combined arms and the joint fights. These operations have likewise brought countless lessons learned with an emphasis on some of the five functions versus others.

## THE ANSWER

Recognizing the significance of putting the "P" (Police) back into Military Police, the office of the Provost Marshal General has initiated an assessment on the strategic environment and the role of the MP Corps with regard to combined arms maneuver and wide-area security. Current MP Doctrine restricts MP abilities as it proves to be security centric and less effective in this current volatile and complex environment.[69]

Recognizing the gap in executing police specific operations to restore civil control and the rule-of-law after major combat operations and, likewise, develop both police institutions and a corrections capability, the assessment on the strategic environment will identify the means to ensure the MP Corps contributes to the Army's mission sets of combined-arms-maneuver and wide-area-security. This arrangement still might make sense if we were convinced police assistance in Afghanistan were an anomaly, a onetime requirement that will not reoccur  However, that is unlikely given the string of interventions over the past decade—Iraq, Kosovo, East Timor, Bosnia and Haiti—all of which have required some sort of ambitious police-building. Major General David Quantock, Provost Marshal General and Commander, Criminal Investigations Command, states,

> What we found in over 10 years of conflict in Iraq and Afghanistan is that the foundation of a fully functional Country is its Rule of Law foundation. Without a functioning correctional system, a professional police institution, and a judicial system that weaves it all together, you have nothing. The Military Police Corps

> has provided valuable developmental assistance to all three parts of the judicial triangle which has been/will be indispensable for the Army's successful resolution of both conflicts.

In spite of the initial efforts to add capacity to the policing capabilities, MP leaders know the training focus will require greater depth to the training process. The goal of the efforts on behalf of the Office of the Provost Marshal General is to professionalize the MP Corps to bring credibility to the Regiment and the Army. The Vision for the MP Corp is "Military Police are recognized for police professionalism and relevance across all Army operations."[70] Police are likewise crucial for democracy. Far more than soldiers or parliamentarians, they are the representatives of state power with whom ordinary citizens have regular contact. Rule-of-law, civil liberties, human rights all presuppose the existence of a certain kind of police.[71]

According to those who have studied and written on this topic, policing is a developing and evolving process that is keenly aligned with those steps necessary to commence and ensure successful nation building. For every one step forward, the host nation may take two back—particularly so in its security situation. Military Police can serve as that stabilizing force coupled with a "P" (Police) to ensure stability and security in a fluid and complex situation.[72][75]

The collective efforts on behalf of the MP leadership are the foundation for a more viable and relevant force capable of answering the Nation's and the Army's call. As the Military Police Corps continues forward in improving the quality and quantity of training, accreditations and professionalization, it will only confirm it has the technical capability and capacity to serve as the answer to the Stability Operations gap.

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# CHAPTER 8
## PUTTING THE POLICE BACK INTO THE MILITARY POLICE

*Colonel Robert Dillon*

In recent years, the strategic importance of policing in stability operations has been widely accepted; however, since 2002 the Iraqi and Afghan police have failed to develop at projected rates even though police development remains a key strategic goal.[1] Specifically, this failure is due to a lack of understanding the role, mission and operations of police in current stability operations and counterinsurgency campaigns. Moreover, there is little expert knowledge within the Army regarding how police efforts at the tactical level contribute to strategic and operational goals. Many scholarly works have outlined what need to be done about this policing knowledge gap, but few have provided a detailed solution of how to do it.

The end-state of this research is to identify why the U.S. Government has been unable to adequately develop foreign police and proposes a comprehensive solution that is centered on improving the technical policing professionalism of the U.S. Army Military Police. This goal takes on renewed urgency in light of Secretary of Defense Robert Gates predicting such security assistance operations will be a core U.S. military job for years to come.[2]

## FRAMING THE PROBLEM

*The Police Are Critical To Successful Stability Operations.*

Stability operations have become an inescapable reality of U.S. foreign policy. The recently released Quadrennial Diplomacy and Develop Review (QDDR) proposes the creation of a new Bureau of Conflict and Stabilization Operations at the Department of State.[3] Similarly, the Defense Department recognizes in its 2010 Quadrennial Defense Review (QDR) six missions, two directly related to stability operations. The first makes a direct link by stating that the U.S. must succeed in counterinsurgency, stability and counterterrorism operations; whereas, the second, — building the security capacity of partner states — is a somewhat less obvious link unless one understands that security is integral to stability operations.[4] The trend in the number of stability and broader peacekeeping operations from 1948 to 2010 supports this conclusion. In particular, there has been a significant increase in the number of these operations since the end of the Cold War. Starting in 1989, the U.S. has played a major role in stability operations in Panama (1989), Somalia (1992), Haiti (1994), Bosnia (1995), Kosovo (1999), Afghanistan (2001), Iraq (2003) and Haiti (2004). Shilling noted that barring genocide, no recent major war has led to lasting peace without a significant period of reconstruction and stabilization following a peace agreement.[5] In sum, the policy for the United States Government (USG) and Department of Defense (DOD) recognizes that the ongoing stability operations in Iraq and Afghanistan are not our first and are unlikely to be our last such excursions into stability operations.[6]

Joint Doctrine and the Army's Stability Operations Field Maunal (FM 3-07) define stability operations as:

> Stability operations encompass various military missions, tasks, and activities conducted outside the United States in coordination with other instruments of national power to maintain or reestablish a safe and secure environment, provide essential government services, emergency infrastructure reconstruction, and humanitarian relief.[7]

In conducting stability operations, the cost of failing to deal effectively with internal security threats is high. Failing to deal with such threats can undermine the legitimacy of the government, by undercuting efforts to reconstruct the political, economic and infrastructure systems and provide rationale for the insurgency. Ultimately, failing to defeat internal threats may lead to the same problems that led to intervention in the first place.[8]

U.S. Army doctrine clearly states that the deployment of military force is important to provide a secure environment for civil authorities to achieve their goals.[9] However, the U.S. has a mixed record in establishing security in past stability operations. All societies in transition experience an increase in violence and crime as old security institutions are replaced or reformed; however, rising levels of crime and violence over an extended period of time provide an important indicator of the security situation. Military force alone is insufficient for establishing conditions for security and stability. Rather, this requires a mix of military and police forces, whose roles are clearly defined.[10]

The World Bank Governance Indicators data set is informative in measuring and clarifying the problem. The data measures the likelihood that violent internal

activities will destabilize a government. In the study by the World Bank of eight stability operations with which the U.S. has been involved since the end of the Cold War, there was a direct relationship between increases in stability and the employment of expeditionary stability police such as the Italian Carabinieri and French Gendarmerie forces. In the least successful cases, there were no international stability police to help establish law and order.[11]

Military forces are important to defeat and deter well-armed groups through combat operations, but are not trained to do policing tasks as they approach security with a different mindset.[12] The most rudimentary police training teaches technical skills in understanding criminality, engaging the public through community policing and counter crime operations. This is important because the criminal threat in stability operations is a greatly underappreciated problem that has a symbiotic and supporting relationship with other sources of instability, such as insurgencies and terrorists.

International stability police forces serve a critical role in stability operations.[13] Unlike military forces, they routinely perform a range of policing tasks among their home country population and among a deployed host nation population. Currently, the U.S. does not have an expeditionary stability police force like our international partners do. Thus our military, in spite of its resident capabilities, continues to be the second-best solution.

*A Brief Background of American Police Assistance*

After World War II, the U.S. had a better institutional response than it currently does. From 1954 to 1974, the International Cooperation Administration,

and then the U.S. Agency for International Development (USAID), had programs that provided technical training, equipment and advice for foreign civil police organizations. In 1963, the USAID International Police Academy was established to train foreign police officers. During its 10-year existence, USAID's academy trained over 5,000 students from seventy-seven countries before Congress closed it due to allegations of advocating torture techniques. Concerned about damaging the image of U.S. efforts abroad, Congress passed legislation prohibiting foreign assistance funds for training and supporting law enforcement forces.[14] The shadow of this scandal still hangs over USG associations with foreign police and continues to undermine efforts to develop police in failing or failed states of interest.

Since then, the U.S. has not developed interagency policy or doctrine for police assistance programs. As a result, the U.S. continues to rely on military personnel—mostly the U.S. Army— to train civilian police in the early phases of stability operations. This is in spite of the fact that military personnel are not prepared to train and advise civilian police on the principles necessary for effective policing.[15]

Establishing an effective local police force is one of the most critical elements of successful stability operations, but is a task for which the U.S. is less prepared. This capability shortfall can embolden corrupt local officials, enable insurgents to take advantage of disorder and set conditions for organized crime enterprises. In view of this, the international community justifiably criticizes the USG for continuing to fail in this critical task.

*Impact On Current Operations.*

How does this problem manifest itself in our current operations? According to the Government Accountability Office (GAO), since 2002, the United States has provided about $6.2 billion to train and equip the Afghan National Police.[16] However, as of April 2008, no police unit was assessed as fully capable of performing its mission. Over three-fourths of the police units were assessed as not capable—the lowest capability rating DOD assigns to units that have been formed. The GAO's conclusion: U.S. efforts to develop capable Afghan police forces face challenges and need a coordinated, detailed plan to help ensure accountability.[17]

Similar difficulties have been faced with the Iraqi Police Service since 2003. During the past nine years, the police in both Afghanistan and Iraq have failed to develop at projected rates even though police development has been a key strategic goal for the United States.

One key issue is the conflict over the role of police in a counterinsurgency (COIN) effort.[18] Specifically, there is a need to reconcile the North Atlantic Treaty Organization (NATO) vision of a civilian law enforcement service (quality over quantity) and the U.S. vision of a security force with a major COIN role (quantity over quality). There are three reasons why the police should not be subordinated to the military in conducting offensive COIN.[19] First, this leaves the local communities unprotected in the face of crime and disorder. Second, it delays the development of the police in their long-term crucial of mission of providing local public safety on a daily basis.[20] Last, the police live and work in their communities and largely bear the brunt of violence while the military live in secure

barracks. This conflict of roles has led to catastrophic consequences in recent years, as the Afghan police are three times more likely to be killed in action than the Afghan Army.[21]

Another issue is the lack of centralized focus for police development. Multiple chains of control and administration have developed plans independent of one another and independent of larger linkages with judicial and penal sector reform. In Operation Enduring Freedom (OEF), for example, the NATO Training Mission-Afghanistan (NTM- A) is responsible for institutional training of the police while the Intermediate Joint Command (sometimes reported as ISAF Joint Command) runs the tactical battle and provides operational mentorship of the police in the field. With regard to linkage to broader rule of law efforts, resourcing is out of balance between police, judicial and penal sector reform. Since 2004, the U.S. has spent 55 times more on the Afghan National Army (ANA) than on reconstructing the justice system and 16 times more on ANA than on the police.[22] The current state of cops, courts and corrections is that of a stool with one long leg and two stubby ones.[23]

Still another issue involves civilian police advisors. Not all civilian police advisors are equal. While most civilian police advisors have general police experience at the state and local level, by-and-large they are rank-and-file patrol officers with limited organizational management experience. Moreover, most civilian police advisors provided by Department of State (DOS) and Department of Justice (DOJ) are contractors. These contractors are not trained to advise Host Nation police. They receive a little training on actual police mentoring (95 percent on personal survival skills and five percent on cultural information) and no

training on evidentiary procedures, legal systems or penal systems.[24] Contracted police advisors often cannot or will not operate outside of a secure base.[25] This de facto absence of civilian police trainers in the field at the provincial and district level further compels the military to partner with the police.

