



SPECIAL REPORT

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ABOUT THE REPORT

This report provides a summary of the presentations and discussions from a workshop co-sponsored by the United States Institute of Peace and the Center for Strategic International Studies (CSIS) entitled "A Status Report on International Civilian Police in Peace Operations." The workshop took place on November 20, 2001. It brought together policy-makers, practitioners, and academic experts to discuss implementation of recommendations contained in Presidential Decision Directive 71 (PDD-71) and the Report of the Panel on United Peace Operations (the Brahimi Commission Report) for improving the performance of international civilian police in peace operations.

The morning-long discussion was structured around presentations by three panels of senior U.S. government and United Nations officials concerned with directing United Nations civilian police (CIVPOL) missions. Richard Solomon, president of the Institute of Peace, and Joseph Montville, director of the CSIS Program on Preventive Diplomacy, made opening presentations.

The workshop was chaired by Robert Perito, a senior fellow in the Jennings Randolph Program at the U.S. Institute of Peace. William Lewis, Ph.D., and Ambassador Edward Marks (Ret.) are both adjunct fellows in the Preventive Diplomacy Program at CSIS.

The views expressed in this report do not necessarily reflect those of the United States Institute of Peace, which does not advocate specific policies.

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Enhancing International Civilian Police in Peace Operations

Briefly . . .

- In the post-Cold War period, there has been an increase in the number of violent intra-state conflicts. Consequently, the international community has increased its focus on international peacekeeping and post-conflict reconstruction.
- The use of international civilian police (CIVPOL) in peace operations has increased during this period. Since 1992, the United Nations has authorized more than a dozen international police missions, while the total authorized strength of CIVPOL forces has increased to nearly 9,000. During this period, the United States has become the largest contributor of personnel to CIVPOL missions.
- With the increase in the number of missions and growth in personnel has come a vast expansion in the roles that CIVPOL is expected to perform. The complexity of peacekeeping operations has led to a need for CIVPOL officers with a wide variety of police skills, particularly in "executive missions" like Kosovo and East Timor.
- Among the problems resulting from expanded CIVPOL involvement have been a shortage of properly trained and experienced police officers and the lack of adequate logistical support. Providing American police for UN missions has been a particular challenge, as the United States has no national police force.
- To address the problems with CIVPOL missions, in February 2000, the Clinton administration issued Presidential Decision Directive 71 (PDD-71), which aimed at improving U.S. capacity to conduct CIVPOL operations and to rebuild foreign criminal justice systems. The directive also called for increased support for the United Nations to improve its capabilities in these areas.
- PDD-71 designated the State Department as the "lead agency," but in the closing months of the Clinton administration, little was accomplished. Failure to implement the directive was credited to the absence of sufficient White House involvement, inter-agency differences, and disruptions caused by the transition to a new administration.
- In the aftermath of September 11, 2001, the Bush administration has not renewed PDD-71, but the issues raised in the directive have taken on new urgency. In the war

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on terrorism, CIVPOL can be a valuable tool in establishing the rule of law in post-conflict societies and preventing the growth of extremism.

- The United Nations has taken steps to improve its capacity to conduct CIVPOL missions. In August 2000, the UN's Brahimi Panel called for "a doctrinal shift" in the use of civilian police and other judicial and human rights specialists to reflect the increasing focus on strengthening the rule of law and respect for human rights.
- CIVPOL reform remains an important issue. It requires continued attention from administration policymakers, Congress, practitioners, and academics.

Introduction

Since 1989, the United States has been struggling to chart a strategic course through a profoundly altered post-Cold War international landscape. Patterns of conflict and competition between former adversaries have shifted from an agenda of conflict prevention to one emphasizing post-conflict reconstruction. The crucible of crisis and instability has shifted to hitherto marginal regions where ethnic wars, internal disorders, and the collapse of governing institutions now command increased international attention. The horrific events of September 11 provided a dramatic introduction to the new challenges that confront the United States in this century.

These challenges include the need for effective new peacekeeping operations in a variety of settings. The Rule of Law Program at the United States Institute of Peace launched a Project on Peacekeeping and the Administration of Justice in late 2001 to develop policy guidance and practical tools for establishing the rule of law in post-conflict societies. Over the course of two years, several project teams will examine such issues as determining the applicable law, the performance of judicial functions by international military forces, deployment of foreign judicial personnel, establishment of a transitional prison system, the challenge of terrorism and organized crime in the post-conflict setting, war crimes, and the use of local customary approaches to justice. A crucial element of this project is the need to assess and improve the use of international civilian police (CIVPOL) programs in peacekeeping operations.

