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POLICE REFORM IN FRAGILE STATES:
A TRANSITIONAL ROLE FOR CANADIAN MILITARY POLICE

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MASTERS OF DEFENCE STUDIES

POLICE REFORM IN FRAGILE STATES:
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By LCol Brian Frei

DEDICATION

This research project is dedicated to my loving wife, Lindsay. Throughout our eleven years of marriage, she has steadfastly supported my military career. As we moved across Canada, Lindsay sacrificed her own career to support mine. While I was deployed outside of Canada, Lindsay anchored our family at home. Without her support over the years I would not be in a position to conduct this research project, and without her support in reviewing my work this paper would still be littered with spelling mistakes!

TABLE OF CONTENTS

List of Figures

List of Tables

Abstract

As the challenges of fragile states continue to threaten global security, the international community has become increasingly involved in state-building efforts. Within the spectrum of state-building reforms, police reform represents a particularly difficult problem. While the police expertise lies within civilian police organizations, the security environment of post-conflict fragile states often means that civilian police are unable to support police reform operations. Most military forces are ill-equipped to carry out police reforms in the absence of civilian expertise, but are forced to intervene in the absence of other options. A swift but coordinated transition from military-led to civilian-led police reform activities is therefore required. An examination of the practical experience of the international donor community in Bosnia and Afghanistan illustrates the significant problems that continue to face police reform efforts. The integration, coordination and sychronization of military and civilian support to a single police reform vision is both crucial and ellusive. Canadian Forces Military Police have both the police expertise and military training necessary to conduct police reform operations and to support the transition process successfully in the non-permissive environments of post-conflict fragile states. As a result, Canadian Forces Military Police should be leveraged in key positions, domestically and abroad, to assist in easing the transition between military and civilian agencies.

Chapter 1 - Introduction

Canada has a long and proud history of peacekeeping operations. From the

peace-observation mission in Palestine in 1948, to Lester B. Pearson's pivotal role in

establishing the Suez Canal peacekeeping mission in 1956, to the peace-enforcement

missions in the Balkans of the 1990's, to the development of a "whole of government"

approach to the security and stabilization of Afghanistan, Canada's view of "security

transition operations" has matured over sixty years.[1] Likewise, the complexity of the

tasks implied by these missions has increased significantly as conflict has evolved from

inter-state to intra-state and as non-state actors have grown in reach and global influence.

Following the September 11, 2001 terrorist attacks in the United States, fragile states

have increasingly been seen as a pressing global problem, both in terms of the perceived

threat to stability and security internationally, and in terms of the inherent human

suffering.[2]

Fragile states pose a myriad of problems, both internally for the citizens and

externally for other states. Defined by "poverty, weak governance and often violent

conflict," fragile states represent a significant global concern from both humanitarian and

security perspectives.[3] The challenge of recovery from conflict or an active insurgency

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[1] Matthew Bouldin, "Keeper of the Peace: Canada and Security Transition Operations," *Defense & Security Analysis* 19, no. 3 (09, 2003), 265-271, http://search.ebscohost.com/login.aspx?direct=true& db=aph& AN=10853696&site=ehost-live (accessed 7 October 2010).

[2] Edward Newman, "Peacebuilding as Security in 'Failing' and Conflict-Prone States," *Journal of Intervention and Statebuilding* 4, no. 3 (September, 2010), 305.

frequently overwhelms the fragile state's existing capability, leading to a general collapse of government services. Basic security services, provided by both defence and police, are typically early casualties of such collapse. Military intervention by external states, whether operating in accordance with a United Nations Security Council (UNSC) resolution or not, frequently becomes necessary. International efforts in Bosnia and Herzegovina, and Afghanistan illustrated the need to build the capacity of government services, and sparked significant interest in the process of state-building.

In approaching the problem of state-building in fragile post-conflict states, it is necessary to understand first the scope of the challenge. Drawing from the ideals of Max Weber, the state can be defined as the agency that "possesses a monopoly of legitimate force over a given territory, and consists of institutions that make law, ensure that it is obeyed and thereby guarantee security and peace."[4] Implicit within this definition is the capacity to protect the population through the controlled use of force and to settle disputes fairly, giving representation to both the individual and the state. Fragile states are, therefore, those states in which these institutions are in the process of collapse or otherwise incapable of servicing the needs of society. They are typically characterized as

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[3] Stewart Patrick and Kaysie Brown, *Greater than the Sum of its Parts? Assessing "Whole of Government" Approaches to Fragile States* (New York, NY: Centre for Global Development, 2007), 1, cgdev.org/files/13935_file_Fragile_States.pdf (accessed 17 January 2011).

[4] Max Weber, *Economy and Society*, eds. Guenther Roth and Claus Wittich, Second ed., Vol. 1 (Los Angeles, CA: University of California Press, 1978), 56.; Marcus Skinner, "Counterinsurgency and State Building: An Assessment of the Role of the Afghan National Police," *Democracy and Security* 4, no. 3 (September, 2008), 291, http://www.informaworld.com/smpp/section?content=a906254563& fulltext=713240928 (accessed 7 November 2010).

lacking "either the capacity and/or the willingness to deliver on their core functions" and as suffering from corruption, violence, poverty and insecurity.[5]

Although each failed state is unique in its own specific challenges, the interaction of violence, poverty and ineffective or corrupt government reinforce each other cyclically, making attempts to conduct meaningful reforms within a single sector ineffective.[6] Efforts to carry out government, development and security reforms must therefore be integrated across the vulnerable social, political and economic sectors.[7] Such integration poses unique challenges to intervening states as diverse organizations are forced to coordinate their efforts closely. Intervening actors from the military, development, aid and governance communities must all work together in mutual support in order to return the state to envisaged ideal:

> efficient and effective security institutions that serve the security interests
> of the citizens, society and the state while respecting human rights and
> operating within the rule of law and under effective democratic control.[8]

However, in practice the task of synchronizing stabilization and development efforts across all three sectors has proven more difficult than theory would suggest.