The common denominator in all of these issues is a lack of expert policing knowledge within the DOD—and to a lesser degree the DOS—to understand and articulate the proper role, mission and functions of police to strategic leaders and senior decision makers. There is a knowledge gap in identifying and executing a comprehensive framework to link local police actions to wider operational and strategic objectives in the planning and execution of stability operations. So how can the U.S. build expert policing knowledge, and more specifically, how can the U.S. Army best contribute?

*A Lack Of Concern With Substantive Matters.*

The problems identified with the police entities and those responsible for police development within the DOD and DOS are symptomatic of American policing dysfunction in general. Therefore, in framing the problem we must look broadly with a critique of the current state of policing. The primary critique of policing is that the police have a lack of concern with substantive matters[26] and a disproportionate level of concern for organizational matters. In other words, there is an over-emphasis on outputs over outcomes and this causes dysfunction within policing. This problem impacts not only how American police work in local U.S. communities, but also how U.S. authorities train foreign police institutions around the world.

Sir Robert Peel, the father of organized policing, best summed up this critique when he said, "The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it".[27]

How did we get to this state of policing in the U.S.? This condition is an unintentional result of the Civil Service Reform Act of 1883 and the subsequent implementation of a professional policing model throughout the first half of the 20th century. The professional model of policing sought to reduce corruption by formalizing interactions with the public and improve police process efficiency by using Frederick Taylor's principles of scientific management. This model narrowly focuses on the output goal of making arrests, and its internal management process was accomplished by random patrol, rapid response to calls for service and reactive investigations. Over the past century, the three R's of policing have become so ingrained in police organizational culture that that the professional model of policing is now known as the traditional or standard model of policing.[28]

Unfortunately, this standard model of policing did not improve the effectiveness of the police. By the late 1960s, an increase in crime, civil rights demonstrations and political protest led to several national investigations into the state of policing and the passing of the Omnibus Crime Control and Safe Streets Act of 1968. These eight assessments were critical of the standard model of policing because of its failure to respond adequately to the needs of the local community and because of its impersonal nature.[29]

In contrast, substantive matters in other fields of work would be concerned with the outcomes produced by the organization. In the field of medicine,

for example, substantive concerns would be with the treatment of diseases or injuries as opposed to the administrative running of hospitals, employment of doctors and nurses and budgeting for hospital operations. This is not to say that these functions are not important, but they are a means to an end. Automobile manufacturing provides another analogy. The quality and performance of the car that comes off the assembly line is the matter of substantive concern, while the operation of the assembly line itself is merely an internal procedure toward that end.[30]

In policing, a concern with substantive matters would focus both the police and citizens on the common problems that the community expects the police to handle such as speeding, domestic disputes and noise complaints and would explore the effect police have on these problems. Current organization, staffing, training and operations of police agencies do not reflect this type of concern. Again, the efficient running of a hospital is crucial in effectively treating illnesses, and the efficient operation of an assembly line is essential to producing a quality vehicle at minimum cost. Similarly, the same considerations go into the administration and management of a police organization; therefore, one should not discount the effort that has gone into developing well-organized, properly staffed, efficient police agencies.

However, as previously stated, what is most troubling is the imbalance that exists between the concern for the output of the organization and concern for the effects of those outputs on substantive matters. What accounts for this imbalance? The influence of the standard model over the past one hundred years has formed a police organizational culture and an equally important subculture that has led to the following interrelated cultural characteristics.

**Incident-driven Policing**

UNDERLYING CONDITIONS

↓

PROBLEM

Incident  Incident  Incident  Incident  Incident  Incident  Incident

↕                                                    ↕

Police          Police
Response        Response

---

**Problem-oriented Policing**

UNDERLYING CONDITIONS

↓

PROBLEM

Incident  Incident  Incident  Incident  Incident  Incident  Incident

↕                                                    ↕

Police          Other Public        Police
Response        & Private           Response
                Responses

↓

PROBLEM–SOLVING PROCESS

**Figure 1: Incident-driven versus
Problem-oriented Police**

First is the nature of the police function itself. The poorly defined and somewhat overwhelming character of the police function makes it difficult to establish what, precisely, is the purpose and end-product of policing. This results in people with different interests and expectations of police defining end-product differently.

Second is the focus on immediate needs. The common view has the police meeting immediate, emergency-like needs and alleviating problems rather than solving them. A clear indicator of this trend is in the fact that police on military installations are now organized under a Directorate of Emergency Services.

Greater rewards, from police and political officials, are attached to improving the speed and efficiency of dealing with incidents and getting back into service to respond to the next emergency. This is in contrast to seeking longer lasting solutions to the problems that require such responses.

Third, and closely related to the second, is the concern with incidents rather than problems as described in Figure 1.[31] Again, the working environment and organizational rewards encourage officers to treat police work as the efficient handling of incidents rather than the solving of the underlying problems that cause the reoccurring incidents.

Last is the intractable nature of the substantive problems confronted by police. Many of the problems that the police handle are, by their nature, insolvable. It is much easier and satisfying to solve an internal communication issue or develop a new operating procedure than to devise a response to shoplifting or prostitution. Moreover, non-substantive matters are more self-contained and thus easier for superiors to measure and reward.

If police are to mature as a profession, they must concern themselves more directly with the outcomes of their efforts. Improvement of the police profession requires that the police develop a more systematic process for analyzing and responding to the problems the public expects them to address. Improvements in organization and operations are important, but still just the means to achieve the substantive ends of policing.

In summary, there are numerous reports of the U.S.'s failure to develop and reform police in the recent stability operations within Iraq and Afghanistan. This is due to a lack of expert policing knowledge,

capability and capacity within the DOD and DOS, with the DOD taking the lion's share of blame in the last nine years. Looking at the field of policing, some progressive police organizations have improved their effectiveness and efficiency; however, most (including Military Police) are still wedded to an out-dated and ineffective model of policing developed over eighty years ago.

## PROPOSAL OF SOLUTION

After framing the problem and reviewing the documented results of our current efforts to develop indigenous police, it is clear that there is a problem and the status quo is not working. This paper proposes that the Military Police, as the U.S. Army's proponent for policing, seek to become a more technically professional police organization in support of U.S. operational and strategic aims. In pursuing this end, several questions must be answered. What does a more technically professional police organization mean in this context? What are the ways and means to become more professional?

Up to this point, this paper has used the terms capacity and capability repeatedly. The difference between capacity and capability, at least for the purposes of this paper, is that the latter (usually) emphasizes technical ability such as intellectual acuity or physical dexterity. It refers to talents or skills that can be learned, changed or enhanced. Capacity, on the other hand, relates to a power to experience, produce or retain something.[32] With these definitions in mind, the remainder of this paper will narrow its focus on exploring policing capabilities and leave capacity as a subsequent topic of research.

The methodology used to propose a solution to this capability gap is to outline and analyze ends, ways and means in order to present a comprehensive answer and generate justifications and conclusions. The following framework is proposed:

- A professional policing capability is the end we seek
- Effective policing activities are the way or method to achieve this end
- Efficient organizational structure is the means to the end

*Police Professionalism As An End*

General Martin Dempsey, commander of the U.S. Army Training and Doctrine Command, said in a recent interview, "You're not a profession just because you say you are a profession." While he was addressing the Army as an institutional whole, the Army is also a multi-professional workplace and the professional core competencies of all the Army branches and functions must be reviewed for professional relevancy.[33]

Why is being a profession an issue for the Army and Military Police? There are three reasons why the Army must be a professional force. First is the exercise of positive control and discipline within an institution capable of wielding significant power. Second, and equally important, is the creation and adaption of abstract expert knowledge that enables the application of this immense power in order to defeat threats to our national security and to achieve U.S. strategic objectives.[34] Last is the need for it to be seen as legitimate by its client, the American people. Using the same logic, the police in general and Military Police, specifically

as a multi-professional organization, must also be a profession because of the coercive governmental power they wield over citizens. This could also include the citizens of other countries who are subject to the power of the U.S.-trained policing institutions.

With an understanding of why professionalism is important, we turn to what professionalism is and how it relates to the subject of this paper. In addition to the seminal frameworks developed by Samuel Huntington and Janowitz, which have defined military professionalism since the 1950s, the Army is currently reviewing a definitional framework created by James Burke from the book *The Future of the Army Profession*. Burke's framework consists of three interrelated elements.[35]

First, professions apply expert knowledge and should be seen for what they do, not just how they are organized to do it. For example, in the fields of medicine, law, military and police—effectiveness, not efficiency—is the key to the work of professionals. The ill want a cure, the accused want exoneration, the defenseless seek security and the citizen demands public safety. While all clients want efficiency in any field of expertise, effectiveness is the overriding concern.

Second, professions have a jurisdiction or field of endeavor for problem solving in which control for the work and jurisdictional boundaries, which groups constantly dispute.

Third, professions seek continued legitimacy in the eyes of the client—through numerous channels such as the public opinion, legal and the free market—for the control of a particular jurisdiction.

Using this framework of a profession, the next step is to examine the strength of these three elements—expertise, jurisdiction and legitimacy—with regard to Military Police.

What is the nature of Military Police expert knowledge? Military Police are responsible for, among other things, the execution of a police function within the Army, and therefore must be considered a multi-professional organization and examined as such. In some of these areas such as patrolling and general military skills, the Military Policemen's skills are not of concern, and this paper does not deal with them. What is the primary problem from which all other identified problems stem is the lack of expert knowledge, skills and abilities of Military Police leaders to manage the performance of police-specific operations at the organizational level in order to achieve substantive public safety outcomes such as reducing crime, disorder and public fear-levels of crime. In summary, the Military Police are weak in the professional element of expert knowledge in the area of policing.[36]

Do the Military Police have a clearly defined jurisdiction? Unfortunately, the Military Police find their jurisdiction simultaneously increasing in an area in which it is least prepared and decreasing in an area that it needs to retain to in order to practice and improve its expert knowledge. The professional jurisdiction of the Military Police prior to Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) was well-established and generally uncontested even during peacekeeping operations such as Bosnia and Kosovo. This broadly included responsibility for enemy prisoners-of-war, area security, and law and order in both a deployed or home station environment. Military Police were assumed to be experts in policing. However, this proved to be a false assumption during Operation Iraqi Freedom when the focus transitioned to stability operations. Upon receiving the mission to develop host nation police, the Military Police

struggled with a fundamental lack of understanding of the role of civilian police in a whole of government approach, police management at the large organizational level and the expertise to design a long-term, coherent plan of development and reform.[37] The Department of State thrust this jurisdiction of developing host nation police upon the Military Police despite their unpreparedness due to the slow response and a lack of capacity elsewhere.

Afghanistan, is a similar situation in which the DOS and North Atlantic Treaty Organization (NATO) allies lack the capacity (and lack the capability in the case of some of the contractors) to partner with the overwhelming numbers of Afghan Police that need development. Clearly, the Military Police has had to fill a professional jurisdictional void with regard to developing indigenous police.

Interestingly, the one jurisdiction that Military Police need to retain in order to maintain their professional core competency of policing is being moved under the auspices of the Department of the Army Civilian Police working for the Army Installation Management Agency. Generally, civilians make up to 60 percent of the personnel necessary to police an Army installation with Military Police responsible for the remaining 40 percent. The decision for this split was twofold: to reduce the deployment burden on Military Police and achieve cost efficiencies by hiring Department of the Army Civilians. Overall, the professional jurisdiction of Military Police is unclear and ill-defined, which indicates the weakness of this element of professionalism.