The Center for Strategic International Studies (CSIS) is also concerned with the role of the United States in promoting the rule of law in post-conflict environments as an independent actor and as a leader of the international community. Developing a comprehensive approach to the administration of post-conflict justice and figuring out how to do it in a way that builds local capacity will have a major impact on the overall effectiveness of future peacekeeping operations and on the timetable for military exit strategies. Through its Program on Preventive Diplomacy, CSIS has sponsored a series of workshops specifically devoted to problems in the administration of justice in general and civilian policing in particular.

The war on terrorism in which the United States and its coalition partners are engaged is intended to prevent future attacks on Western institutions and political freedoms. It also intensifies the importance of the related questions of peacebuilding and the role of the administration of justice, particularly how international civilian police might be used to rehabilitate shattered societies.

The workshop held on November 20, 2001 was designed to provide "A Status Report on International Civilian Police Operations" in order to establish a baseline for future study of CIVPOL missions. Participants addressed the status of U.S. efforts to implement Presidential Decision Directive 71 (PDD-71) on "Strengthening Criminal Justice Systems in Support of Peace Operations," which was issued by President Bill Clinton in February 2000. The directive was intended to improve U.S. and UN capacity to deploy civilian police missions and to promote the rule of law in peace operations. Workshop participants were also asked to evaluate UN efforts to achieve the objectives of the report of the Secretary-General's

Panel on United Nations Peace Operations chaired by Ambassador Lakhdar Brahimi, which called for far-reaching reforms (*Report of the Panel on United Nations Peace Operations*, New York: United Nations, 2000, www.un.org/peace/report/peace_operations). Those attending the workshop represented a wide array of backgrounds, including officials from the administration and Congress as well as academic specialists. The following report contains a distillation of views put forth at workshop, which was held with the understanding that remarks could be quoted, but not for attribution.

Background

Beginning with Cambodia in 1992, the UN Security Council determined that traditional peacekeeping precepts and operational guidelines needed to be adjusted to meet complex emergencies resulting from intra-state conflicts. The failure of governing institutions in a growing number of countries, accompanied by ethnic violence and secessionist movements, had emerged as a serious threat to international peace and security. In an effort to ameliorate burgeoning local conflicts, the Security Council authorized the intervention of multinational military forces to restore order and, where appropriate, follow-on civilian administrations to assist in post-conflict reconstruction of war-torn communities. In succession, the UN authorized such complex operations for Cambodia, Angola, Mozambique, Somalia, Haiti, Bosnia, Kosovo, and East Timor.

The growing number of such operations generated an expanded need for military forces and civilian police. That need was reflected in the 60,000 plus multinational military forces deployed in 1995 and in the increasing number of roles played by them. Concomitantly, international organizations, non-governmental organizations (NGOs), and bilateral assistance agencies were drawn into these newly mandated missions, adding immeasurably to their complexity. International intervention during humanitarian emergencies also involved interference by the United Nations in the internal affairs of member states. Such interventions involved peace enforcement under Chapter VII of the UN Charter. CIVPOL officers were increasingly involved in these interventions—initially as advisers, monitors, and instructors, but later in Kosovo and East Timor as armed law enforcement officers with full executive authority, including the right to use deadly force.

The new importance of international civilian police in post-conflict situations raised a number of troubling issues. Foremost was the need for more CIVPOL in order to cope with the rapid expansion in the number of missions. Problems resulted from the large number of untrained police that reported for duty. The United Nations was also unable to provide adequate logistical support. In response, Presidential Decision Directive 71 (PDD-71) ordered the Departments of State, Justice, and Defense to “undertake a series of critical enhancements” to improve the professionalism of civilian police and judicial experts and to provide for their rapid deployment in complex contingencies (“The Clinton Administration’s Policy on Strengthening Criminal Justice Systems in Support of Peace Operations,” White Paper, Executive Office of the President, Washington, D.C., February 24, 2000).

U.S. problems in participating in CIVPOL missions largely result from the fact that the United States has no national police force similar to the Royal Canadian Mounted Police. Instead, the United States has 18,000 state and local police departments, plus more than a dozen highly specialized federal law enforcement agencies. President Clinton’s intention was to strengthen the U.S. capacity to participate in international civilian police missions and to assist the United Nations to improve its own capabilities. The PDD’s terms of reference were to: (1) improve the capacity of the U.S. government to respond to the police and criminal justice aspects of peace operations, (2) improve the response capacities of the United Nations and other international organizations, and (3) improve the relevant capacities of other countries.