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[5] Bruce Baker and Eric Scheye, "Multi-Layered Justice and Security Delivery in Post-Conflict and Fragile States," *Conflict, Security & Development* 7, no. 4 (12, 2007), 507, http://search.ebscohost.com/login.aspx?direct=true&db=tsh&AN=27541441&site=ehost-live (accessed 7 February 2011).

[6] Marla C. Haims and others, *Breaking the Failed State Cycle* (Santa Monica, CA: RAND Corporation, 2008), 5, http://www.rand.org/content/dam/rand/pubs/occasional_papers/2008/RAND_OP204.pdf (accessed 13 January 2011).

[7] C. S. C. Sekhar, "Fragile States," *Journal of Developing Societies* 26, no. 3 (09, 2010), 263, http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=53569800&site=ehost-live (accessed 7 February 2011).

[8] Baker and Scheye, *Multi-Layered Justice and Security Delivery in Post-Conflict and Fragile States*, 505.

Many intervening states, like Canada, have attempted to take a broad "whole of government" approach to state-building efforts in order to achieve this coordination.[9] Unfortunately, in fragile states in which an active insurgency exists, the inability of non-military partners to operate in high risk environments severely limits their effectiveness.[10] The security agenda therefore rises naturally to the forefront at the expense of development and governance efforts, placing the military in a leading role.

While the military forces of intervening states often undertake direct combat operations to clear and hold territory in advance of development and governance work, those military forces are also being frequently tasked with early development and governance roles, including building host nation (HN) security force capacity. Such security force capacity building aims to strengthen existing (or to create non-existent) HN security sector elements such as HN military, police, border services, and coast guard and represents the initial stages of the Security Sector Reform (SSR) process.[11] Although the provision of assistance to those HN security sector elements other than defence, for example the HN police, generally lies outside military expertise, early in the reform process military forces may have to take on these roles. Generally, "the less permissive the environment, the harder it is for civilian organizations to undertake Capacity

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[9] Patrick and Brown, *Greater than the Sum of its Parts? Assessing "Whole of Government" Approaches to Fragile States*, 2.

[10] Mark Plunkett, "Reestablishing the Rule of Law," in *Postconflict Development: Meeting New Challenges*, eds. Gerd Junne and Willemijn Verkoren (London, UK: Lynne Rienner Publishers, 2005), 74.

[11] ABCA Capability Group Act Project Team, *Military Contribution to Capacity Building Analysis and Design* (Rosslyn, VA: American, British, Canadian, Australian and New Zealand Armies' Program, 2010), 10.

Building," leaving military personnel responsible until the security situation improves.[12] Of course, enhancing the capacity of HN security elements is key to improving overall security, so the military has no choice but to begin the capacity building process.

Such is the case with HN police capacity building and reform. While civilian police contingents hold the expertise to conduct police reform operations, if the security environment is not sufficiently permissible, military forces must engage in the police reform process. As the security environment improves, a transition can occur between military and civilian involvement in police reform efforts. In the case of fragile states, this transition marks a part of the overall transition from security through war-fighting to security through rule of law.[13] With the desired end-state of SSR being the creation of a stable, secure and safe state, this transition represents a critical step in the state-building process.

This paper examines the transition from CF to civilian police leadership in the critical role of police reform within fragile states. While police reform represents only a portion of the larger security sector reform process and a small element of the overall state-building process, the development of a society governed by the rule of law will necessarily impact positively upon the state's economy and government as well. Given the complex nature of the transition from a war-fighting stance to rule of law, military

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[12] ABCA Capability Group Act Project Team, *Host Nation Capacity Building and Closing the Transition Gap* (Rosslyn, VA: American, British, Canadian, Australian and New Zealand Armies' Program, 2009), 4.

[13] *Ibid.*, A-4.

police should play a critical role in the police reform process. As the lead role in police reform efforts shifts from military forces to civilian police, military police should be employed as a key enabler. Military police, bridging the gap between soldier and cop, provide a unique combination of skills necessary to execute police reform in the non-permissive environment prior to the transition taking place. Moreover, military police are ideally suited to assist in the coordination of civilian police-led police reform with other military-led security reform efforts.

In order to explore the nature of this transition and the niche role for military police, chapter 2 examines theoretical models of police reform within the broader state-building and SSR frameworks. These models are then compared against the doctrinal approaches to police reform in order to build a complete understanding of the intended role of military forces in police reform. Chapter 3 then examines police reform in practice through two fragile state case studies: the interventions of the international community in Bosnia and Herzegovina and Afghanistan. These case studies reveal departures in practice from the theoretical framework presented in chapter 2, and allow the identification of lessons learned. With these lessons in mind, chapter 4 examines the sources of international police expertise available to support police reform in fragile states. A comparison of domestic civilian law enforcement, gendarmerie forces and military law enforcement agencies highlights the unique blend of skills that the Canadian Forces Military Police possess that can assist in bridging the gap between theory and practice in modern police reform efforts. Recommendations are made regarding the employment of military police in police reform operations as an enabler for the lead

agency transition from military forces to civilian police. Finally, chapter 5 presents the overall conclusions of this study, summarizing the gap between police reform theory and practice and the role that military police can play in bridging that gap.

Chapter 2 – Police Reform in Theory

Fragile states have captured international attention as terrorist training grounds or sanctuaries for terrorist organizations that threaten regional or global security.[14] Coupled with common human rights abuses, poverty, lawlessness and governmental collapse, the threat posed by fragile states has attracted the attention of international bodies, including the United Nations, individual states, development groups, and non-governmental organizations (NGOs). Various academic approaches to re-establishing peace, stability and good government have been espoused at all levels. This chapter explores the role of police reform within the larger theoretical frameworks of the state-building, SSR and Rule of Law (ROL) processes. Moving beyond purely academic theory, this chapter also examines how police reform is implemented in military doctrine. This theoretical framework puts police reform in perspective in preparation for the examination of police reform efforts in practice through the case studies presented in chapter 3.