Lastly, does the Military Police's client, the Army, see them as legitimate police professionals? In discussing the training of police during stability operations,

Field Manual 3-24 Counterinsurgency makes it clear that, Military Police can provide much of the initial police training. Higher-level police skills—such as civilian criminal investigation procedures, anti-organized crime operations and police intelligence operations—are best taught by civilian experts.[38] It seems apparent by this doctrinal excerpt and the contracting of retired police officials through the Army Law Enforcement Professional program, that the Army does not see the Military Police as legitimate police professionals.

In summary, all three elements within the definition of police professionalism are either absent or very weak within the Military Police. Furthermore, all three elements examined seem to be interdependent. For example, there is a circular logic at work here where the Military Police are not seen as legitimate because: (1) they are challenged with a new operational jurisdiction to develop foreign police for which they are the least prepared to exercise their implied core expert knowledge and (2) they are least prepared to apply this area of expert knowledge because their home station jurisdiction to practice and exercise this same knowledge is being reduced to bring in civilian experts. The Military Police must break this cycle by building and demonstrating expert police knowledge at the organizational leader level and never losing it as a core competency in a way causes the Army to see them as legitimate police professionals..
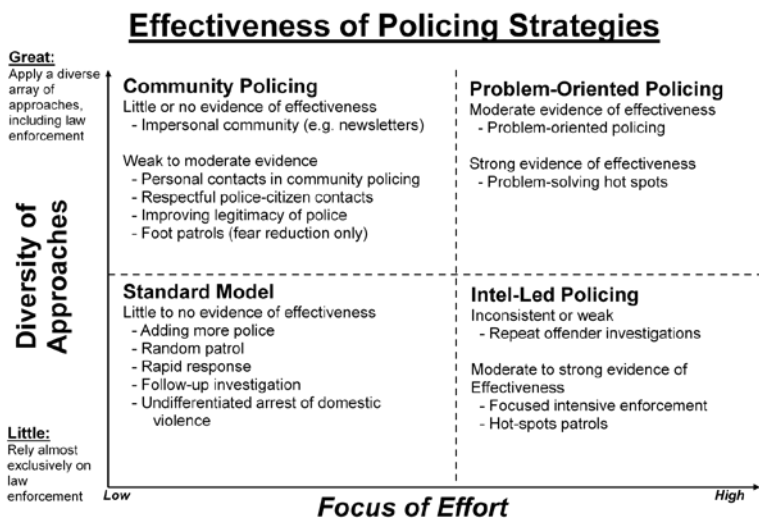
*Effective Policing Activity As A Way To Achieve The End.*

Planning and executing modern police operations is a complex and demanding job whether in a civilian or military context. It is not enough for the police chief or provost marshal to merely control budgets and di-

rect daily operations; rather, he or she should also be expected to control crime and disorder. How best to control crime and disorder has always been a complex issue.

Starting in the 1970s, there has been considerable research into what is effective and not effective in reducing crime. The National Academy of Sciences established a panel of social scientist to review all police research including the question of police effectiveness.[39] The least effective strategies to crime reduction are in the lower left quadrant and the most effective are in the upper right quadrant of Figure 2.

In the lower left corner of the figure, we have the standard model. This is the prevailing strategy in the United States. As previously mentioned, the standard model is characterized by the Three R's of random patrol, rapid response to calls for service, and reactive investigations. When faced with the public demand to reduce crime, public and police officials who use the standard model will respond in the predictable manner of requesting more police officers, attempting to decrease response time, greater patrol visibility, higher investigation success rates and more arrests. Equally important is what public officials and the media do not address: increased precision in policing, differentiation among crime types or the application of non-law enforcement alternative to address crime.[40]

## Effectiveness of Policing Strategies

**Great:**
Apply a diverse array of approaches, including law enforcement

**Diversity of Approaches** (vertical axis)

**Community Policing**
Little or no evidence of effectiveness
 - Impersonal community (e.g. newsletters)

Weak to moderate evidence
 - Personal contacts in community policing
 - Respectful police-citizen contacts
 - Improving legitimacy of police
 - Foot patrols (fear reduction only)

**Problem-Oriented Policing**
Moderate evidence of effectiveness
 - Problem-oriented policing

Strong evidence of effectiveness
 - Problem-solving hot spots

**Standard Model**
Little to no evidence of effectiveness
 - Adding more police
 - Random patrol
 - Rapid response
 - Follow-up investigation
 - Undifferentiated arrest of domestic
   violence

**Intel-Led Policing**
Inconsistent or weak
 - Repeat offender investigations

Moderate to strong evidence of
Effectiveness
 - Focused intensive enforcement
 - Hot-spots patrols

**Little:**
Rely almost exclusively on law enforcement

Low          **Focus of Effort**          High

## Figure 2: Effectiveness of Policing Strategies

Research starting in the 1960s was critical of the standard model of policing. This research has consistently found that the standard model has not had a significant impact on crime, disorder or fear of crime. The Three R's may have other purposes, but we should not expect them—or the addition of police officers to carry out these practices— to have an effect on crime and disorder.[41] To have an effect on crime, research strongly concludes that policing strategies must include two elements. These are displayed on the axes of Figure 2. First, the strategy must have a diverse approach to reducing crime and disorder. A diversity of approaches would require using a greater range of tools than simply enforcing the law. This idea is expressed in the vertical axis. There is evidence that creating a public and private partnership between

the police and the community can have a modest reduction in crime with the closer the partnership, the more likely the effect on crime. The second element required for highly effective policing is focus. This is represented on the horizontal axis, and there is solid evidence that geographically concentrated police activity at crime hot spots can be effective in the short term. Research shows that focused police operations of very small high-crime places, such as street corners and city blocks, has a modest effect on crime and a large impact on disorder.[42]

Problem-oriented policing combines both elements—the use of diverse approaches with focused action. This is depicted in figure 3. This is the most effective

## Problem Oriented Police Model: SARA

| **Scanning:** *Identify crime problems and sources of public discontent.* | **Analysis:** *Understand conditions that cause problems to occur.* |
|---|---|
| C - **Community** – Public must experience the harmful events<br>H – **Harmful** – People or institutions must suffer harm.<br>E – **Expectation** –Expectation police will address the causes of the harm.<br>E – **Events** – Must be able to describe the event that makes up the problem.<br>R – **Recurring** – These events must recur.<br>S – **Similarity** – Recurring events must have something in common. | Crime analysis is the systematic collection of information that describes crime trends and patterns. <br><br>Offender  Place  **PROBLEM**  Target/victim |
| **Response:** *Develop and implement solutions.* | **Assessment:** *Determine the impact.* |
| •Increase the effort of crime<br><br>•Increase the risks of crime<br><br>•Reduce the rewards of crime<br><br>•Remove excuses for crime<br><br>•Find the owner of the problem | • Was the plan implemented?<br><br>•Are we making progress towards the goal(s)?<br><br>• How do you know? |

**Figure 3: The basic concept of problem-oriented policing.**

policing strategy and there is a large body of evaluative evidence using weak-to-strong research methods that consistently finds this combination significantly reduces crime and disorder.[43] Interestingly, many problem-solving efforts have been implemented and succeeded after other strategies have failed to produce long lasting results on crime.

The lessons during the past 40 years of research are conclusive. Effective police activity requires both a diversity of approaches and focused attention. In contrast, the least effective policing uses neither element. Currently, the concept of problem-oriented policing provides this combination.

*An Efficient Performance Management Structure*
*As The Means To The End.*

There is nothing professional about the responsive nature of the standard policing model. There are no long-term objectives. There is no purpose beyond reacting to the here and now. However, a more preventive and proactive approach, such as problem-oriented policing, requires police agencies to develop more efficient management structures and systems. The purpose of this section of the research is to define a police management structure that assists police executives with realizing a more professionally capable organization. There are two organizational structure changes needed to support the ways and achieve the ends outline early.

The first is an analytical-based process in the form of crime analysis or intelligence. Imagine a blindfolded boxer futilely swinging and missing his opponent to the point of exhaustion and frustration. This is what policing is like without crime analysis. Crime analysis is the engine that drives proactive police activity.

Crime analysis, within the process of crime intelligence, is the systematic study of crime and disorder problems as well as other police related issues including socio-demographic, spatial, and temporal factors to assist in decision-making.[44] This capability gives police organizations a more objective basis for deciding objectives, priorities and resource allocation. The real value of an analytical capability is the means it provides to police leaders to move from intuition to intelligence-based decisions. The end-result is police leaders who are more strategic, future-oriented and targeted in their approach to organizational management and crime reduction— a significant change and a step forward in the business of policing.[45]

Second, a performance management structure, supported by crime analysis, must be implemented. Performance management is a systematic effort to improve performance through an ongoing process of establishing desired outcomes, setting performance standards, then collecting, analyzing and reporting on streams of data to improve individual and collective performance. Virtually everything in policing is subject to measurement, and as such, police leaders must abandon the standard reactive model of policing by moving away from measuring outputs (three R's) to measuring outcomes —reduced crime and disorder.

One of the most remarkable stories in criminal justice today is the tremendous decline in crime in New York City since 1993. The total number of reported crimes for seven major crime categories declined an unprecedented 57 percent from 1993 to 2000.[46] In assessing the New York Police Department's (NYPD) dramatic crime reduction success in the 1990s, Phyllis McDonald explains modern police and other government agencies measure their success on the basis of results achieved, not by productivity levels.[47]

This shift is illustrated in several conceptual changes in police management since the 1980s:

- From outputs to outcomes
- From incidents to problems
- From reaction to prevention
- From control of serious crime to overall public safety
- From accountability for rules to accountability of problems solved
- From intuition to data

Introducing the process of performance management would create numerous organizational benefits from hindsight and foresight. Again, supported by the crime analysis processes, the organization now has the ability to look backwards and extract useful information from data as it moves ahead with foresight. Foresight and leadership allows the organization to predict and prevent crime and disorder, improve resource allocation, service delivery, and strategic planning.[48] Performance management processes shifts the emphasis from compliance of regulation to managing for results. Finally, an organizational performance management structure should be embraced as a dynamic and logical means to assessing and managing police activity in order to determine what works, what does not work and why.

In summary, our end is to improve the technical professionalism of the Military Police in order to achieve national security objectives abroad and our public safety requirements at home. To achieve this end, we determined the most effective way for the police to conduct their activities. A diversity of approaches and focus of effort was the most determinant elements in reducing crime and disorder with

problem-oriented policing as the best and most practical strategy that incorporates both elements. The best means to achieve our end and execute our ways efficiently is an organizational performance management structure similar to the successful New York Police Department crime control model. Improving a police organization's effectiveness in operations while simultaneously improving its efficiency in executing those operations is what must be done to close the identified police professionalism gap.

## CONCLUSIONS AND JUSTIFICATIONS

The previous portions of this research paper have outlined the comprehensive framing and description of the problem, a proposed solution to the problem by creating a more professional policing capability within the Military Police, and a discussion of the ways and means to achieve this professional policing capability. From this, several conclusions stand out.

