

PROVIDING SECURITY: THE STRATEGIC IMPORTANCE OF POLICING

BY

LIEUTENANT COLONEL DAVID M. KRALL
United States Army

DISTRIBUTION STATEMENT A:

Approved for Public Release.
Distribution is Unlimited.

USAWC CLASS OF 2010

This SRP is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The views expressed in this student academic research paper are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.



U.S. Army War College, Carlisle Barracks, PA 17013-5050

The U.S. Army War College is accredited by the Commission on Higher Education of the Middle State Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, (215) 662-5606. The Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.

REPORT DOCUMENTATION PAGE				Form Approved OMB No. 0704-0188	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.					
1. REPORT DATE (DD-MM-YYYY) 19-03-2010		2. REPORT TYPE Strategy Research Project		3. DATES COVERED (From - To)	
4. TITLE AND SUBTITLE Providing Security: The Strategic Importance of Policing				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) Lieutenant Colonel David M. Krall				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Colonel Charles Van Bebber Department of National Security and Strategy				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES) U.S. Army War College 122 Forbes Avenue Carlisle, PA 17013				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION / AVAILABILITY STATEMENT Distribution A: Unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT This paper looks at the strategic importance of policing and law enforcement operations in post-conflict countries. It incorporates three distinct case studies to highlight the significance of policing as part of returning control to the legitimate government. Specifically, the areas studied are the United Nations (UN) approach to restoring legitimate security and stability in East Timor; the UN, North Atlantic Treaty Organization (NATO) and European Union (EU) efforts in Bosnia and Herzegovina and lastly, the UN and NATO approach to restoring the rule of law and security in Kosovo. Through the case studies, the paper will explore/identify the common ideas of security, the application and understanding of order, power and stability and briefly discuss the rule of law. Finally, the paper will provide proposed recommendations for providing policing and law enforcement in post-conflict countries.					
15. SUBJECT TERMS Law Enforcement, Police, Post-Conflict Security					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT UNLIMITED	18. NUMBER OF PAGES 30	19a. NAME OF RESPONSIBLE PERSON
a. REPORT UNCLASSIFIED	b. ABSTRACT UNCLASSIFIED	c. THIS PAGE UNCLASSIFIED			19b. TELEPHONE NUMBER (include area code)

USAWC STRATEGY RESEARCH PROJECT

PROVIDING SECURITY: THE STRATEGIC IMPORTANCE OF POLICING

by

Lieutenant Colonel David M. Krall
United States Army

Colonel Charles Van Bebber
Project Adviser

This SRP is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The U.S. Army War College is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, (215) 662-5606. The Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.

The views expressed in this student academic research paper are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.

U.S. Army War College
CARLISLE BARRACKS, PENNSYLVANIA 17013

ABSTRACT

AUTHOR: Lieutenant Colonel David M. Krall
TITLE: Providing Security: The Strategic Importance of Policing
FORMAT: Strategy Research Project
DATE: 19 March 2010 WORD COUNT: 6,015 PAGES: 30
KEY TERMS: Law Enforcement, Police, Post-Conflict Security
CLASSIFICATION: Unclassified

This paper looks at the strategic importance of policing and law enforcement operations in post-conflict countries. It incorporates three distinct case studies to highlight the significance of policing as part of returning control to the legitimate government. Specifically, the areas studied are the United Nations (UN) approach to restoring legitimate security and stability in East Timor; the UN, North Atlantic Treaty Organization (NATO) and European Union (EU) efforts in Bosnia and Herzegovina and lastly, the UN and NATO approach to restoring the rule of law and security in Kosovo. Through the case studies, the paper will explore/identify the common ideas of security, the application and understanding of order, power and stability and briefly discuss the rule of law. Finally, the paper will provide proposed recommendations for providing policing and law enforcement in post-conflict countries.

PROVIDING SECURITY: THE STRATEGIC IMPORTANCE OF POLICING

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 drivers 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 the 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, these institutions often must be replaced by military forces 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 for 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 legitimacy of political governmental institutions, the return of the rule of law and power ceded to the

government are all predicated on the ability to provide security to the indigenous people of the country. According to the Army War College 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 maintenance of 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 prerequisite for establishing a stable and legitimate governing body. It will highlight the current methodology and practices in use by the international community to establish police functions in post-hostility environments. 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 determining methodology, resourcing, planning and the integration of policing solutions in Afghanistan and future post-conflict countries.