Peacebuilding and State-building

Although peacebuilding and state-building are often used interchangably to define international efforts to establish a lasting peace in war-torn states, a distinction can be made between the two terms. Whereas peacebuilding seeks to eliminate war or violence, state-building can be viewed somewhat more broadly as seeking to establish social justice

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[14] Newman, *Peacebuilding as Security in 'Failing' and Conflict-Prone States*, 308.

and credible state institutions in accordance with international norms.[15] State-building

efforts therefore aim to stabilize fragile post-conflict states across the broad boundaries of

security, economic and institutional requirements.[16] The need to sychronize state-

building efforts to improve security, economy and governance simultaneously creates

obvious challenges in dealing with fragile states.

While such synchronization is difficult in itself, theoretical models of state-

building are further challenged by the unique features of individual conflicts that directly

impact reform efforts. Whether the conflict is internal to the state or regional in nature,

whether it is based on religion, ethnic difference, control of resources, divergent social

classes, or income disparity, or whether it is simply the result of a general collapse of a

central government will fundamentally alter the types and methods of reform required.[17]

As a result, state-building efforts must be based upon the unique needs of the state.

Understanding the true nature of the conflict is therefore critical to effectively planning

reform efforts.

One model of the fragile state, proposed by Haims *et al*., a group of RAND

researchers focussed on development strategies for failed states, suggests that three inter-

linked factors act to prevent recovery: widespread insecurity and violence; collapse of

the national economy; and ineffectual government. Referring to this as the "failed state

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[15] David Roberts, "Post-Conflict Statebuilding and State Legitimacy: From Negative to Positive Peace?" *Development & Change* 39, no. 4 (07, 2008), 538.

[16] Newman, *Peacebuilding as Security in 'Failing' and Conflict-Prone States*, 312.

[17] Granciana del Castillo, *Rebuilding War-Torn States: The Challenge of Post-Conflict Economic Reconstruction* (New York, NY: Oxford University Press, 2008), 9-10.

cycle," Haims *et al.* argue that state recovery can only be achieved through an integrated approach to security, economic and government reforms.[18] Such integration must necessarily be achieved by policy, as no one action on the part of intervening states can simultaneously improve all three aspects. Instead, reforms in each area must be developed with potential effects on the other two areas in mind. Security sector reforms will necessarily impact on economic recovery and governance efforts.

Regardless of the form of the state-building efforts, a stable and secure society is necessary, not only to allow the local population to begin rebuilding lives, but also to allow those external agents of reform to operate effectively.[19] External support and assistance can achieve little without the support of the people. True and lasting reforms must be driven from within states, meaning that the people need to be prepared to, and capable of engaging in the reform process. However, in fragile states, the population is typically overwhelmed just dealing with the stress and anxiety of constant insecurity. From interviews with people coping with such anxiety, security is defined as "stability and continuity of livelihood, predictability of relationships, feeling safe and belonging to a social group."[20]

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[18] Haims and others, *Breaking the Failed State Cycle*, 3.

[19] Plunkett, *Reestablishing the Rule of Law*, 73.

[20] Deepa Narayan and others, *Voices of the Poor: Crying Out for Change* (New York, NY: Oxford University Press for the World Bank, 2000), 151, http://siteresources.worldbank.org/INTPOVERTY/ Resources/335642-1124115102975/1555199-1124115201387/cry.pdf (accessed 17 January 2011).

As this definition indicates, security broadly includes economic, physical, psychological and social aspects. While state-building efforts must address economic, security and governance reforms at the state level, they must also strive to make visible improvements to each of these areas for the individual. Contemporary reform strategies involve the HN population as a critical contributer to mission success and military exit strategies.[21] Only through HN involvement can adequate institution building occur, with assistance from intervenors, to create the conditions necessary for long term recovery. Ultimately, international state-building efforts must culminate in a transition from external to internal leadership. While this transition needs to take place across the economic and governance domains, the security domaine "is the foundation upon which progress in other areas rests."[22]

Security Sector Reform

Before any discussion of SSR can proceed, it is necessary to address variations of nomenclature. SSR is frequently defined as "the set of policies, plans, programs and activities that are undertaken by a series of stakeholders to improve the way a state or governing body provides safety, security, and justice to its civilian population within the

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[21] Sarah Meharg and Aleisha Arnusch, *Security Sector Reform: A Case Study Approach to Transition and Capacity Building*, ed. Susan Merrill (Carlisle, PA: Strategic Studies Institute, US Army War College, 2010), 2, http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB960.pdf (accessed 17 January 2011).; Mark Sedra, ed., *The Future of Security Sector Reform* (Waterloo, ON: Centre for International Governance Innovation, 2010), 17, http://www.ssrresourcecentre.org/ebook/ (accessed 13 January 2010).; Peter Albrecht, Finn Stepputat and Louise Anderson, "Security Sector Reform, the European Way," in *The Future of Security Sector Reform*, ed. Mark Sedra (Waterloo, ON: Centre for International Governance Innovation, 2010), 83, http://www.ssrresourcecentre.org/ebook/ (accessed 13 January 2011).

[22] Castillo, *Rebuilding War-Torn States: The Challenge of Post-Conflict Economic Reconstruction*, 16.

context of the rule of law."[23] While SSR is the most commonly used term to address broad reaching efforts to improve security, Security System Reform is sometimes used interchangeably. The term Security System Reform seeks to acknowledge inter-connectedness of the many actors, both positive and negative, that impact state security by promoting a systems-based understanding.[24] For the purposes of this paper, the term Security Sector Reform is used in accordance with Canadian military doctrine.[25]

SSR refers to those state-building efforts directed primarily at state security. Therefore the definition of 'security sector' is important in understanding the scope of SSR activities. As SSR found its conceptual roots in the United Kingdom's Department for International Development (DFID) in the late 1990's, the resulting definition of the security sector is adopted for this paper:

The security sector includes:

- Bodies authorised to use force (the armed forces, police, and paramilitary units);
- Intelligence and security services;
- Civil management and oversight bodies (the President/Prime Minister, the legislature and legislative committees, national security advisory bodies, statutory civil society organizations, the Ministries of Defence, Interior, Finance and Foreign Affairs);

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[23] Meharg and Arnusch, *Security Sector Reform: A Case Study Approach to Transition and Capacity Building*, 3.