*Stability Operations Are Enduring*

The first conclusion is that stability operations and its methods (security force assistance, COIN) will continue to be a part of our missions well into the future. Within this operating environment, we will see a nexus of insurgents, terrorists and criminals as an emerging threat to the U.S. and an obstacle to achieving its national security objectives. History is replete with examples of the military, specifically the U.S. Army, conducting stability operations.[49] Our senior leaders recognize this and have provided strategic guidance to develop U.S. military capabilities to meet stability operations requirements. In a June 2010 Foreign Af-

fairs article, Secretary of Defense Robert Gates provided his thoughts on future operations:

> This strategic reality demands that the U.S. Government get better at what is called—building partner capacity: helping other countries defend themselves or, if necessary fight alongside U.S. forces by providing them with equipment, training or other forms of security assistance.[50]

In addition, the newly appointed Chief of Staff of the Army, General Martin Dempsey, recently blogged:

> Tactical commanders will have a security force assistance mission to train, advise, and assist tactical host nation forces. This statement institutionalizes in the Army the lesson of Iraq and Afghanistan, where U.S. troops have arduously built new armies and police forces from scratch.[51]

*Professional Policing Capability Is Full Spectrum Applicable*

The second conclusion is that the proposed development of a more professional policing capability residing in the Military Police is doctrinally consistent with full spectrum operations and can meet three essential requirements that are currently not being met in the area of a professional policing capability within the U.S. Government.

The first requirement is for the Military Police to perform general policing responsibilities. This may be within a combat environment when the indigenous police have disintegrated due to conflict or at a military installation to ensure the public safety of the military community. These activities would include the most effective and efficient police practices as previously described.

The second requirement would be the building of indigenous police capability and capacity with the acknowledgment that training and equipping represent only half of the equation. To achieve effectiveness, a more comprehensive development and reform effort is necessary. As we have learned in Iraq and Afghanistan, decoupling broader programs of development and reform from training and equipping only makes the police more proficient at being corrupt and abusive.[52]

The third and most important requirement is to maintain a resident U.S. Government professional policing capability to advise and influence indigenous police leaders on the development of a democratic policing culture. According to Dr David Bayley, a distinguished professor in the School of Criminal Justice at the State University of New York, this inculcation of organizational culture would include responsiveness to the needs of the local community, accountability to the rule of law and not a particular government official, defense of basic human rights and demonstrated transparency to outside oversight.[53] The maintenance of expert policing knowledge to advise and influence indigenous police is only possible if the Military Police are allowed a jurisdiction—free from artificial displacement— in which to practice their field of work.

## Proposed Solution Offers Improved Organizational Effectiveness and Efficiency

The last conclusion is that adopting the recommended proposed end, ways and means for police professionalism brings improved efficiencies and effectiveness. The future of the U.S. Government and subsequently the Army includes smaller budgets and

a quest to offset shortfalls with efficiencies. Military Police organizational leaders who make analytically-based decisions and manage operations by measuring performance will be more efficient and more effective, which will solidify legitimacy in the eyes of the Army.

The overall conclusion of this paper is that improving the technical policing professionalism of the Military Police can fill the gap in U.S.'s capability to develop police in stability operations. U.S. Army Lieutenant General James Dubick, Commander of Multi National Security Transition Command-Iraq, recently wrote about his experiences in creating police and law enforcement systems in Iraq. He said, "Why is it that we always have time to do things over, but never to do it right the first time?"[54] A more technically professional Military Police Corps at the ready increases the probability of getting police development and reform right the first time and decreases the likelihood of facing a do-over.

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# CHAPTER 9
# U.S. ARMY MILITARY POLICE PROFESSIONALIZATION—RELEVANCY BEYOND 2012

*Colonel Bradly W. Graul*

As the U.S. Army's proponent for policing, in support of the U.S. Government, Department of Defense (DOD) and Army operational and strategic goals, the Military Police (MP) Corps must seek to become a more technically professional organization in order to support current contingency operations and the future. This requires the Military Police Corps (MPC) to fully examine current professional leadership development and individual training with the primary goal of improving on policing expertise to support the force. This examination requires innovative plans to expand on the technical aspects of policing so the Military Police Corps is postured to execute unified land operations anywhere and at anytime.

## FRAMING THE PROBLEM

Before examining how we can improve the level of policing expertise, which has a direct impact on professionalization within the MPC, we must frame the problem in three areas: the purpose of the police in society, the purpose of the Army in the future and, finally, the purpose of the MPC to support unified land operations now and in the future.

*The Purpose of the Police in Society*

The primary purpose of an established and credible policing force in societies involves enforcing the rule of law, providing basic security and assisting in regional stability. The etymology of the word police can be traced back to the early 1530s and was formed from the middle French word *Politia*. Its basic meaning is to protect the city. The concept of police further evolved throughout the centuries within different parts of the world. In the United States, policing concepts were adopted from the British. The U.S. Marshal system began in 1789, which spurred the creation of other policing entities. No matter what type of government structure the country has, the basic concept of policing includes a society conforming to local laws enforced by a governing police force structure. Police theorists such as Robert M. Perito and David M. Bayley have produced volumes of information relating to policing and its importance for societies to maintain a level of stable self-government. As they noted:

> To the act of serving and protecting the local population in a manner consistent with democratic values we give the name *core policing.* Not only is it necessary for the development of stable self-government…it ensures the police are more effective in containing violence that arises variously from insurgency, terrorism, and violent crime. Core policing is an enhancer both of legitimacy and [of] law-enforcement effectiveness.[1]

Societies that have functioning policing capabilities will likely have less violence and, therefore, will foster regional stability. David Bayley outlines in his book titled *Changing of the Guard* four principles that directly

impact on creating or reforming police entities, which, in themselves, are a prescription for building regional stability. First, police must be accountable to law rather than to the government. Democratic police do not make the law, they apply it, and any judgments must be subject to monitoring and correction by the courts.[2] Second, police are required to protect human rights based on the governing laws of the land. Such laws include freedom of speech, unwarranted arrest, imprisonment or even banishment. The third principle Bayley describes is the core policing concept—police must be accountable to the people they protect and serve. Accountability must the third principle's watchword for any police organization to be professional. Finally, the fourth principle requires the police place the needs of the populace and private groups above their needs. Police, like other uniformed entities, are visible forms of their government's authority. Police are unique because of their coveted responsibility to enforce the law. According to a report from the Organization for Security and Co- operation in Europe (OSCE),

> Effective policing helps create an environment where sustainable development can flourish. Good policing, which serves the people rather than just the state, is central to preventing conflicts, preserving social stability during crises and supporting post-conflict rehabilitation. This basic security and stability is needed for countries to progress socially and economically.[3]

Societies also include military installations comprised of military members, family members and civilians. They, too, require functioning policing capabilities; therefore, the MPC has a vested interest in grounded policing theories that validate why policing expertise remains relevant. Policing expertise within

the MPC, in addition to the other capabilities such as maneuver and mobility support, corrections and police intelligence operations, reinforces the uniqueness the MPC provides to the Army.

*The Purpose of the Army in the Future*

The Army, like other branches of services, has endured over ten years of war, with the majority of the war dedicated to the stability operations umbrella including reconstruction, host nation security, and force development. The U.S. Army's 38th Chief of Staff, General Ray Odierno, stated in October 2011,

> As our former Chairman of the Joint Chiefs, Admiral Mike G. Mullen, so aptly stated, Our Army is the center of gravity for the U.S. military.' With these requirements in mind, my intent is for an all volunteer Army to remain the most decisive land force in the world, provide depth and versatility to the Joint Force, be more effective in its employment and provide greater flexibility for national security decision makers in defense of the nation at home and abroad.[4]

The past 10 years of war have provided the MPC a level of depth and versatility within the Army while providing it some experience in host-nation security-force development. Arguably, the past 10 years have also shown some policing expertise gaps within the Military Police Corps.

The MPC has also recognized with past deployments ranging from the Balkans to present deployments in Iraq and Afghanistan that the key to stabilization within a country is to first establish three primary pillars of support—Rule-of-Law, Corrections and Security. These three pillars have a positive im-

pact on establishing the framework for a new govern-
ment that ultimately improves on the overall level of
security.[5] Building this framework requires U.S. forces
to work with coalition partners to improve the host
nation's security capacity which directly impacts the
country's ability to normalize. Because of the lessons
learned from operations in Iraq and Afghanistan, the
Army cannot rely on being trained and ready for only
one type of Operating Environment. General Martin
Dempsey cautioned against the U.S. military train-
ing for one contingency of the past versus a force that
can handle global issues based on demographic and
economic shifts.[6] Prioritized focus in the Middle East
while maintaining full knowledge of issues that exist
in the Pacific region is a good example. In addition
to Dempsey's comment, Professor Bill Flavin's mono-
graph *Finding the Balance: U.S. Military and Future Op-
erations* also reinforces how the U.S. military has been
quick to develop prescriptive doctrine based on the
current operating enviroment. Flavin commented on
eight change-makers ranging from Secretary Gates
to Generals Dempsey, Petraeus, Mattis, Chiarellis,
Caldwell and McMaster that have influenced shifting
doctrine to a focus on future concepts.[7] This focus still
takes into account guiding principles for stability and
reconstruction in which the MPC will undoubtedly
have a role in the foreseen future.

*The Purpose of the Military Police Corps (MPC)*

As the Army's proponent for policing, the MPC
has a critical role in remaining as a relevant enabling
force. More importantly, the MPC in the next decade
could be DOD's premier source for assisting host na-
tions in building their security capacity. Going back in

history, since WW II the military has had the unique authority under Article 4 of the Geneva Convention to establish rule-of-law and train host nation police. However, the Department of State (DOS) is responsible for building partner capacity missions and normally requests DOD to train the military police of the host nation. Additionally, the MPC requires that leaders understand principles of policing for garrison MP missions.

In the past ten years, the MPC primary missions have been Policing and Detention Operations in a full spectrum environment in order to provide protection, support mobility, and promote the rule of law. The MPC history has spanned 70 years and experienced several periods of transformation. It was not until 1941, during World War II, that the MPC was a formally recognized branch of service with the primary goal of providing area security, limited maneuver and mobility support and law enforcement.

The motto for the MPC is "Of the Troops, For the Troops," emphasizing a creed to remain a force of choice across the continuum of direct engagement in combat operations, as seen during the Tet offensive in Vietnam in 1968 to current operations in Afghanistan. Other examples include Operation JUST CAUSE, humanitarian relief operations, and peacekeeping in Bosnia and Kosovo. The examples above reinforce why the MPC remains the Army's lead proponent for policing, which includes the following critical areas: law enforcement, criminal investigations, and detention operations.

The MPC, like other branches in the Army in these times of fiscal constraint, has had its capabilities scrutinized. Since the late 1990s, the military has been thrust into an operating enviroment referred to as VUCA—

Volatile, Uncertain, Complex and Ambiguous. The 2nd edition of the Strategic Leadership Primer in 2004 further defined VUCA below:

> Volatility refers to the rate of change of information and the rate of change of the situation. A rapidly changing environment calls for adaptive and innovative decisionmaking. Both the nature and the means of competition are changing rapidly, driven on the hard side by technology and on the soft side by increasingly easy communication.

**Uncertainty** stems from the inability to know everything about the current situation and the difficulty of predicting what the effects of a proposed change today will be on the future. With uncertainty, strategic leaders must be willing to take measured and prudent risks, be able to assess risk accurately and develop risk management strategies.

**Complexity** differs from uncertainty, though its effects may sometimes be similar. At the strategic level, an enormous number of factors have causal bearing on a given situation, and the web of cause and effect linkages has become more complex in our globalized, technologically connected world.