Theoretical Foundations

In most recent conflicts, a vacuum in security (policing), legal systems (judiciary) and governmental legitimacy (Ministry 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 properly prepared and trained) assume specific responsibilities that are normally integrated into the international efforts prior to a secure environment being established. It is in these instances that the military assumes the responsibility to provide security for the population, and carry out basic court and judicial functions (to include confinement and punishment) and establishes the foundations for governmental infrastructure to be restored. It is this security that allows for the restoration of stability, this leads to acknowledged governmental legitimacy and ultimately prosperity.

The idea of security and the legitimacy of the state to provide services to the citizens are 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), as well as 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 this 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. In most post-conflict countries this relationship breaks down as the conflict and combat ends. 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, 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. The eastern side of the island remained a colony until 1974. In the vacuum that was left when Portugal 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, 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, judicial 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 initiated a humanitarian relief mission that provided shelter, supplies and 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 missions.

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 develop peacekeeping operations to restore security and law and order while assisting the East Timorese government in developing security and stability infrastructure during their transition to independence. The initial and 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 cause violence and threaten the East Timorese people. With violence and unrest stemming from Indonesian militias, UNSC Resolution 1319 was approved in September, 2000. This resolution forced the Indonesian government to disarm and disband the militia and restore law and order in West Timor 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 the establishment of 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 Bangladesh 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 (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 reestablishing peace was considered a success until in 2006 when violence erupted effecting the security and stability of the country. The interim three years of Timor and UN governance 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." The legitimacy of both the Timorese Defense Forces (military) and the East Timorese National Police was tainted by political influences and corruption. As a result, political and economic development stalled.¹⁵ In 2007, 150,000 people were displaced as violence and social unrest returned to the streets. 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, law and order. The judicial systems, economic development and democratic institutions also are in their infancy. The state-building process 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 its 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. Voter turn-out was 99 percent.¹⁸ The period from 1992 through 1995 was filled with conflict as Croatia and Serbia attempted to create an ethnically pure Greater Serbia and a Greater Croatia while encroaching on Bosnia and Herzegovina's newly declared 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 and in 1995, the Dayton Peace Accords brokered by the United States 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 and stabilize the peace, contribute to a secure environment by providing a continued military presence in Bosnia, target and coordinate SFOR 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; and
7. assisting by accompanying the Parties' law enforcement personnel as they carry out their responsibilities, as the IPTF deems appropriate.²¹

It was this mandate that 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, an EU-led force was deployed.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, i.e. 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 (MNBN) with troops from Spain, Turkey, Hungary, 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 (e.g. Gendarme and Carabinieri) of France, Italy, The Netherlands, Portugal and Spain. 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 more 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 military 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 draw-down 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, the widespread influence of corruption and the 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) provides 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 expected to be free from political interference and be 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 are resounding successes. The EUFOR, OHR and the civilian leadership of Bosnia and Herzegovina have established an environment where security, economic development and stability have the proper foundation to succeed. In other areas the outcome is far from determined and will require significant patience, supervision and commitment.

Albeit a positive step in the right direction, the naïve 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 ultimately see Bosnia and Herzegovina 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 UNSCR 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. UNSC 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

United Nations 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 UNSCR 1244, and the UN established UNMIK

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

forces were introduced, integrated and began providing credible and legitimate enforcement of governance with the intent to establish 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. UNSCR 1244 also mandated UNMIK to 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 an 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 back into 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 and assisted in the attainment of the standards for Kosovo. 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 nearly a year (mid-year 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, 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 that “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 (the military) 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, 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 likely the influence of criminals, extremists and those looking to undermine the legitimacy of the military forces and the governmental institutions. 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. Sarah Meharg points out in her PKSOI Papers article entitled, *Security Sector Reform: A Case Study Approach to Transition and Capacity Building*, that

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 (i.e. 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. And lastly, functional confinement/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 is the key to building indigenous capabilities.