[24] The Organization for Economic Development (OECD) and UK Other Government Departments (OGDs) commonly use the term security system reform. ABCA Capability Group Act Project Team, *Security Sector Reform - the Military Context* (Rosslyn, VA: American, British, Canadian, Australian and New Zealand Armies' Program, 2009), 4.; Meharg and Arnusch, *Security Sector Reform: A Case Study Approach to Transition and Capacity Building*, 4.

[25] Department of National Defence, *B-GJ-005-000/FP-001 Canadian Forces Joint Publication - Canadian Military Doctrine* (Ottawa, ON: DND Canada, 2009), 6-12.; Department of National Defence, *B-GL-300-001/FP-001 Land Operations* (Ottawa, ON: DND Canada, 2008), 3-10.

- Judicial and public security bodies (the judiciary, justice ministries, defence and prosecution services, prisons and corrections services, human rights commissions and customary and traditional justice systems);
- Non-state security bodies (private security companies, political party militias, liberation armies, civil defence forces); and
- Civil society bodies (Non-governmental organizations, advocacy, the media, professional and religious organizations).[26]

Recognizing that in fragile states, the protection of the people can only be achieved through a broad strategy that goes beyond political and military efforts, the United Nations Security Council has stated that "effective and accountable security institutions are essential for sustainable peace and development."[27] In order to achieve the desired end-state of 'effective security,' SSR seeks to implement the Weberian concept of the state monopoly over the use of coercive force. Implicit within this approach is the requirement for not only trained and equipped security forces, but also effective governance: "the effectiveness of the security sector is not just measured by the capacity of the security forces, but how well they are managed, monitored and held accountable."[28]

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[26] United Kingdom, *Security Sector Reform Policy Brief* (London, UK: Department for International Development, 2003), 3, http://webarchive.nationalarchives.gov.uk/+/http://www.dfid.gov.uk/Documents/publications/security-sector-brief.pdf (accessed 21 January 2011).

[27] Panel on United Nations Peace Operations, *Report of the Panel on United Nations Peace Operations* (New York, NY: United Nations Security Council, 2000), 5, http://www.un.org/peace/reports/peace_operations/ (accessed 21 January 2011).; Report of the Secretary-General, *Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform* (New York, NY: United Nations Security Council, 2008), 4, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/216/06/PDF/N0821606.pdf?OpenElement (accessed 17 January 2011).

[28] Sedra, *The Future of Security Sector Reform*, 16.

The focus on governance separates SSR operations from earlier security assistance operations in which intervening forces focussed on training and equipping. Unfortunately, while the importance of the governance aspect of SSR is recognized in theory, the ineffectiveness of intervening states in improving governance in fragile states is often pointed to as the major failing of SSR in practice.[29] Whether states fall back to the train-and-equip approach because that is what military forces know and, arguably, are good at, or whether the early lack of focus on governance issues is a product of a lack of focus on effecting true reform in the face of military combat missions, is still a question for debate.[30] Nonetheless, it is clear that in theory, true SSR can only be accomplished by professionalizing the security sector and building its credibility, both internally within the state and externally within the international community. Improvements to both professionalism and credibility can only be achieved by implementing sound governance systems.

Given the broad spectrum of agencies involved within the security sector, military forces face significant challenges early in the intervention process when civilian expertise is unavailable. While military forces are well-positioned to fully engage in the train-equip-govern roles of SSR as they relate to reforming defence forces, CF elements are less capable of doing so for state police, correctional and judicial services.[31] Herein lies

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[29] Nicole Ball, "The Evolution of the Security Sector Reform Agenda," in *The Future of Security Sector Reform*, ed. Mark Sedra (Waterloo, ON: Centre for International Governance Innovation, 2010), 37, http://www.ssrresourcecentre.org/ebook/ (accessed 13 January 2011).

[30] Sedra, *The Future of Security Sector Reform*, 18.

the fundamental contradiction of SSR: according to the UN, "security sector reform

should begin at the outset of a peace process and should be incorporated into early

recovery and development strategies." However, in fragile states the level of conflict

often means that civilian expertise cannot be brought to bear on those SSR activities for

which military forces are poorly suited.[32] Military forces have no choice to engage in

non-traditional roles until such time as the security situation improves and civilian

expertise is able to become involved in the reform efforts.

The timing and success of the transition from military-led to civilian-led reform

will depend on many factors, not the least of which is the level of security. Once security

becomes more established, civilian experts need to be slowly integrated into military-led

reform efforts. As civilian capacity builds, military forces should be able to withdraw

from those traditionally non-military roles, transferring leadership of reform efforts.[33]

However, this transition must necessarily occur over an extended period of time, leaving

a significant period in which military forces and civilian experts work together closely.

Typically, security improves first in the major government centres as military forces

attempt to bring security to the largest population centres. Civilian actors may therefore

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[31] This capability – need imbalance in SSR activities is recognized in Canadian Joint Doctrine on Stability Operations. Department of National Defence, *B-GJ-005-000/FP-001 Canadian Forces Joint Publication - Canadian Military Doctrine*, 6-12 to 6-13.

[32] Report of the Secretary-General, *Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform*, 13.

[33] Jake Sherman, "The "Global War on Terrorism" and its Implications for US Security Sector Reform Support," in *The Future of Security Sector Reform*, ed. Mark Sedra (Waterloo, ON: Centre for International Governance Innovation, 2010), 67, http://www.ssrresourcecentre.org/ebook/ (accessed 13 January 2011).

be able to engage in security sector governance reforms much earlier than training and mentoring efforts.