**Ambiguity** exists when a decision maker does not understand the significance of a given event or situation; he does not know what is happening. It can occur when leaders have insufficient mental models and observed events do not make sense. Vulnerability to misinterpretation of events in complex situations is high when decisions are centralized, decision pressure is high, the decision maker is powerful and the decision maker acts alone.[8]

The MPC, because it possesses versatile skills sets, has the ability to excel and remain at the forefront in

support of future unified land operations conducted within a VUCA environment. There are at least three key elements of strengths and weaknesses within the MPC that further support framing the problem, which are expertise, primacy and legitimacy. All three are relevant contributors to the overall professionalization of the MPC, allowing it to maintain its relevancy beyond 2012. Because of the sheer amount of information for all three areas, expertise will be the area of focus for this paper.

*Expertise*

The current operations in Afghanistan and most recently in Iraq have solidified a definite need for a force that can assist in building the interim security. Many MP leaders have recognized this expertise requirement to be prevalent within the MPC. In addition to the observations of MP leaders, numerous Rand studies and the latest Army FM 3-24 *Counterinsurgency* manual validate the expertise requirement as building interim security capacity. Similarly, Army officers within the Military Police Corps such as Colonel Rob Dillon, have also identified problems within the MPC that must be addressed.

> What is the problem (if not the primary problem from which all other identified problems stem) is the lack of expert knowledge, skills and the abilities of the Military Police leaders to manage the performance of police- specific operations at the organizational level in order to achieve substantive public safety outcomes such as reducing crime, disorder, and public fear-levels of crime.[9]

Military Police leaders' lack of expert knowledge in the technical concepts of policing is directly linked

to their reputation and affects whether they are seen as police professionals.

The level of expertise within the MPC has become increasingly more important in the past ten years of operations. As stated earlier, the two primary mission sets, Detention Operations and Policing (in the form of host nation police development) have gained significant traction within the past few years. A Rand study conducted in 2009 provides a supporting view as it outlines an expertise gap within the technical policing skill set.[11] This study examined the need for a U.S. Stability Police Force because there is a void within the MPC on high-end policing skills such as crowd and riot control, special weapons and tactics (SWAT), and investigations of organized criminal groups. It noted that, the skills and training necessary to performing such functions are only available in the civilian law enforcement world. The report concluded:

> Our analysis clearly indicates that the United States needs a Stability Police Force (SPF) or some other way to accomplish the SPF mission. Stability operations have become an inescapable reality of U.S. foreign policy.[12]

This study further discusses the cost, in FY 2007 dollars, to fund an SPF that could deploy within 30 days as $637.3 million annually. The capabilities that would exist within an SPF unit can be fine-tuned within the MPC as part of the technical professionalization efforts that will be outlined further in this paper.

The MPC performed civilian-like policing functions prior to 9/11 when installations had very few Department of the Army Civilian Police Officers. The MPC performed this mission as part of the unit's training cycle with what are called *road MP.* Most military

installation Provost Marshal Offices (PMO) or Director of Emergency Services (DES) conducted law enforcement certification training for two or three weeks to ensure the MPs were sufficiently trained to perform law enforcement duties. Several military installation MP units cross-trained with neighboring local law enforcement departments, either city or county, and developed solid partnerships. This productive relationship was developed during a period of lower operational tempo in the Army, which allowed MP companies more flexibility to cross-pollinate training with outside law enforcement entities. It was not until after deployments to Iraq and Afghanistan that it was quickly realized there was a huge demand for MPs to conduct police development, training and mentorship with the host nation police forces.

It was also during this time-period, due to high deployment cycles, there was a decrease of MPs performing law enforcement duties in garrison environments. This decrease had an impact on the MPC's ability to maintain the experience level in policing among junior leaders at the Non-Commissioned Officer (NCO) and Officer tiers. This same MP population would be the critical asset we needed to fill out the hundreds of Police Transition Teams (PTTs) for host nation police development. Taking this into account, prior U.S. Army Military Police (USAMPS) Commandants at Fort Leonard Wood identified the need to increase law enforcement training hours to get MP leaders the proper balance between the tactical and technical. The process of adding additional training hours to any course offered at USAMPS requires a lengthy review and analysis process followed by a series of negotiations with Training and Doctrine Command (TRADOC) to gain their approval.

History has shown that from 1948 to 2006 the need has continued to grow for stability operations, which include a subset mission of host nation police development.

Another Rand study published in July 2009, entitled *Warrior Police–Developing Army Security and Investigative Capabilities for Modern Conflicts*, reinforces why it is relevant for the MP Corps to continue the professionalization of leader development in the arena of technical aspects. This report proposed that:

> Threat groups that once had nothing to do with one another now recognize that globalization, technology, and networks allow them to cooperate toward achieving common objectives. Increasingly, criminal, political, and military threats are just different aspects of the same problem. Protecting state capacity in general and U.S. preeminence in particular will require unprecedented coordination between military and security agencies. Increasing the U.S. military's capacity for police type operations will preempt some of these challenges, since the U.S. military will invariably be involved in future conflicts.[14]

As mentioned previously, the MPC has room for improvement in the expertise area. There have been some increase in the amount of training hours that specifically focus on policing expertise in leader development since 9/11. This increase in the amount of training hours at U.S. Army Military Police School was the result of feedback and analysis from MP leaders across the field.

## SOLUTION FRAMEWORK

One process used to form a solution set involves focusing on three areas: Knowledge Base, Skills Sets

and Abilities (KSA). Studying the KSAs to flush out the requirements assists in identifying capability gaps that zero in on policing expertise within the MPC to fill the gaps. Further improvements in the knowledge base can be made in a variety of ways such as:

- Increase the amount of training hours at US-AMPS or The Army School System (TASS) that are deemed policing-centric. Adjusting the amount of hours in an already resource constrained environment may be a challenge; thus it requires MP leaders to analyze the amount of training hours that are pure policing-centric.
- Enact a professional self-development program that tracks MP leaders' KSA advancements. This self-development program may evolve into a track that can award certificates of training or confer an academic degree that reinforces policing specialization.

In Brigadier General Colleen McGuire's 2001 research paper entitled, *Constabulary Training for a Full Spectrum Force*, she looked at the value of a constabulary training program that could be adapted to stability operations in environments such as Iraq or Afghanistan. She found that many of the same leadership and soldier attributes, missions and roles, and training requirements identified by leaders nearly 60 years ago are similar, if not the same, as those desired today. As she noted:

> Performing peace support operations, today's full-spectrum soldier…a well- trained, value-based, volunteer is expected to investigate alleged violations or question suspects; negotiate and mediate; verify disarmament and demobilization; conduct and verify prisoner of war exchanges; provide relief to refugees;

restore emergency infrastructure functions; and provide security.[15]

How do we ensure these types of skills remain embedded within our MP force structure? These skills have a direct correlation to improving the level of policing expertise. The current training throughout the domains previously mentioned aligns with the majority of these tasks.

If we want to ensure these tasks remain embedded, the MPC can address the feasibility of implementing a Job Skills Testing for the MPC at the noncommissioned officer (NCO) level. Proficiency level testing that determines advancement in rank would be a positive reinforcement to it. The U.S. Air Force requires NCOs to take a Specialty Knowledge Test (SKT) and their score is used in conjunction with other requirements in the promotion process. This would be a good example of reinforcing proficiency sustainment among NCOs in order to ensure they are certified in all aspects of policing. A second option that warrants further analysis may be an officer certification program that focuses on those MP Officers who do not have Criminal Justice degrees to obtain the necessary training certificate. The Police Executive Development (POLEX) program offered at Pennsylvania State University is a good example in the development of skills and abilities in leadership, problem solving, motivation, risk management, policy development, policy implementation and ethically driven leadership. In addition to the Job Skills Testing and a certification program, a robust training cycle time-period is required for the MP to be under a *training officer* to gain the practical, applied experience.

## CURRENT TRAINING GAPS–LAW ENFORCEMENT/POLICING CENTRIC

Mutual Assistance or Mutual Aid agreements exist in various forms of support between Army installations and neighboring city or county law enforcement organizations. Such agreements can easily assist in fulfilling some of these training gaps. Mutual Assistance agreements can be modified to include shared training between both law enforcement entities. This has been suggested in policing circles. John Awtrey, in a 2004 article published in the *Police Chief* suggested that military police train with their civilian counterparts as part of a greater effort to building cooperation between civilians and military.

> Having examined some of the differences and similarities between military and civilian law enforcement, and understanding that military bases do not exist in a vacuum but rather as a part of civilian communities—it becomes apparent that the two parallel structures can build and enhance their cooperation efforts to better serve their total local community and address common concerns. Whether in a civilian jurisdiction or on a military installation, each day will bring new challenges. In order to start the cooperation process between the local law enforcement agency and military counterpart, it is necessary to reach out and get to know and understand each other…This first step seems simple and obvious, but it is not always done. The IACP can help identify civilian and military law enforcement executives.[16]

This could be a strong enabler among the junior leaders (NCOs and Officers) who lack the high level of policing expertise that reside within the local police or sheriff's department.

**FINAL RECOMMENDATIONS / WAY AHEAD**

There are at least three areas the MPC should continue to push forward or initiate in the future: Credentialing; using outside organizations as enablers to improve the MPC's policing expertise and relevancy and, finally, increasing the level of policing expertise among the MP force structure.

Credentialing within the MPC aligns perfectly with the Army's recently stated campaign, *The Profession of Arms*. As described in a recent TRADOC Army Pamphlet,

> Army Professionals, in turn, are responsible individually to develop and maintain the necessary moral character and competence, while following their own personal calling to a work that is more than a job—their moral calling of privileged duty to service in the defense of the Republic. They do this by completing the education, training, and experience necessary to ultimately be certified in **character**, **competence** and **commitment** by the institution.[17]

The last sentence reinforces the importance of credentialing as certification implies competence and particularly so, in the U.S. policing community. Credentialing police training and education grows ever more important as society becomes more and more attune to police actions being displayed in the growing social media. When a police department, state or federal organization affiliates itself with recognized credentialing organizations as outlined below, in essence, that department is partnering with other member organizations to demonstrate to the public that they are in deed, aligned technically and tactically with

common police procedures. The department can demonstrate their ability to design, develop and present law enforcement training and education using educational standards. Such, a law enforcement academy or program provides assurance to the citizens they serve that the academy or program has voluntarily submitted to a process of self-regulation. Additionally, the academy or program has successfully achieved compliance with a set of standards that were collectively established by their peers among their professional community. This demonstrates their adherence to quality, effectiveness, and integrity.

To accomplish this goal, trainers in the law enforcement discipline, working through a professional accrediting body, assist each other in evaluating and improving their professionalism, which ultimately validates whether or not the police force has the necessary expertise. A high degree of public confidence in the competence and professionalism of federal, state and local peace officers is an important outcome of this process.

Credentialing also supports the overall policing strategy for the MPC—that of being responsive, instead of reactive, during the development of host nation police. Expertise is embedded within the credentialing process, which has been the foundations of many prestigious organizations as outlined in the next paragraph.

USAMPS has been awarded three credentials in the past few years: FLETA, ACE and ACA. The definitions and their significance to the MPC are provided below:

**FLETA**: The Federal Law Enforcement Training Accreditation was formed in 2000 in an effort to increase the professionalism of federal law enforcement

training. A task force of key training leaders from principal federal and state law enforcement agencies collaboratively conducted research to establish a premier training accreditation model. In the development of the model, federal law enforcement training professionals established standards and procedures to evaluate the training programs and training academies used to train federal law enforcement agents and officers. The intent was to develop an independent accreditation process that provides law enforcement agencies with an opportunity to voluntarily demonstrate that they meet an established set of professional standards and receive appropriate recognition.