The military forces in each instance worked in close coordination with an acknowledged legitimate authority (UN, EU or other representative) 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 on its population/civilians to conform 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 systems, 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, the development of IPU and later MSU police forces, have become the model to reestablishing and developing functional police capability. 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 the return to security in these societies. The use of recognized police who reflect the norms of the population, are no longer (or at least to a lesser degree) corrupt and no longer discriminate based on ethnic or religious reasons; allow 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 (funding, manning, skill sets, etc.) 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, and 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 that could be made available. Many NATO countries have trained and capable Gendarmerie and Carabinieri forces that can provide policing functions and respond to threats 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 who comprise coalition forces maintain

while simultaneously coordinating the efforts to generate maximum effects while training, developing and ultimately transitioning duties and responsibilities to local and native stake holders.

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 justice. 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 reestablishing, reforming, maintaining a unified action that enables legitimate use of government institutions and addresses the issues of police (providing security), judicial (courts, lawyers and judges) and the penal system (jails, prisons, 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 (to include the growth of security) is at risk of failure. Once these pre-conditions are met, the government can (with the assistance of the international community) begin the process of retraining, mentoring, re-constituting and sustaining recognized legitimate police forces and judicial systems.

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 international 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 (NATO, UN, EU, etc.) 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/develop.

Endnotes

¹ Derrick Brinkerhoff, Ronald Johnson and Richard Hill, Susan Merrill, *Guide to Rebuilding Governance in Stability Operations: A Role for the Military?*, RTI International, U.S. Peacekeeping and Stability Operations Institute (PKSOI), (Carlisle, PA), June 2009, 7.

² Albrecht Schnabel and Hans-Georg Erhardt, *Security Sector Reform and Post-Conflict Peacekeeping*, (Tokyo, Japan, United Nations Press, 2005), 3.

³ Max Weber, *Politik als Beruf*. In his *Gesammelte Politische Schriften*, trans. J.C.B. Mohr (Paul Siebeck), (Tübingen, Germany, (1919) 1988), 506.

⁴ Max Weber, "Wirtschaft und Gesellschaft: Grundriss der verstehenden Soziologie, trans J.C.B. Mohr (Paul Siebeck), (Tübingen, Germany, (1922) 1980), 212

⁵ Francis Fukuyama, "Iran, Islam and the Rule of Law," *Wall Street Journal*, 27 Jul 09 <http://online.wsj.com/article/SB10001424052970203946904574300374086282670.html>

⁶ *Security Sector Reform Website*, U.S. Agency for International Development, U.S. Department of Defense, and U.S. Department of State, *Security Sector Reform*, Washington, DC, pdf.usaid.gov/pdf_docs/PNADN788.pdf, 8 (accessed January 9, 2010)

⁷ James Dobbins et al., *The UN's Role in Nation Building from the Congo to Iraq*, Santa Monica, CA: RAND National Security Research Division, 2005, 151.

⁸ *UN Website* - East Timor: UNTAET Background, <http://www0.un.org/en/peacekeeping/missions/past/etimor/Untaetchrono.html> (accessed January 10, 2010)

⁹ *UN Website*, East Timor: UNTAET Mandate, <http://www0.un.org/en/peacekeeping/missions/past/etimor/Untaetchrono.html> (accessed January 10, 2010)

¹⁰ Nicolas Lemay-Hebert, "UNPOL and Police Reform in Timor-Leste: Accomplishments and Setbacks," *International Peacekeeping*, vol.16, no. 3, 393-406.

¹¹ *UN Website*, East Timor: UNTAET Background, <http://www0.un.org/en/peacekeeping/missions/past/etimor/Untaetchrono.html> (accessed January 10, 2010)

¹² Dobbins, *The UN's Role in Nation Building from the Congo to Iraq*, 168.

¹³ Oliver Richmond, Jason Franks, *Liberal Peacebuilding in Timor-Leste: The Emperor's New Clothes*, *International Peacekeeping*, vol 15, no. 2, 185-200.

¹⁴ Nicolas Lemay-Hebert, "UNPOL and Police Reform in Timor-Leste: Accomplishments and Setbacks," *International Peacekeeping*, 393-406.

¹⁵ Jarat Chopra, "Building State-Failure in East Timor," *Development and Change*, vol. 33, no.5, 2002, 996.