Developing a comprehensive approach to the administration of post-conflict justice . . . will have a major impact on the overall effectiveness of future peacekeeping operations and on the timetable for military exit strategies.

The war on terrorism . . . intensifies the importance of the related questions of peacebuilding and the role of the administration of justice.

Meanwhile, UN secretary general Kofi Annan engaged a panel of experts chaired by the former Algerian foreign minister, Lakhdar Brahimi, to assess the strengths and weaknesses of the existing UN peacekeeping system and to develop new and fresh approaches to reorganize and strengthen UN operations. The request for the study arose at a time when the demand for CIVPOL personnel had grown prodigiously, increasing from 3,000 to nearly 9,000 from 1998 to 1999. The Brahimi Report called for the upgrading and expansion of the Civilian Police Unit in the UN Department of Peacekeeping Operations (DPKO), the addition of judicial and penal experts to its staff, and far-reaching reform of UN administrative structures and financial procedures for peace operations.

Presidential Decision Directive 71

Summary

The effort at reorganization and administrative reform with respect to CIVPOL in the U.S. government was part of a three-stage process that touched on all aspects of U.S. involvement in peacekeeping and peace operations. PDD-71 was the third in a series of Clinton administration directives designed to organize the U.S. government's approach to international humanitarian emergencies. The others were PDD-25, which dealt with "Reforming Multilateral Peace Operations," and PDD-56 on "Managing Complex Contingency Operations." In the view of the majority of workshop participants, the goals of PDD-71 have not been met due to bureaucratic lethargy, inter-agency competition, transition to a new administration, and the disinclination of National Security Council (NSC) staff to assign priority attention to the issue of CIVPOL reform. Although PDD-71 along with the other Clinton administration peacekeeping directives have been formally terminated, their goals have not been repudiated. Conference participants agreed that the conditions that led to the drafting of PDD-71 still exist and the challenges of improving both civilian police and judicial assistance still need to be addressed. The events of September 11 and after have made the original concerns that produced the directives even more relevant. The White House is now considering updating the Clinton administration's peacekeeping directives, including PDD-71.

Implementing the Directive

The problems encountered in implementing PDD-71 were not completely surprising. The directive had required three years of laborious negotiations among mid-level policy officials who perceived a need for enhancing the U.S. government's capacity to meet the growing number of peace operations. The Clinton administration's experience in peacekeeping had proven painful in Somalia and Haiti. In the former, U.S. forces had been withdrawn in the aftermath of the deaths of 18 U.S. Army Rangers in Mogadishu in October 1993. Administration wariness about peacekeeping was thereafter manifest during outbreaks of civil disturbances in Haiti, genocidal warfare in Rwanda, and ethnic cleansing in Bosnia.

One speaker suggested the need for a "very agitated person" or "Czar" to provide the necessary leadership to reach the goals of [PDD-71].

According to participants, the greatest shortcoming was the decision by the Clinton administration to assign the "leadership" for PDD-71 implementation to a single agency, the Department of State. This step was taken because the NSC was unable to give the issue the attention it required. Absent NSC oversight, it was perhaps impossible to expect that one department could resolve the inevitable differences that arose between agencies with different organizational cultures and institutional priorities, especially since the objectives of the PDD were broad and ambitious. Although there was some incremental progress in implementing the directive, there was no breakthrough. One speaker suggested the need for a "very agitated person" or "Czar" to provide the necessary leadership to reach the goals of the directive.

In addition to leadership, achieving the directive's goals would require the active participation and cooperation of numerous federal and local agencies. This is never easy in the U.S. government. The specific objectives of PDD-71 indicate the complexity:

1. To establish the State Department as the lead agency for international civilian police programs and assistance to criminal justice systems in peace operations.
2. To enhance the capacity to provide American CIVPOL to peace operations, to help other countries to contribute civilian police, and to provide training and development assistance for indigenous police.
3. To create an interagency effort involving State, Justice, and AID to improve U.S. capacity to assist criminal justice systems in peace operations.
4. To improve the capacity of the United Nations and regional organizations such as the Organization for Security and Cooperation in Europe (OSCE) to provide civilian police and judicial assistance.