**ACE:** The American Council on Education was founded in 1918 and is the only higher education organization that represents presidents and chancellors of all types of U.S. accredited, degree-granting institutions. ACE represents the interests of more than 1,600 campus executives, as well as 200 leaders of higher education-related associations and organizations. Since 1945, it has provided a collaborative link between the U. S. Department of Defense and higher education through the review of military training and experiences for the award of equivalent college credits for members of the Armed Forces.[18]

**ACA:** The American Correctional Association shapes the future of corrections through strong, progressive leadership that brings together various voices and forges coalitions and partnerships to promote the concepts embodied in its Declaration of Principles.[19] The USAMPS Interment/Resettlement Specialist Course was accredited by the Commission on Accreditation for Corrections (CAC) through the American Correctional Association (ACA) in August 2011.

**CALEA:** The Commission on Accreditation for Law Enforcement Agencies (CALEA) is an additional

professional organization the MPC is seeking out as an enabler. The Commission on Accreditation for Law Enforcement Agencies was formed as a credentialing authority through the joint efforts of law enforcement's major executive associations. The four associations outlined on the CALEA's webpage are the International Association of Chiefs of Police (IACP), National Organization of Black Law Enforcement Executives (NOBLE), National Sheriff's Association (NSA) and the Police Executive Research Forum (PERF).[20]

> The CALEA Accreditation Process is a proven modern management model; once implemented, it presents the Chief Executive Officer (CEO), on a continuing basis, with a blueprint that promotes the efficient use of resources and improves service delivery regardless of the size, geographic location or functional responsibilities of the agency.[21]

Two additional outside organizations the MPC can fully tap into as enablers for increasing the level of policing expertise are the International Criminal Investigative Training Assistance Program (ICITAP) and National Institute of Justice (NIJ).

**ICITAP:** The mission of ICITAP is to work with foreign governments to develop professional and transparent law enforcement institutions that protect human rights, combat corruption, and reduce the threat of transnational crime and terrorism. Situated in the Department of Justice's Criminal Division, and funded primarily by the State Department, ICITAP provides international development assistance that supports both national security and foreign policy objectives.[22] ICITAP supported missions in Iraq and Afghanistan focusing on building the capacity of trained police forces. ICITAP has a diverse set of expertise that includes the following: Anti-corruption, Combat-

ing Terrorism, Corrections, Critical Incident-and-Response and Forensic Assistance. Developing a working relationship with ICITAP is a wise investment for the MPC and aligns with our requirement to operate within the Joint, Interagency, Intergovernmental and Multinational (JIIM) environment. ICITAP's years of experience and knowledge base developing police organizations, coupled with their other areas of expertise make it important that the MPC should foster a working relationship with them.

**NIJ:** The National Institute of Justice (NIJ) is the research, development and evaluation agency of the U.S. Department of Justice and is dedicated to improving knowledge and understanding of crime and justice issues through science. NIJ provides objective and independent knowledge and tools to reduce crime and promote justice, particularly at the state and local levels.[23] NIJ also has very well-defined strategic goals for their organization that can benefit the MPC leader development. NIJ offers several online courses as part of professional development. The National Institute of Justice is committed to being a transformative force in the criminal justice field by meeting five strategic challenges: fostering science-based criminal justice practices, translating knowledge to practice, advancing technology, working across disciplines to make a more effective criminal justice system and adopting a global perspective.[24]

## The Way Ahead

The way ahead for the MPC includes two programs that have been studied for the past four years and will have a definite and lasting impact on the technical competencies of the MPC. The estimated

cost to implement these programs is $220K, which is a very small percentage of the Rand study's estimate of $637.3 million annual cost to create an SPF.

The first program involves creating a College of Military Police Sciences (COMPS) located at the home of the Regiment Fort Leonard Wood, Missouri. COMPS is a comprehensive plan that will provide the framework and management oversight for several initiatives.

The first major initiative would involve establishing accreditation recognized by the American Council on Education (ACE), Federal Law Enforcement Training Accreditation (FLETA), Council on Occupational Education (COE) and ACA, which provides USAMPS Commandant the authority to confer college credit for all courses designed and taught. Further, this accreditation can lead to the ability for USAMPS to confer a fully accepted and accredited Associate Degree and/or Bachelor's Degree in Criminal Justice. This would mean that USAMPS could graduate soldiers with college credits from USAMPS training that any college or university would accept for transfer credit in a liberal arts or criminal justice degree program at the soldiers' current duty location. Further, the USAMPS Accreditations team would work to establish and formalize affiliations with local universities and colleges that would also accept such transfer credits towards a degree at their institutions.

The College of Military Police Science will afford all Military Police Soldiers and Leaders the opportunity to seek individual college credit through transfer credit and/or ACE accreditations or to obtain personal and professional growth through the completion of these courses offered. Further, the College of Military Police Science will offer certification that will pertain

to the following areas: Law Enforcement, Corrections and Full Spectrum Operations. Such certifications will add to the professional growth of soldiers and increase their skills sets while making each soldier even more valuable as a police officer in any organization, military or civilian.[25] One of COMPS's successes is linked to the MP Soldier enrolling in a menu of distributed learning (courses similar to the Army Correspondence Courses) and applying the courses towards college credits. Many MP soldiers could receive constructive college credit based on military training and operational experiences already completed with the goal of transferring credit towards a degree. This definitely could have a lasting impact on the MPC's future.

The second initiative that is linked with COMPS centers on the creation of an Advanced Law Enforcement Education Resource Network (ALE2RN) designed to be an integral part of being a Law Enforcement Center of Excellence. ALE2RN umbrella includes seven pillars that directly impact the Career Management Field (CMF) 31(Military Occupational Series # for Military Police) education and training continuum:

- Collegiate Accreditation of CMF 31 Individual Military Training (IMT), Professional
- Military Education and Functional training
- Branch Continuing Education
- Branch 31 In-Service Education and Training
- Constructive Credit
- Civilian Training Credit
- Branch Accreditations
- Branch Certifications

The MPC in 2012 and beyond has a unique opportunity to expand on the technical policing competencies across the entire force structure. The initiatives

outlined above will have a strategic impact, not only within the MPC, but also throughout the Army and DOD. U.S. Government and DOD operational and strategic goals that focus on policing development validate the need for the MPC to seriously consider these initiatives. As DOD continues to scrutinize the services' strategic impact in fulfilling the primary goals of the National Military Strategy (NMS), nested with the National Security Strategy, shaping the future force stands out.

Our focus on leadership, not simply power, necessitates that we emphasize our values and our people as much as our platforms and capabilities. The all-volunteer force will remain our greatest strategic asset and the best example of the values we represent. In addition, *we must continue to find innovative and affordable ways to provide the full range of capabilities necessary to fulfill this strategy while making difficult tradeoffs between modernization, capacity, capability, posture, and risk.*[27]Some of these initiatives have already been implemented as discussed, however the remaining ones will require valuable resources—time, personnel and funding as the MPC does its part of shaping the future force.

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# CHAPTER 10
# MEDICAL SUPPORT TO FAILED STATES: START WITH THE PRISONS

*Colonel John M. McGrath*

In an era of economic fragility, the cost of nation building has become more than the developed world can bear. Yet the instability created by the collapse of the bipolar world and globalization continues to increase the number of failed states and the threat they portend. The 2010 Failed State Index lists 37 countries with a combined population of over 2 billion in alert status.[1] These countries suffer from social, political, economic and human rights instability, which threaten the safety of their populations, the stability of their regions and, potentially, the security of the world.

Failed states can pose a threat to the security of the U.S. by denying access to critical resources, acting as transshipment points for illegal weapons, drugs and people, serving as staging, training and recruiting areas for Al Qaeda or its affiliates and destabilizing regions via population migrations, disease or conflict. The key to stabilizing these states is to develop good governance that supports the rule-of-law, provides internal and border security, promotes economic development and improves the distribution of essential services. This is no small task as many failing states gained independence after the exit of their colonial masters and never possessed the structure and capacity to govern. Additionally, many of these states are confronted with arbitrary boundaries splitting tribes, cultures and religious groups, which promote conflict. During the Cold War, the bipolar world served to temporarily stabilize these governments through

large influxes of money and weapons, but left good governance to chance. The largest recipients of Cold War arms are today's leaders on the Failed State Index (Angola, Chad, Ethiopia, Liberia, Mozambique, Somalia, Sudan and Zaire). Developing good governance and stability requires long-term commitments of resources. Extrapolating from RAND figures, the approximate cost of nation-building for the top five states in the Failed State Index would amount to $54 billion per year in a permissive environment and $454 billion per year in peace enforcement conditions.[2]

The U.S. has a long history of military intervention in Failed States. During the Cold War, the primary motivation was the containment of Communism — Vietnam (1954), Lebanon (1958), Dominican Republic (1963), Grenada (1983), —but the U.S. also engaged in peacekeeping in Lebanon (1982) and regime change in Panama (1989). In the post-Cold War years intervention has been spurred by humanitarian crises: Somalia (1992) and Haiti (2010); peace enforcement: Bosnia (1995) and Kosovo (1999); the defeat of global terrorism: Afghanistan (2001) and Iraq (2003); and to facilitate the transition of power while preventing humanitarian crisis: Haiti (1994). The U.S. also has a history of declining to intervene in failed states when vital national interests were not involved, such as Rwanda (1994) during the Tutsi genocide and Sudan during the civil war.

With the U.S.'s history of involvement and its current position as the sole superpower, largest world economy and primary target of Islamic extremism, the opportunities to intervene in failed states are myriad— the question is how to engage. With the distribution of Department of Defense Instruction (DODI) 6000.16, Medical Health System (MHS) Support for

Stability Operations, in May 2010, the military's health care leaders have been tasked to determine a method to support stability operations. This paper proposes that military medical corps support the rule-of-law efforts. Specifically, the provision of medical care in prisons is an effective engagement process for the MHS in support of failed state intervention.

## FAILED STATE POLICY TO DOD INSTRUCTION

It was not until after the interventions in Haiti, Northern Iraq, the Balkans and the tragedies in Rwanda and Somalia that President Clinton issued Presidential Decision Directive (PDD) Number 56 in May 1997, establishing an interagency process for managing complex contingency operations. In spite of this neither the Department of State (DOS) nor the Department of Defense (DOD) created any standing machinery, training or guidelines for carrying them out.[3] While President Clinton's second National Security Strategy identified failed states as havens for terrorists and acknowledged that preventing their failure was more cost effective than rebuilding them, it was President George W. Bush who altered the U.S.'s fundamental approach to these states with the creation of the Millennium Challenge Account (MCA). [4] The Bush Administration replaced the practice of providing massive, poorly-focused, developmental assistance money to failing states with the MCA that rewarded good governance that embraced the rule-of-law.[5]

In recognition of the DOD's post-conflict reconstruction difficulties in Iraq and Afghanistan, President Bush also issued National Security Presidential Directive (NSPD)– 44, which identified security and the rule-of-law as the critical ingredients in stabi-

lizing fragile states. It assigned the DOS the lead in post-conflict interventions and led to the creation of the Civilian Reserve Corps (CRC) with police, constabulary and rule-of-law experts to assist the U.S. military. The directive sought to fill the gap in trained and equipped civilian rule-of-law assets revealed by the current stability operations.[6] NSPD-44 led to a reverse of the DOD's post-Vietnam avoidance of nation building. The DOD responded to NSPD-44 by issuing Directive 3000.05, which instructed the military to "be prepared to conduct [stability operations] with proficiency equivalent to combat operations."[7] A critical goal identified within this directive was to aid in the development of the indigenous capacity for the rule-of-law, to include the rebuilding of correctional facilities.[8]

The Obama administration reinforced the whole-of-government approach and issued DODI 3000.05 which extended the military's mission from security and critical essential services in the emergency response period to assisting in reconciliation, strengthening governance and the rule-of-law and fostering economic development.[9] Despite emphasizing the DOD's role in assisting the establishment of the rule-of-law, the document dropped the direct reference to correctional facilities from DODD 3000.05.