¹⁶ Lemay-Hebert, "UNPOL and Police Reform in Timor-Leste": Accomplishments and Setbacks," 398.

¹⁷ Oliver Richmond, Jason Franks, "Liberal Peacebuilding in Timor-Leste: The Emperor's New Clothes," *International Peacekeeping*, vol. 15, no. 2, 185-200.

¹⁸ "The Referendum on Independence in Bosnia-Herzegovina: February 29-March 1, 1992, *Commission on Security and Cooperation in Europe*, 1992, 19. (accessed January 11, 2010) http://csce.gov/index.cfm?FuseAction=UserGroups.Home&ContentRecord_id=250&ContentType=G&ContentRecordType=G&UserGroup_id=5&Subaction=ByDate

¹⁹ *About Bosnia*, *Bosnia Institute website*, <http://www.bosnia.org.uk/bosnia/history.cfm> (accessed January 11, 2010)

²⁰ *NATO SFOR Website*, SFOR Mission, <http://www.nato.int/SFOR/organisation/mission.htm> (accessed January 12, 2010)

²¹ *IFOR/NATO website*, The General Framework Agreement <http://www.nato.int/ifor/gfa/gfa-an11.htm> (accessed January 12, 2010)

²² *EUFOR Website*, EUFOR History, Operation Althea, http://www.euforbih.org/eufor/index.php?option=com_content&task=view&id=13&Itemid=29 (accessed January 12, 2010)

²³ Cornelius Friesendorf and Susan Penksa "Militarized Law Enforcement in Peace Operations: EUFOR in Bosnia and Herzegovina," *International Peacekeeping*, vol.15, no. 5, 677-694.

²⁴ "The Referendum on Independence in Bosnia-Herzegovina: February 29-March 1, 1992". *Commission on Security and Cooperation in Europe*. 1992, 19. (accessed January 11, 2010) http://csce.gov/index.cfm?FuseAction=UserGroups.Home&ContentRecord_id=250&ContentType=G&ContentRecordType=G&UserGroup_id=5&Subaction=ByDate

²⁵ *EUFOR Website*, EUFOR Operation Althea http://www.euforbih.org/eufor/index.php?option=com_content&task=view&id=144&Itemid=58 (accessed January 12, 2010)

²⁶ *EUFOR Website*, EUFOR Forces Organization http://www.euforbih.org/eufor/index.php?option=com_content&task=view&id=626&Itemid=87 (accessed January, 12, 2010)

²⁷ Council of the European Union & European Commission, 2002, "Lessons from the Planning of the EU Police Mission in Bosnia and Herzegovina (EUPM)", Autumn 2001 – December 2001, Joint Paper,. Brussels, Belgium, 29 April.

²⁸ *NATO Website*, United Nations Security Council Resolution, 1244, <http://www.nato.int/kosovo/docu/u990610a.htm> (accessed January 10, 2010)

²⁹ *NATO Website*, The Kosovo Air Campaign, http://www.nato.int/issues/kosovo_air/index.html (Accessed February 22, 2010).

³⁰ Ibid.

³¹ Ibid.

³² UN Security Council, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, S/1999/1250, (New York: United Nations Security Council, December 23, 1999), 3.

³³ Jane E. Stromseth, et al., *Can Might Make Right: Building the Rule of Law After Military Interventions*, (New York, Cambridge University Press),134.

³⁴ Cornelius Friesendorf and Susan Penksa, "Militarized Law Enforcement in Peace Operations: EUFOR in Bosnia and Herzegovina," *International Peacekeeping*, 15:5, 690.

³⁵ Sarah Meharg, Aleisha Arnusch, Susan Merrill (Editor), *Security Sector Reform: A Case Study Approach to Transition and Capacity Building*, January 2010, 2.

³⁶ *Security System Reform and Governance: A DAC Reference Document*, Organisation for Economic Co- Operations and Development, (Paris, France: 2005), www.oecd.org/dataoecd/8/39/31785288.pdf, (accessed January, 12, 2010).

³⁷ *Security Sector Reform Website*, U.S. Agency for International Development, U.S. Department of Defense, and U.S. Department of State, *Security Sector Reform*, pdf.usaid.gov/pdf_docs/PNADN788.pdf , 6-2. (accessed January 12, 2010)