As conditions continue to improve, the transition must continue with reform efforts slowly shifting from international intervenors to HN leadership. HN leadership is the critical end-state of SSR. Only through state ownership of its institutional reform can recidivism towards conflict be avoided.[34] With SSR activities spanning the entire security sector, any transition between intervenors and HN will need to be carefully sychronized between the various military and civilian agencies involved. SSR will therefore require close cooperation between military and civilian agencies throughout the process. Perhaps more importantly, strategic and operational planning needs to take into account the transitions from military lead to civilian lead, and ultimately to HN lead, from the outset.

With reforms taking place across the security sector, it is unlikely that transitions will take place simultaneously in the reform efforts focussed on defence, justice systems, border agencies or policing services. Each of these areas need to be managed individually, but not independently. Maintaining a systems view of the security sector is critical in ensuring that all capacities are built and managed in a manner that reinforces the SSR goal of developing effective and accountable security institutions. Given the interconnectedness of the various security sector institutions, like the police, judicial and

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[34] Meharg and Arnusch, *Security Sector Reform: A Case Study Approach to Transition and Capacity Building*, 10.

correctional services, reforms need to proceed in parallel to create real and perceived improvements in the rule of law.

Rule of Law

The importance of establishing the rule of law (ROL) within SSR or state-building processes cannot be overstated. In fact, ROL is of such importance to creating peace that one author has suggested that "where there is a collapsed state, peacekeepers should concentrate on the reestablishment of the ROL before trying to establish a state."[35] Public trust and respect in the rule of law is a necessary pre-condition for an enduring peace in recovering states and underpins meaningful progress in other areas.[36] Much like SSR involves the full range of state security institutions, reforming ROL requires coordinated effort across the justice sector, including police, judicial, and correctional services. The UNSC defines ROL as:

> a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.[37]

Implicit in this definition of ROL is an acceptance of all those actors within the justice system as credible and legitimate at all levels from individuals to the State.

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[35] Plunkett, *Reestablishing the Rule of Law*, 77.

[36] Castillo, *Rebuilding War-Torn States: The Challenge of Post-Conflict Economic Reconstruction*, 16.

[37] Report of the Secretary-General, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies* (New York, NY: United Nations Security Council, 2004), 4, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/395/29/PDF/N0439529.pdf?OpenElement (accessed 13 January 2011).

However, there are a number of factors that operate counter to the ROL in fragile states.

After years of conflict or ineffective government, civilian populations may be reticent to

accept any form of authority as legitimate. Sub-state level ROL systems may have been

implemented by warlords, organized crime groups, insurgent networks or local power

brokers that prey on the weaker members of the population.[38] In other cases, informal

ROL systems may be more benign, such as those based on established tribal structures,

religious authorities or local administrators that have traditionally filled the gap left by

ineffective state institutions. Whether such localized ROL structures act directly against

the State or whether they simply coexist with State-based ROL structures, a duality is

created that must be evaluated and either eradicated in the case of malign influence or

incorporated into national systems.[39]

Despite the challenges, re-establishing ROL is critical to ensuring that "the

population is confident that redress for grievances can be obtained through legitimate

structures for the peaceful settlement of disputes and the fair administration of justice."[40]

Viewing ROL as a priority, the UN has established a framework for ROL reform that

consists of implementing a national constitution, building national legal frameworks,

developing those institutions of justice, governance, security and human rights, ensuring

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[38] Plunkett, *Reestablishing the Rule of Law*, 79.

[39] Report of the Secretary-General, *Strengthening and Coordinating United Nations Rule of Law Activities* (New York, NY: United Nations Security Council, 2010), 16-17, http://www.unrol.org/files/19653_A-65-318%20Second%20Annual%20Report%20of%20the%20 Secretary-General%20on%20strengthening%20and%20coordinating%20United%20Nations% 20rule%20of%20law%20activities.pdf (accessed 17 January 2011).

[40] Report of the Secretary-General, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, 3.

transitional justice and the legal empowerment of civil society.[41] Just as the larger realm of SSR required strategic and operational plans to synchronize efforts across the security sector, the re-establishment of ROL requires early planning and synchronization across the justice sector, including the governance elements.

Theoretical Framework for Police Reform

Within process of re-establishing ROL, police reform plays the important role of establishing an effective, credible and legitimate police force. A visible, trustworthy national policing capability assists in establishing security by protecting the civilian population from insurgent or criminal influences, protecting critical infrastructure and providing a safe environment for economic activities.[42] Moreover, studies have shown that the competency of state security forces, including police, plays a significant role in the eventual outcome of counterinsurgency operations.[43] In the context of fragile states, police reform therefore plays a critical role in enabling broader SSR and state-building efforts.

While police reform alone is not sufficient to create an effective justice system within a fragile state, it is the face of such efforts with the HN population. Without an

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[41] Report of the Secretary-General, *Strengthening and Coordinating United Nations Rule of Law Activities*, 10-14.; United Nations Rule of Law Coordination and Resource Group, *Joint Strategic Plan 2009-2011* (New York, NY: United Nations Rule of Law Coordination and Resource Group, 2009), 1-11, http://www.unrol.org/doc.aspx?doc_id=2140 (accessed 17 January 2011).

[42] Haims and others, *Breaking the Failed State Cycle*, 19.

[43] Seth G. Jones, *Counterinsurgency in Afghanistan* (Santa Monica, CA: RAND Corporation, 2008), 16, http://www.rand.org/pubs/monographs/2008/RAND_MG595.pdf (accessed 14 January 2011).

effective police force, the entire justice system would be hidden from the population, fuelling distrust and stymieing reform efforts in other areas. The role of "community policing" is therefore important as it focuses police on local problems and opens lines of communication between police and citizens.[44] However, without simultaneous reforms to the judicial and correctional processes, police reforms will be equally unsuccessful as police will not be able to execute their role. In the absence of a complete justice system, those arrested by the police will quickly return to their corrupt, criminal or even insurgent activities. The re-establishment of ROL within fragile states relies on police reform efforts.