In May 2010, the Military Health System (MHS) responded to its tasking from the DODI 3000.05 by publishing DODI 6000.16, Medical Health System (MHS) Support for Stability Operations. It required the MHS to prepare "to establish, reconstitute, and maintain health sector capacity and capability for the indigenous population when indigenous, foreign, or U.S. civilian professionals cannot do so." This requirement was to be executed in combat and non-combat

environments and in collaboration with interagency, international, public and private organizations.[10] The specifics of what type of capabilities to organize, train and equip were left to the Services to develop.[11]

## RULE OF LAW

Executing the U.S. policy aims of stabilizing fragile and failed states and developing the MHS policy to meet that desired end-state is difficult work. The opening line of Tolstoy's Anna Karenina, "All happy families are alike; each unhappy family is unhappy in its own way," applies aptly to Failing States.[12] Each Failing State suffers from a breakdown in a critical element(s) of statehood: either legitimacy, the right to govern, or effectiveness (the ability to provide essential services to the governed).[13] Each of these elements is multifaceted and interrelated. One element common to both legitimacy and effectiveness is the rule-of-law.

Rule-of-law (ROL) is the principle that the government, its institutions, private entities and the governed are accountable to the laws. It is a key end-state in stability operations as well as counterinsurgency.[14] The core tenet in ROL is that laws "are publically promulgated, equally enforced, independently adjudicated and are consistent with international human rights norms and standards."[15] Meeting that standard strengthens the people's confidence in the government (legitimacy) and allows the government to more efficiently provide services to the people (effectiveness). Abandoning the effort to attain that benchmark means criminal violence increases, bribes inflate the costs of goods, medicines do not reach hospitals and the people are exploited. The ROL is the cornerstone to ensuring physical security, safeguarding commu-

nity participation, improving public health and fighting poverty.[16]

A key element in the ROL is a functional and humane prison system. As the U.S. and European Union (EU) discovered in the Balkans, promulgating sound laws, applying them fairly and then having no facility or an unsafe corrections facilities to house offenders does not move the process forward. In the Balkans, the U.S. and the EU launched an aggressive campaign to rebuild the local police. International Criminal Investigative Training Assistance Program (ICITAP) successfully introduced community-oriented policing, which dramatically reduced street crime. Unfortunately, the same effort was not applied to the other parts of the judicial system including the prisons. The result was an inability to cope with organized crime over the long-haul.[17]

In Haiti, a similar situation exists today. After 15 years of U.S. assistance in developing the Haitian National Police, the people rate the police as the most trusted and competent public institution in the country. However, the country continues to have one of "the highest pre-trial detention rates in the world and a prison system fraught with human rights violations."[18]

## MEDICAL CARE IN PRISONS

Tasks aimed at professionalizing the corrections field are often the lowest priority. Tasks to improve the care provided to pre-trial detainees or prisoners fall even lower. Sadly, this statement applies even in the U.S. with one of the richest medical enterprises in the world. Healthcare often fails to trickle down to the incarcerated. It was not until 1976, in the U.S. Su-

preme Court decision in *Estelle v. Gamble* that it was deemed unconstitutional to deny necessary medical care to a prisoner.[19]  By application of the Fourteenth Amendment (*Bell v. Wolfish*, 1979), this precedent was extended to pretrial detainees.[20] In fragile nations, the scenario is worse. Prisons have a critical shortage of physicians, medical supplies and, in some cases, medical care altogether. The concept that prisoners must not give up their human rights when they enter prison or detention is an idea with incomplete permeation throughout the world.

The lack of focus on prisoner health care extends even to charitable organizations, which avoid association with the facilities. *Medecins Sans Frontieres,* which received over $286 million in donations from U.S. citizens in 2008 and 2009, reported intervening in prisons in only four countries: providing nutrition assistance in two and HIV and Cholera assistance in the other two.[21] Similarly, the largest prison-oriented international charity, Prison Fellowship International, has provided only $10 million in medicines and equipment to prisons through assistance visits to 30 countries since 1994.[22]

Care provided to prisoners is not an empty gesture of kindness. It may save lives and prevent disease miles and months distant from prison. Over 95 percent of prisoners will be released to the community, bringing with them their illnesses. The impact of prevention and education on that population can be significant. In Russia, overcrowded prisons have bred new drug-resistant strains of tuberculosis, which have proliferated virulently among the general public.[23] Similarly in the early 1990s, the Los Angeles Jail experienced an outbreak of cerebral meningitis that spread to the local community.[24] In the failed states of Africa,

the spread of drug resistant Tuberculosis and HIV in the prisons now pose a grave threat to the region. Multidrug resistant tuberculosis, which proliferates in prison populations and then spreads to the community through the prison staff and visitors, is defeating efforts to control it.[25] Similarly in sub Saharan Africa, which is home to two-thirds of the world's HIV cases, the rates of HIV in prisons are two to fifty times those in the community.[26] The maxim, "Good prison health is good community health," is reflected in these examples.

The other benefit of health care is care. Treating humans with dignity and respect is a common language of reconciliation. Former UN Secretary General Kofi Annan noted that "to avoid a return to conflict while laying a solid foundation for development, emphasis must be placed on critical priorities such as …demonstrating respect for human rights."[27] Those held in Failed State prisons may be the next generation of terrorists or community leaders depending on the treatment that they receive. In Operation Iraqi Freedom, Major General Douglas Stone upended four years of warehousing detainees in vast holding areas and instead sought to win hearts and minds in the detention facilities. His efforts were designed to defeat the current "jihadi university" which had taken hold in the Coalition detention centers in Iraq. Key to his efforts was the invigoration of programs aimed at treating the detainees with dignity and respect. Figuring centrally along with education programs were improvements in medical care.[28] The results of this initiative were a dramatic decline in internment facility violence and a recidivism rate reported by General Stone of only one percent.[29]

The impact of medical personnel treating a prisoner with dignity and respect is difficult to quantify with certainty, but the presence of a prisoner advocate may be significant. In the infamous 1971 Stanford Prison Study, 24 college undergraduates were randomly selected to serve as prisoners or guards in a two-week behavioral lab. The experiment was halted after only six days when a psychologist brought in to conduct interviews with the prisoners and guards objected to the prisoners' treatment.[30]

The abuses of power in the Stanford experiment produced situations uncomfortably similar to those reported in the 2004 Abu Ghraib Taguba Report.[31] The experiment demonstrated both the corrosive effects of unrestrained power and, also, the impact of a single morale sentinel.

The humane treatment of prisoners may be seen to have a longer term and more extensive consequences when two other factors are considered. First, the majority of those incarcerated in failed state prisons have never been convicted of any crime. Although the U.S. currently has the highest per capita incarceration rate, the leaders in total number of detained persons are the failed states. Because of the lack of effective judiciary branches in these countries, not only are the numbers of detainees high, but so is the length of their pretrial detention. In multiple countries, over three quarters of all prisoners are pretrial detainees and their length of detention can last years. These unconvicted make up a large portion of the 30 million men and women incarcerated each year worldwide.[32]

The second group that extends the impact of providing humane treatment to prisoners is the group of former prisoners turned national leaders. Perhaps most famous is Nelson Mandela, the former president

of South Africa who served 14 years in Robben Island prison. In addition to Mandela, there is Dilma Rousseff, president of Brazil, a prisoner for five years; Vaclav Haval; Lech Walesa; Moshe Dayan; Ayman Nour and Benazir Bhutto. Often, this number of former prisoners is serving in less visible posts.[33] The impact of the health care and the manner by which it is delivered can have a significant effect on their ability and desire to support their country once released.

The improvement of medical care acess to prisoners can also elevate the quality of the corrections care via indirect mechanisms. The provision of basic care in fragile state prisons is dependent on the corrections officers. In Zimbabwe:

> trained, experienced prison officers have left the service in the thousands. Officers are not paid remotely enough to feed themselves—attendance at work is erratic and prison supplies are stolen.[34]

RAND figures conclude that to maintain a quality security or corrections force, salaries must be approximately three times the gross domestic product per capita.[35] Utilizing health officers to provide care to the correction officers and their families serves as a salary substitute or augmentation, as well as a retention tool and preventive medical measure. The benefit to the institution of maintaining well-trained, professional and caring correction officers is substantial.

## MILITARY HEALTH SYSTEM INTERVENTION IN FAILED STATE PRISONS

The need for interventions in failed state prisons is evident, but is it a valid course of action for the Military Health System? Would this new approach be

of more value than are our current MHS approaches in supporting the legitimacy and effectiveness of the fragile state?

The U.S. military has the unique ability to project healthcare to any point on the globe. The arrival of the U.S. Navy's Hospital Ship Mercy or Comfort at the scene of devastation provides an immediate elevation of the healthcare capability. The establishment of an Air Force Expeditionary hospital or Army Combat Support Hospital provides a similar impact on the local care, but how do they contribute to the host nation's legitimacy or effectiveness?

Although winning hearts and minds is crucial to establishing a government's legitimacy, there is no data to suggest that medical care provided by a third country transfers legitimacy to the host nation (HN). Moshe Dayan pointedly commented when reviewing the U.S. efforts in Vietnam, that "foreign troops never win the hearts of the people."[36] Positioning a host-nation healthcare provider in the forefront of an American medical outreach project may appear to remedy this problem, but unless the host nation can support the medical activity long-term, any legitimacy gained by the perception will be lost. The current consensus is that governments or donors responding to health crises in failed states must move as rapidly as possible from providing emergency health services to supporting the growth in the state's health capacity. Foreign entities must work with and through the nation's ministry of health to implement a comprehensive primary care based health system.[37]

Another compelling argument against the stopgap medical care approach to intervening in failing states is provided by USAID. A June 2006 study titled "Basic Health Programming in Post Conflict Fragile States,"

reviewed crude mortality data from the Democratic Republic of Congo. Their conclusions were that, "reductions in crude mortality are closely associated with reductions in violence and, by extension, improvements in security . . ." and that "these trends… provide compelling evidence that improvements in security represent perhaps the most effective means to reduce excess mortality." The USAID study draws the implication that programs that aid in effecting a ceasefire or assist the peace process are more important in the immediate, highly fragile, post-conflict setting than the provision of emergency health services.[38]

If emergency medical support is not the answer, how can the MHS aid in capacity building? The U.S. military has experience with attempting to build host nation health-system capacity. During the Vietnam War, the U.S. approached this goal through multiple programs. The best-known and least effective was the Medical Civic Action Program, known as the MEDCAP. The MEDCAP deployed military medical personnel from large American troop concentrations to nearby villages for very short periods, sometimes as short as hours, to provide primary care to the South Vietnamese. The quality of health care provided was poor owing to the lack of diagnostic tools, translation difficulties, poor follow-up and absence of medical records, but most significantly the programs did nothing to increase South Vietnam's health care capacity. A lesser-known program conducted during the same period under the auspices of USAID was the Military Provincial Hospital Augmentation Program (MILPHAP). MILPHAP began in 1965 and deployed military and civilian medical personnel to provincial hospitals far from the large American bases. The mission of the sixteen man teams was to "provide medical care

and health services to Vietnamese civilians, train hospital staff workers and develop the surgical skills of the Vietnamese physicians."[39] MILPHAP did upgrade hospital care in particular in the surgical specialties and increased the availability of these treatments to the population, but it was hamstrung by supply shortages, personnel rotation policies and, most significantly, security problems.[40]

Today the risk of placing military medical personnel in poorly secured Failed State health facilities is significant. The reality is that providing Humanitarian Care or developing long-term health capacity comes with risks. In 2008, the chances of a Humanitarian Aid worker dying of violence were six times higher than those of a U.S. police officer.[41]There were 260 humanitarian aid workers killed, kidnapped or seriously injured in violent attacks—the highest yearly toll on record. All of these attacks occurred in failed or fragile States. Kidnappings, which are of special sensitivity to deployed military forces, saw a 350% increase among humanitarian workers from 2006 to 2008. In fact, it was more dangerous to be a humanitarian worker than a U.N. peacekeeper in 2008.[42] These facts all point to the need for security of medical providers and public health experts engaged in long-term capacity building. Security is personnel intensive—devising ways to provide care and develop public health capacity with the smallest logistical or security tail is critical to the sustainability of projects. In permissive environments, the security of individual medical personnel may be of less priority, but few of the failed or fragile states enter into this category.