Implementation of PDD-71 raised a host of administrative and bureaucratic issues. The directive clearly envisioned a larger role for the International Criminal Investigative Training Assistance Program (ICITAP), including training U.S. and foreign police for peace operations. The future of ICITAP remains an open question. One participant noted that State and Justice were discussing the future of ICITAP to determine how it might be better used to support civilian police in peace operations. Another participant pointed out that State and Justice had "expended a lot of energy" debating the future of ICITAP but little progress was achieved.

Other bureaucratic problems arose from PDD-71's explicit recognition that CIVPOL's success in establishing law and order in post-conflict societies rested heavily on linking civilian police operations with associated components of the criminal justice system—courts, judges, prosecutors, corrections officials, and public defenders. Therefore, the directive sought to overcome the institutional gap evident in previous peacebuilding efforts by urging expanded interagency cooperation in establishing the rule of law. PDD-71 clearly recognized the need for the United States to provide additional resources to overcome this problem, both in terms of enhancing U.S. capabilities and the capabilities of the United Nations and other governments.

Of greater significance is the fact that the U.S. CIVPOL program lacks statutory authorization and is funded on an annual basis. It has little congressional support and has received limited White House attention. Alone among donor nations, the United States recruits its CIVPOL contingents through a commercial contractor. Most American CIVPOL are mid-career officers from state and local police departments who take a leave of absence, resign, or have recently retired. Earlier in the program, reliance on retired officers had produced highly uneven results. Participants noted recent press reports alleging that Americans were among CIVPOL officers in Bosnia who frequented brothels and were involved in trafficking in women. A few participants argued that providing police for international missions was an inherently governmental function and it was inappropriate for the United States to work through a contractor. Other participants believed there was nothing wrong with using a commercial contractor, but thought the current system could be made to work better.

More than one speaker thought the National Guard might provide a model for federalizing police for temporary duty in peace operations. Some suggested using federal agents, but others replied that this approach had not worked in practice. Others suggested that recruiting police would become even more difficult because of the war against terrorism. In the wake of September 11, the administration has assigned highest priority to homeland defense as well as to the multi-dimensional efforts against global terrorism. Civilian police resources have been allocated to protection of sites, surveillance, and apprehension of suspected terrorists. A substantial number of police officers with Reserve or National Guard affiliations have been mobilized for active duty, further reducing the manpower available for CIVPOL service.

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A major subject of discussion was the issue of granting international civilian police executive law enforcement authority in peace operations. The purpose of executive missions is to provide an interim police force while an indigenous police force is trained. Use of international police for this function raises several issues that need to be addressed: (1) relevant law, (2) use of deadly force, (3) guidelines for Special Police (constabulary) Units, (4) indigenous police training, (5) transfer of authority to local police, and (6) relations with the other parts of the criminal justice system. Participants agreed that the Institute of Peace and CSIS could assist in providing responses to these questions. Additional thought should be given to the challenge of training local police in such specialized fields as organized crime, counter-terrorism, border control, and forensic science.

The question of applicable law for use by UN Transitional Authorities is noted in both the Brahimi Report and PDD-71. The former recommends that a panel of international experts develop an interim criminal code for use in the post-conflict reconstruction period, pending the re-establishment of local rule of law. The latter instructs the relevant U.S. agencies to "establish an international partnership in judicial, penal, and legal code development assistance for post-conflict areas." Participants noted that little progress has been achieved in implementing these recommendations. As a result, following on the Brahimi proposals, the Institute's Project on Peacekeeping and Administration of Justice has established a team of experts who are developing a universal stand-by criminal code and code of criminal procedures for use in such contingencies.

There has also been little progress in the area of civil disorder management during peace operations. Special Police Units, which are part of the UN police force in Kosovo, have this capability, but have been used for other purposes. Participants noted the potential importance of constabulary units in controlling civil unrest and providing area security. Questions remain about the most appropriate models for such forces, whether they should be under military or civilian authority and how they should be employed. The United States has no constabulary forces and any effort to create them would require congressional action. Participants noted that the National Guard is trained in crowd control techniques and that U.S. Military Police are also capable of dealing with civil disorder. Some participants suggested that additional study might prove productive, since the Europeans also appear interested in developing this capability. The European Union has announced plans to create a 5,000-man police force for peacekeeping that would include a 1,000-man rapid reaction force composed principally of constabulary.