However, even when police reforms are synchronized with reform efforts across other areas of the justice sector, police reform faces several significant challenges. Following the collapse of state government, local populations typically distrust all forms of authority.[45] In areas where local forms of ROL are in force, policing efforts face the challenge of reconciling state law with local traditional law, potentially alienating police from the local community. Distrust of police is often reinforced by general poverty as underpaid police are forced to resort to extortion or other forms of corruption simply to feed their families.[46] If police are not properly equipped to conduct law enforcement duties, they will be ineffective in providing security to the people they serve. Something

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[44] David H. Bayley, "Police Reform as Foreign Policy," *Australian & New Zealand Journal of Criminology* 38, no. 2 (2005), 208, http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=44043278&site=ehost-live (accessed 17 November 2010).

[45] Plunkett, *Reestablishing the Rule of Law*, 79.

[46] Skinner, *Counterinsurgency and State Building: An Assessment of the Role of the Afghan National Police*, 295.

as simple as the ability to patrol at night can severely impact the ability of police to counter criminal or insurgent activities and jeopardize police credibility.[47] Literacy levels within the state also impact the police reform process in a significant way. Illiterate police are unable to effectively carry out many of their functions, and the time necessary to provide literacy training significantly delays the reform process.[48] Overcoming these challenges is possible, but a strategic plan needs to be put into place early in order to maximize the effective contribution of police reforms to SSR and state-building efforts.

In planning police reform operations, three critical areas must be addressed: What reform activities are needed? How should reform activities be undertaken? And who should lead the reform activities? Several organizations have studied the problems of what, how and who in relation to police reform, generating a theoretical base upon which future reform efforts should build. Given the largely western influence in police reform, the focus on what activities are required centres around an assessment of the areas in need of development to meet democratic policing standards. The focus on how to perform police reform centres around debates over partnering, mentoring or training, while the question of who carries out police reform activities primarily centres around the role of military forces or civilian police (CIVPOL) elements.

In determining what police reforms are required, strategic assessments must carefully consider the nature of the state in which police reform is to be carried out.

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[47] Haims and others, *Breaking the Failed State Cycle*, 20.

[48] Skinner, *Counterinsurgency and State Building: An Assessment of the Role of the Afghan National Police*, 297.

Some or all of the key challenges discussed earlier may complicate reform efforts.

Questions regarding state roles for police, be they traditional policing duties or more

constabulary in form, must be addressed early in coordination with HN input in order to

standardize the approach of various donor states.[49] The democratic policing model is

widely, if not universally, accepted as the standard to which police reform efforts

aspire.[50] The key principles of democratic policing are "accountability to law;

safeguarding of human rights … ; external accountability; and giving priority to the

safety needs of individuals rather than government."[51]

Following these democratic policing principles, determining what reforms are

required necessarily begins with the development of strategic vision for the policing

capabilities and capacity of the HN. In order to ensure HN support for police reform, this

vision needs to be developed and communicated by HN authorities with donor states

providing support as necessary. From this strategic vision, a comprehensive policing

plan or strategy must be developed that clearly outlines the priorities of the police reform

process.[52] These priorities should reflect the long-term goals of the reform process, such

as improved governance, organizational structure, or public legitimacy, and not simply

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[49] Frank Harris, *The Role of Capacity-Building in Police Reform* (Pristina, Kosovo: OSCE Mission in Kosovo, Department of Police Education and Development, 2005), 24, http://www.osce.org/kosovo/documents/19774 (accessed 7 November 2010).

[50] Gemma C. Celador, "Police Reform: Peacebuilding through 'Democratic Policing'?" *International Peacekeeping* 12, no. 3 (09, 2005), 364, http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=17132306&site=ehost-live (accessed 17 November 2010).; Harris, *The Role of Capacity-Building in Police Reform*, 9.

[51] Bayley, *Police Reform as Foreign Policy*, 208.

[52] Harris, *The Role of Capacity-Building in Police Reform*, 26.

short-term objectives like increasing the number of police.[53] While the start-state of the police reform process will necessarily vary from mission to mission, the desired end-state should be the establishment of a police force that effectively contributes to HN security, that has public trust and confidence and that the HN is capable of effectively governing without international assistance.[54] The 'what' of police reform must therefore be derived from HN input, address state priorities for reform efforts including governance, structural and legitimacy concerns, and be communicated to those HN and international actors engaged in the reform process.

Once these critical priorities are determined at the strategic level, operational level planning must carefully analyze the mission in order to determine how the intended police reforms should be carried out. Determining the 'how' of police reform operations involves the application of the military operational planning process to the strategic direction provided by the 'what'.[55] This process entails identifying the international resources required to carry out the reform efforts, determining the force generation requirements needed to bring the HN police to capacity, and outlining the employment plan for both international and HN elements. Detailed planning must also take into

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[53] Pierre Aepli and others, *Police Reform* (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2009), 1, http://www.dcaf.ch/Publications/Publication-Detail?lng=en&id=109790 (accessed 17 January 2011).

[54] ABCA Capability Group Act Project Team, *Military Contribution to Capacity Building Analysis and Design*, 2.

[55] The military Operational Planning Process (OPP), as applied by the Canadian Forces, is discussed in detail in Department of National Defence, *B-GL-300-001/FP-001 Land Operations*, Chapter 6.

consideration the transition process that will eventually occur and how police reform efforts will be sustained over the long-term.[56]

This operational plan should identify those objectives, or milestones, necessary to progress the police reform efforts and then deliberately link those objectives to primary tasks.[57] Likely police reform tasks may be helping the HN to better organize personnel, training HN police, assisting HN police in obtaining equipment, rebuilding or building anew police infrastructure and capabilities, and advising or assisting HN police in carrying out their roles.[58] Special care must be taken in determining what form military assistance to HN police should take. Different approaches will be required if the desired effect is capacity-building or fundamental normative change.[59] While the former entails building police capacity and capabilities, the latter addresses issues related to police ethics, governance and human rights.