Another possible avenue to augment the health capacity of the  failed or fragile state is through direct training of their medical personnel either in the

host nation or at distant locations. The military has pursued this course of action since the conclusion of World War II when Korean medical students were brought to the U.S. to train and continues in the form of International Military Education and Training. The medical training of individual physicians in failed states develops little essential service capacity and may contribute to the epidemic-like flight of physicians from these states. Over 3,000 Ethiopian physicians have fled to practice in Botswana, South Africa and the Middle East, leaving only 900 physicians to care for Ethiopia's population of over 90 million. In fact, there are more Ethiopian physicians practicing in Chicago, than in Ethiopia.[43]

Thus far, the reasons for intervening in failed state prisons have focused on the obvious needs of the imprisoned, the benefit to the community writ-large and the intervention's relative value when compared to the historical MHS approaches. There are also compelling reasons to develop this interventional capability even if other methods are used.

First, the international community holds the U.S. accountable for the actions of the nations that we support through financial or training intervention. This fact was clearly evident in the controversy in the late 20th century over the U.S. School of the Americas and its link to torture and deaths in Central and South America.

Secondly, in every intervention in a Failed State, the U.S. has detained host-nation individuals and confronted difficulties in securing them in the host nation correctional facilities. In Somalia during Operation Restore Hope, it became evident within the first few days that the Unified Task Force could not rely on the host nation judiciary or police force to detainee

criminals. For this reason, a 20-person holding facility was established at U.S. Support Command headquarters.[44] In Kosovo, a similar situation was encountered in the 1999 Operation Allied Force. The host nation correctional facilities were found to be uninhabitable, destroyed by bombing or arson. NATO forces ended up using police holding cells or securing detainees in NATO tents behind barbed wire.[45]

Even in non-conflict related interventions, detention operations may be required. The January 2010 earthquake in Haiti destroyed the National Penitentiary in Port-au-Prince, releasing all of the 4,000 prisoners.[46]

The U.S. is compelled to enter into detention operations, not simply because of a lack of physical facilities, but because of international law. Article 12 of the Geneva Convention Relative to the Treatment of Prisoners of War (GPW) requires that:

> prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power (GPW) has satisfied itself of the willingness and ability of such transferee Power to apply the Convention.[47]

Thus, the U.S. must ensure that their detainees are being held in humane conditions that comply with International Human Rights standards. The ramifications of this responsibility were seen in the Vietnam War, Afghanistan and Iraq.

In Vietnam, unlike previous wars, the U.S. Army did not establish a network of prisoner-of-war camps. Instead, the U.S. transferred all captured individuals to the South Vietnamese custody. To comply with Article 12, the U.S. pressured the government of South Vietnam to cooperate with International Committee of

the Red Cross visits and assigned U.S. Army Military Police advisory teams to assist and ensure Geneva Convention compliance.[48]

In Afghanistan, the Canadians applied the first half of Article 12 without following up on the second half. They established the policy in 2002 of turning over all detainees to the Afghan authorities after concerns over the U.S. treatment of detainees. The Canadians however failed to ensure Afghan compliance with the convention and landed in controversy when it was discovered that one of the detainees turned over to the Afghans had been tortured.[49]

When the Strategic Framework Agreement was implemented on January 1, 2009 in Iraq, the Al-Maliki government took legal custody of the over 15,000 detainees in Coalition control. The process of transferring them to Iraqi prison facilities began on February 1, 2009 and required inspections of the receiving facilities. Brigadier General Quantock, the Commanding General of Task Force 134 (Detainee Operations), stated "Every one of these centers meets minimum human rights standards."[50]

## DOCTRINE AND THE LAW

The U.S. Army as the Executive Agent for the administration of the DOD Detainee Program recognizes the criticality of providing humane treatment to detainees and prisoners. The key doctrinal publications documents: Field Manual (FM) 3-07, *Stability Operations*; FM 3-24, *Counterinsurgency*; and FM 3-39.40, *Internment and Resettlement Operations (I/R)*; anticipate the poor state of prisons and inhumane conditions that U.S. Armed Forces may encounter when intervening in failed states as well as the criticality of treat-

ing prisoners and detainees humanely.[51] FM 3-39.40, *Internment and Resettlement Operations*, published in February 2010 offers a dramatic vision of what professionally and humanely conducted internment operations can achieve. The manual postulates that internment operations can:

> deter, mitigate, and defeat threats to populations that may result in conflict; reverse conditions of human suffering; and build the capacity of a foreign government to effectively care for and govern its population.[52]

Although vision and reality rarely coincide, doctrinal statements written after eight years of intensive experience need to receive serious consideration.

U.S. law under Title 22 U.S. Code 2240 currently presents an obstacle to an increase in military involvement in prison medical support. The law prohibits the use of foreign assistance funds:

> to provide training or advice, or provide any financial support, for police, prisons, or other law enforcement forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.[53]

There is, however, an exception within the law that permits funds to be used to reconstitute civilian police capability in post-conflict periods. The goal must be to support the nation emerging from instability and must include training in human rights and the rule-of-law among other stipulations.

In recognition of the current inhumane conditions in many countries that receive U.S. Foreign Assistance money, the Senate introduced Bill 3798, "The Foreign

Prison Conditions Improvement Act of 2010." The bill sponsored by Senator Patrick Leahy of Vermont, which was reported out from committee in December 2010 authorizes:

> appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum human standards of health, sanitation, and safety, and for other purposes.[54]

It would add an exception to the Title 22 U.S.C. 2240 to allow this assistance. The companion House Resolution 6153 was referred to committee in September 2010 and four of the five cosponsors remain in the House for the 112th Congress.

## RECOMMENDATIONS

The U.S. military is well prepared to engage in medical support to corrections or detention operations as adviser or trainers. Military health care providers now have extensive experience in caring for detained populations in Iraq and Afghanistan since 2001. Although the daily practice of medicine varies greatly from developed to undeveloped world, the underlying principles of prevention, diagnosis and treatment in a relationship of dignity and respect do not. Corporately, the current MHS leadership's focus on prevention, protection, community health and cost containment is directly transferable to the key issues confronting failed state prisons.[55] As the MHS begins to develop strategies to efficiently and effectively support stability operations, health support of rule-of-law efforts must be considered on par with the historical uses of medical services.  To accomplish this effort the

following recommendations are made:

1. **Doctrine.** With the Army as the Executive Agent for Detention Operations and the lead military branch engaged in COIN, the Army must invest in a redrafting of FM 8-42, *Medical Support to Stability Operations,* with specific focus on capacity building options. Dedicating a section on medical support to the rule-of-law in corrections capacity projects would be ideal.

2. **Organization.** Assign the U.S. Army Medical Department (AMEDD) Center and School the responsibility of maintaining subject matter expertise medical support to failed state corrections operations. It must maintain a close liaison with the United States Army Peacekeeping and Stability Operations Institute at Carlisle Barracks and the U.S. Army Military Police School at Fort Leonard Wood to gather the most current policy, procedures and lessons learned from medical support to detention operations and rule-of-law operations.

3. **Training and Education.** Physicians trained in developed countries have different practice patterns than those in undeveloped and resource-constrained areas. The U.S. Army Medical Department Center and School and the U.S. Army Public Health Command would need to develop an austere Preventive Medicine and Primary Care medical course. The MHS currently supports multiple courses that cover Tropical, Global and Preventive Medicine. Tailoring them to the needs and resources of failed states would require consultation with USAID and NGOs who specialize in providing this type of service.

4. **Leadership.** As directed by DODI 6000.16 the MHS is authorized to assign personnel to assignments and training with relevant U.S. Government departments and agencies, foreign governments and secu-

rity forces, IOs, NGOs, and members of the Private Sector.[56] Assigning Army medical personnel to the work with the Department of States Civilian Response Corps or International Criminal Investigative Training Assistance Program (ICITAP) to facilitate planning of operations and additional personnel training would be consistent and beneficial.

## CONCLUSIONS

Since the end of the Second World War, the U.S.'s approach to stabilizing fragile states has consisted of economic aid, assistance with essential services and the equipping and professionalizing of security forces. Current events in the Middle East call into question that approach. The citizens of Tunisia, Egypt, Yemen, Libya and Bahrain are not protesting the lack of a well-trained army, access to medical care or shortages of foreign sponsored development, but ubiquitous corruption, a failure of the rule-of-law.

In the U.S., we envision corruption as a backroom payoff to gain an advantage, but, in many failed states, corruption is the price of survival both for the extorted and the official. That increased cost of daily transactions raises the price of all commodities, limits economic opportunities, restricts access to healthcare and darkens the prospects of the next generation. The answer to corruption is not increased economic aid or military training, but international support for the rule-of-law.

The best approach for medical intervention in failing states is that which supports the establishment of the rule-of-law. No visit by an American medical team, building of a medical clinic or vaccination campaign can solve the festering problem of humans liv-

ing in a society with unequal enforcement of its own laws. The U.S. government is working with other nations to improve the rule-of-law by developing professional and impartial judges, police and guards. The Military Health System can aid in this endeavor by extend training and support to corrections medical staff in order to supply care to those imprisoned in fragile or failed states. Such an intervention will bestow a myriad of benefits beginning with the health of the prisoner and correction facility, but extending to the local, regional and potentially international community. The U.S. will reap the rewards of stabilized states and international approval for its demonstration of unwavering support for human rights.

Tolstoy's quote from Anna Karenina points to the reality that solutions to problems in complex systems are never simple or evident. System theorists refer to those solutions as leverage points—the actions or changes in underlying structure that lead to significant and enduring improvements.[57] Discovering a leverage point is a challenging task as it is usually separated in time and space from its effect. Caring for the most vulnerable is an act that resonates with all individuals whether elite or struggling, businessman or bureaucrat. Providing that care to the defenseless, imprisoned populations in failed states is not only be a noble gesture, but a key leverage point to support rule-of-law efforts which advances the legitimacy and effectiveness of those nations.

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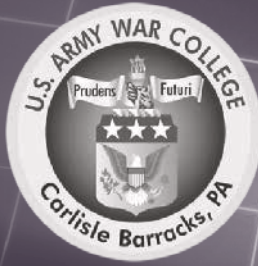
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