For its part, the State Department has taken a number of steps to improve the quality and accountability of U.S. CIVPOL. A former senior CIVPOL officer has been hired to develop a program for expanding outreach and involving the State Department directly in recruiting active duty police for CIVPOL service. State has produced a recruiting brochure that has been distributed to police associations and at police conferences. American CIVPOL participants have been honored in ceremonies, given medals, and sent letters of thanks and commendation to bolster a sense of pride and professionalism. To improve accountability, U.S. contingent commanders have been given greater authority to impose discipline, and a system of performance evaluations has been developed. To improve responsiveness, State intends to create a "ready roster" of police who have completed a training program and are prepared to depart on short notice. It has already created specific job descriptions for the ready roster. State plans to re-tender the commercial contract for supporting the U.S. CIVPOL program in 2002. Creation of the roster will be one responsibility under the new contract.

Meanwhile, State has hired an experienced police training coordinator who is preparing a training course for prospective CIVPOL officers, which will contain an expanded session on peaceful dispute resolution provided by the Institute of Peace. As an incentive for active duty officers to enroll in this course, State will ensure it is accredited by the Police Officers Standards and Training (POST) organization so it will help officers qualify for promotions. State is working with the United Nations and with U.S. allies to

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improve their capacity to train and deploy police in peace operations. Foreign police trainers will be invited to attend the U.S. CIVPOL course to spread the benefits to other nations, particularly in this hemisphere.

While much remains to be done, one speaker noted that much of the “low fruit has been picked” and there have been considerable improvements in the conduct of international police missions over the past decade. The international community has been less successful, however, in providing assistance to judicial systems during peace operations. Some workshop participants noted that little progress has been registered over the past two years in establishing a baseline “rule of law” program under the terms of PDD-71. In reality, there is little agreement within the U.S. government as to a reasonable definition of the term “rule of law.” At one point in mid-2000, more than a dozen definitions were circulating within Washington. In most instances, they reflected agency interests as opposed to a comprehensive conceptual definition. According to several workshop participants, the United States should continue to push for a comprehensive justice system package for peace operations. As one participant observed, however, a single “cookie cutter” approach would be counter-productive given the diverse environments in which peacekeeping forces might be introduced.

While PDD-71 was not formally renewed by the Bush administration, several administration representatives noted that the “spirit of PDD-71 lives on” as both an “inspirational document” and as a framework for improving the performance of international civilian police missions. The conditions that led to the drafting of PDD-71 still obtain and the needs identified in the directive are recognized by the new administration. Initial experience gained in its implementation has been useful and a cadre of veteran American CIVPOL officers now exists. The Bush administration has not repudiated the package of Clinton-era documents concerning the management of complex contingency operations (PDD-25, 56, and 71). Participants said the administration is now considering whether it would be appropriate to update and reissue these directives.

The Brahimi Report

Summary

On March 7, 2000, UN secretary general Kofi Annan convened an expert Panel on United Nations Peace Operations to review UN peace and security activities and to present “a clear set of specific, concrete, and practical recommendations to assist the United Nations in conducting such activities better in the future” (Secretary General to the President of the General Assembly and the President of the Security Council, August 21, 2000, A/55/305-S/2000/809, 1). Former Algerian foreign minister Lakhdar Brahimi chaired the panel. The Brahimi commission’s report was made public and submitted to the Security Council and the General Assembly for consideration on August 21, 2000. The deputy secretary general was tasked to prepare a detailed plan for its implementation. Release of the report was timed to coincide with preparations for the September 6–8 Millennium Summit at UN Headquarters where the assembled world leaders reviewed the report and, in principle, endorsed its recommendations. The United Nations is now engaged in a multi-phased process of considering the report’s recommendations, which call for a wide range of UN operational and institutional reforms.

CIVPOL Reform

In regard to UN CIVPOL missions, the Brahimi Report recommends a “doctrinal shift” in the use of civilian police and other judicial and human rights specialists in peace operations to reflect an increasing focus on strengthening the rule of law and respect for human rights in post-conflict environments. The panel noted that in contemporary missions CIVPOL are

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required to do more than set a good example and to report on the unacceptable behavior of local police. They are also engaged in police retraining and reform and in executive policing in some missions. In any case, they must work closely with other parts of the justice system, which creates a need to add judicial and penal experts to the DPKO staff. With respect to civilian police, the report laid out basic principles concerning their use in peace operations:

- Effective peacebuilding requires that CIVPOL retrain and restructure local police, not just “observe and scold”;
- Police are just one of the elements needed to restore public security and rebuild rule of law in war-torn societies;
- It is meaningless to give CIVPOL law enforcement authority without also providing a complete criminal justice system within which they can work;
- Police in transitional civil administration missions need to know up front which law they are to enforce and need to be trained in that law and its procedures; and
- The pursuit of post-war justice and reconciliation requires the effective teaming of criminal justice and human rights specialists.