Assistance to HN police may range from simply providing training teams in support of capacity building activities to outright augmentation by undertaking the policing role on behalf of the HN, as in the case of the UN Formed Police Unit deployed

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[56] ABCA Capability Group Act Project Team, *Structuring Forces to Deliver Host Nation Capacity Building* (Rosslyn, VA: American, British, Canadian, Australian and New Zealand Armies' Program, 2010), 3.

[57] Harris, *The Role of Capacity-Building in Police Reform*, 26-27.

[58] ABCA Capability Group Act Project Team, *Military Contribution to Capacity Building Analysis and Design*, 7-8.

[59] Bayley, *Police Reform as Foreign Policy*, 213.

into Kosovo in 1999.[60] Other approaches may include mentoring, whereby international

advisers use "influence to teach, coach, and advise while working by, with, and through

HN security forces," or partnering, whereby international forces establish lasting

relationships by working jointly in order to take advantage of each other's strengths.[61]

Moreover, assistance to governance reform efforts may take place through liaison at the

Ministerial level in support of legislative change, procurement systems, or financial

reform.[62]

Closely linked to the development of police reform tasks in support of the overall

strategic vision is the question of who should be involved at each level. Key skills such

as policing background, language skills, or training experience may be important in

assigning individuals to key tasks, or as selection criteria. However, at the operational

level, such considerations as cultural biases, religious constraints or the larger security

environment will impact the range of international donors that can provide appropriate

personnel to support the police reform mission.[63] The security environment is

particularly important in the context of fragile post-conflict states as it will determine

what international actors are willing and able to operate within the HN.

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[60] Ann-Marie Orler, "UNPOL: Brief History," *UN Police Magazine* 6 (January, 2011), 14, http://www.un.org/en/peacekeeping/publications/unpolmag/unpolmag_06.pdf (accessed 13 January 2011).

[61] ABCA Capability Group Act Project Team, *Military Contribution to Capacity Building Analysis and Design*, 9.

[62] *Ibid*., 9.

[63] Elizabeth Jean Latham, "Civpol Certification: A Model for Recruitment and Training of Civilian Police Monitors," *World Affairs* 163, no. 4 (Spring, 2001), 193-195, http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=5126821&site=ehost-live (accessed 12 October 2010).

Just as SSR reforms are impacted by the security environment, security during police reform operations typically becomes the driving factor that determines whether CIVPOL elements are available. If CIVPOL are not able to support police reform efforts due to the security situation, military forces will be forced to redirect troops to early police reform tasks. However, this raises a number of concerns regarding the appropriateness of military forces as advisers, mentors and/or partners to HN law enforcement. The distinction between law enforcement and military operations is critical to democratic society.[64] Military forces tasked to train HN police are likely to blur this distinction by inadvertently steering training towards the military functions they know best.[65] In a counter-insurgency environment, military forces may be tempted to use HN police as military reserves. Military forces simply do not have the necessary knowledge or understanding of law enforcement duties to effectively support police reform.

However, in the absence of CIVPOL support as a result of the security environment, military forces are likely to be the only available option. Police reform cannot be ignored until security has improved, as police play a critical role in establishing security. Early military support to police reform is therefore necessary despite the potential negative trade-offs. Military forces dedicated to police reform duties should be given additional training in law enforcement roles in order to minimize the negative

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[64] ABCA Capability Group Act Project Team, *Military Contribution to Capacity Building Analysis and Design*, 11.

[65] Plunkett, *Reestablishing the Rule of Law*, 86.

impacts, and as soon as feasible, police reform should be transitioned from military forces to international CIVPOL elements.[66]

The transition from military lead to CIVPOL lead will be extremely task-dependent. As the security environment improves more rapidly in major centres, CIVPOL may be able to engage at the Ministerial and governance levels early in the reform process, while mentoring of individual police units in rural areas may continue to be conducted by military forces for much longer. Likewise, CIVPOL may become involved in centralized training if appropriate security can be provided to the training centres. The limited capacity to generate CIVPOL elements internationally may also delay this transition in light of the availability of deployable law enforcement expertise in the civilian sector.[67] Given the iterative approach to the transition from military forces to CIVPOL, transitions need to be carefully planned, with established transition criteria. Close working relationships also need to be developed and maintained between military forces and CIVPOL elements at all levels and through all phases.[68]

While the theoretical foundation for police reform efforts may closely reflect military strategic and operational level planning functions, the implementation of these

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[66] Cornelius Friesendorf, *The Military and Law Enforcement in Peace Operations: Lessons from Bosnia-Herzegovina and Kosovo* (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2009), 2-7, http://www.dcaf.ch/Publications/Publication-Detail?lng=en&id=113303 (accessed 17 January 2011).

[67] Report of the Secretary-General, *Progress Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict* (New York, NY: United Nations Security Council, 2010), 13, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/438/27/PDF/N1043827.pdf?OpenElement (accessed 17 January 2011).

[68] ABCA Capability Group Act Project Team, *Host Nation Capacity Building and Closing the Transition Gap*, 11.

processes remains a significant challenge. The complexity of the inter-relationships between police reform, ROL, SSR, and state-building processes necessarily involves international agencies beyond military forces. Gaining consensus within the international community on key issues is critical despite the complexities of dealing with fragile states.

Within police reform operations, the role of military forces needs to be deliberately and carefully controlled. Military forces, although poorly prepared to support police reform, must strive to engage early in order to lay the framework for a successful transition to CIVPOL elements. Following that transition, military forces must be prepared to continue to support, though not lead, police reform efforts until the HN authorities are able to carry out law enforcement functions independent from international support. Military doctrine draws the link between academic theory and military practice in order to codify military support to police reform or broader SSR operations.