The report also provided the following recommendations for rapid and effective deployment of civilian police missions:

- Member states should establish national pools of serving police officers trained in accordance with UN guidelines and available for UN service on short notice;
- Police-contributing states should establish regional partnerships to conduct joint police training exercises;
- Similar personnel pools and training partnerships should be established for judicial, penal, and human rights experts who would form UN “rule of law teams”;
- Member states should establish a single point of contact responsible for managing the provision of CIVPOL and related specialties to the United Nations; and
- The United Nations should establish a roster of about 100 civilian police planners and technical experts for rapid call-up to plan new missions and to serve as initial CIVPOL leaders and trainers for those missions.

Structural changes within DPKO were also recommended, specifically upgrading the CIVPOL Unit to a division headed by a director who was co-equal with the head of the Military Division in DPKO. This has been done, but the recommendation for creating the post of assistant secretary general to manage both uniformed divisions was denied by the UN's funding committees. Both divisions will now report to under-secretary general Jean-Marie Guehenno. The report also recommended establishing a criminal justice unit within DPKO to provide support for rule of law components in the field.

While the Brahimi Report is comprehensive, one participant pointed out it was instructive to look at some “roads not taken” by the panel (that is, ideas raised but set aside for various reasons). One suggestion was to create a standing unit of 500 CIVPOL officers who would be available for immediate deployment in a peace operation. The idea was set aside as too costly. Another suggestion was to routinely include Special Police Units in all CIVPOL missions to ensure appropriate forces for handling civil unrest. This concept was toned down and the specific reference to Special Units removed. A larger, standing UN law enforcement reserve for rapid deployment to post-conflict settings was not considered. Although such a capacity might not invite the same level of political opposition as a standing international military force, it would need to be big enough to take over public security duties in post-conflict situations, which would have made it very costly.

Under the Secretary General's Plan for Implementation, the United Nations is now engaged in a broad-based process to reform the manner in which it conducts peace oper-

ations. According to one participant, the “Brahimi Process” envisages reforms in four major areas of the UN system:

- Management
- Strategic planning
- Operational planning and deployment
- Personnel

Progress has been made in some areas, but other recommendations have encountered resistance from member states. Immediate benefits for the CIVPOL Division have included a steady increase in the number of staff, approaching the 23 positions recommended in the report. This includes the first adviser on judicial and penal affairs, a recent hire. Cooperation has also improved between the staff of the CIVPOL Division and their opposite numbers on the military side of DPKO. Police and rule of law issues are receiving more serious consideration and there is improved cooperation on the planning for future missions. The CIVPOL Division has also begun a dialogue with the UN Development Program (UNDP) aimed at incorporating expertise in institution building and project evaluation into police assistance programs. The CIVPOL Division is also working more closely with the UN Department of Political Affairs, which has a critical role in the planning and direction of peacekeeping missions. The division is also investigating the possibility of partnering with research institutes such as U.S. Institute of Peace to look at issues related to police reform. In addition, Finland hosted a workshop for CIVPOL donor countries on establishing a 100-member Headquarters Unit that could deploy on short notice. This unit would have the ability to conduct assessments and do strategic planning, plus manage the start-up of a new mission and the initial deployment of CIVPOL personnel.

Beyond administrative reforms, the CIVPOL Division has changed its thinking concerning the role the United Nations can play in providing assistance to indigenous police in peace operations. Given the geographic size and institutional scale of possible CIVPOL missions in Afghanistan, Congo, and Sri Lanka, it is clear these will not be executive police missions on the model of Kosovo and East Timor. Instead, the CIVPOL Division is considering an approach that one participant described as “advising with leverage.” Under this concept, CIVPOL officers would go beyond monitoring local police by providing technical assistance and guidance to senior police officials. Such assistance would be extended in the context of political understandings with the host government that failure to heed the advice of UN CIVPOL officers would result in censure or dismissal for local officers.

Conclusions

As an instrument of U.S. foreign policy and as a tool for post-conflict reconstruction, CIVPOL has undergone a baptism of trial and error in Bosnia, Kosovo, and East Timor. Much useful experience and growth in professional competence have been obtained. This is true for the U.S. government and the United Nations, as well as a number of other interested countries. Prior peacebuilding missions have provided “lessons learned” in pre-crisis planning, conducting operations, donor country coordination, and providing logistical support. Of supreme importance and codified in the Brahimi Report and in PDD-71 is the imperative of closely linking and fully integrating CIVPOL with the rest of the criminal justice system. PDD-71 was intended to provide a baseline for improving the U.S. CIVPOL program, including resource mobilization, field competency, and international cooperation. It emerged out of the crucible of extensive inter-agency negotiation. Implementation was hindered, however, by the seeming lack of enthusiasm from the NSC and contentious “jurisdictional issues” among implementing agencies. The fall 2000 national elections and their aftermath afforded additional opportunity for temporizing and delay.

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Since the Bush administration has not renewed PDD-71, it remains in bureaucratic limbo. There has been modest progress in its implementation and the directive is maintained on "life support" through the determined efforts of mid-level officials at the State Department. Nevertheless, the concerns that produced PDD-71 and the logic of its approach remain current and there is hope the directive will be reaffirmed in a general White House examination of all such directives issued by the previous administration. PDD-71 calls for leadership within the U.S. government, as well as a leadership role for the United States in the international community. Achievement of its goals will require increased awareness in Congress of the potential advantages for U.S. foreign policy interests offered by U.S. participation in CIVPOL missions. Participants suggested that such increased awareness could be achieved through administration briefings of congressional staff, the General Accounting Office, and media representatives.

CIVPOL is too valuable an instrument to function on a hit-and-miss or ad hoc basis.

This report should be read along with the Institute of Peace's Special Report entitled *American Civilian Police in UN Peace Operations*, published on July 6, 2001. That report captures lessons learned from CIVPOL veterans and makes recommendations on how to improve CIVPOL training, management, and operations. It was noted by Senator Ben Campbell and submitted as part of the record of a hearing held on September 5, 2001 by the congressional Helsinki Commission concerning American police participation in UN peace operations. The earlier report offers useful insights, which underscore the view expressed in several CSIS publications, that CIVPOL is too valuable an instrument to function on a hit-and-miss or ad hoc basis. Given its importance, several key elements of an effective CIVPOL program deserve immediate attention:

1. *Executive authority:* UN CIVPOL missions, particularly those with executive authority, require standardized operating procedures for functions ranging from station management to performance guidelines. These procedures should figure prominently in the pre-training of international police for CIVPOL service.
2. *Standardization of basic laws:* UN CIVPOL executive missions need a standby code of basic criminal laws and procedures. The absence of common legal precepts impedes the integration of international civilian police into a unified force and hampers their performance, particularly in the early stages of a peace operation.
3. *Constabulary forces:* Special Police Units can be useful in complex emergencies. Italy, France, and Spain could be encouraged to provide training centers for European and other governments willing to organize such units for future peace operations.
4. *Recruiting:* Resolution of the problem of finding sufficient numbers of qualified police officers for CIVPOL duty is fundamental to the success of future UN missions. This applies especially to the United States, where the decentralized nature of the American police system and the tradition of relying on contractors present special challenges.
5. *Judicial and penal systems:* Police are only one part of the "judicial triad" of police, courts, and prisons. There is a need to design judicial and penal system "packages" to deploy with CIVPOL at the beginning of a peace operation. Rapid establishment of the rule of law is essential to preventing the emergence of "spoilers" (corrupt nationalist politicians with links to organized crime and secret security services) who obstruct the peace process.

Effective crisis management and post-conflict reconstruction, of which effective civilian policing is a major component, can help close the "security gap" in peace operations and prevent "failed states" from becoming breeding grounds for extremists.

The events of September 11 have posed a number of serious challenges related to homeland defense and the war against terrorism. An imaginative and effective American CIVPOL program can play a role in the success of both of these efforts. Effective crisis management and post-conflict reconstruction, of which effective civilian policing is a major component, can help close the "security gap" in peace operations and prevent "failed states" from becoming breeding grounds for extremists and havens for terrorist organizations. This potential should be fully explored by the U.S. government and the United Nations.

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Recent Institute reports include:

American Civilian Police in UN Peace Operations (Special Report, July 2001)

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