Police Reform in Doctrine

While military doctrine extends into nearly every element of military operations, very little attention is given to those non-traditional roles played by the military in the counter-insurgency and SSR operations commonly linked to fragile states. Police reform is clearly one of those non-traditional roles that is of growing importance. However, given the strong correlation between police reform and SSR, some useful military guidance can be found within various doctrine manuals.

Canadian Land Operations Doctrine provides a useful characterization of the spectrum of conflict, relating levels of anticipated violence against different types of generalized military operations. As Figure 2-1 shows, the spectrum of conflict ranges from "Peaceful Interaction" to "General War" with correlated operations ranging from "Peacetime Military Engagement" through "Peace Support," "Limited Intervention," and "Counter-insurgency" to "Major Combat."[69] As operational themes move across this spectrum from peace to war, the scale, frequency and intensity of violence increases.
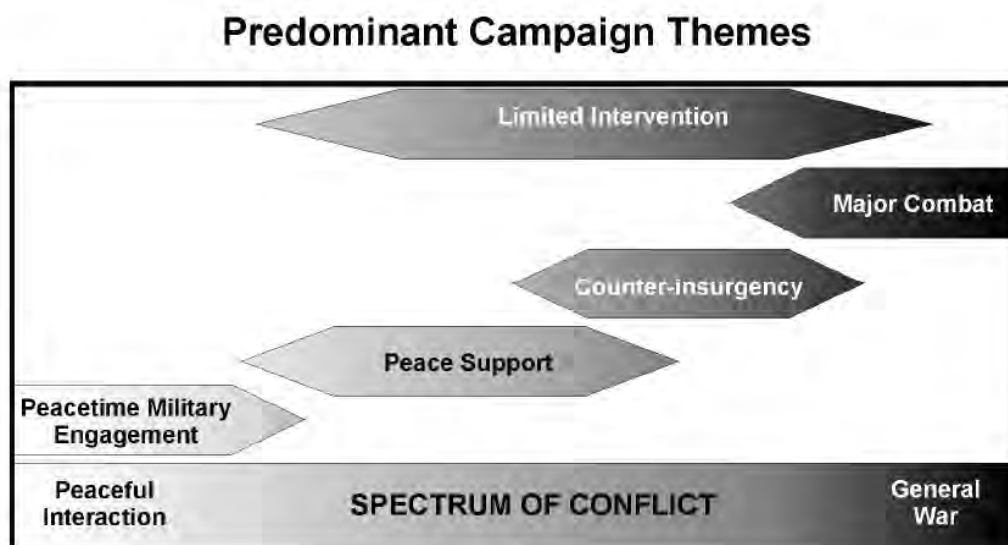
Figure 2-1: Predominant campaign themes are shown in relation to the spectrum of conflict.

The type of military operations required within any given fragile state will necessarily depend on the security situation within that state. Fragile states may simply require military intervention to stabilize HN civil society by reinforcing state government to restore or maintain peace. These operations are typically classified as peacekeeping,

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[69] Department of National Defence, *B-GL-300-001/FP-001 Land Operations*, 3-11.

peace enforcement or peacemaking operations. On-the-other-hand, major combat operations may be necessary to first oust a government supporting international terrorist networks. Active insurgencies require military forces to pursue dedicated counter-insurgency strategies. Stability operations, including SSR, underline offensive and defensive operations throughout this spectrum of conflict, as shown in Figure 2-2. Canadian military doctrine describes the need for forces to conduct all three forms of operations simultaneously as full-spectrum operations.[70]
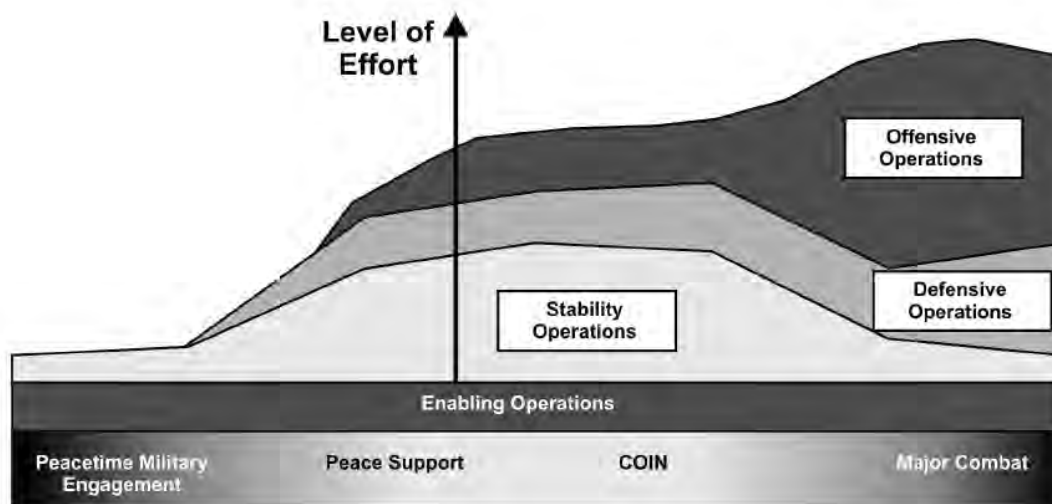
Figure 2-2: The relative military effort dedicated to stability operations is illustrated across the spectrum of conflict.

Military stability operations are defined in Canadian doctrine as "defence, development, and reconstruction activities provided by armed forces to maintain, restore, or establish a climate of order."[71] While this same doctrine addresses SSR, it identifies

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[70] *Ibid.*, 3-19 to 3-20.

the primary role of military forces as reforming HN military capabilities and relegates other ROL reform efforts to whole of government partners. With respect to civilian infrastructure, governance and, specifically police training, Canadian Joint Doctrine acknowledges the military requirement to carry out such reforms in the absence of civilian partners, or to support those partners in the conduct of their duties.[72] This requirement is also echoed in Canadian Counter-Insurgency Operations doctrine.[73] Canadian Forces Land Operations doctrine expands on the need for cooperation and coordination between military forces and non-military agencies in the course of stability operations. With respect to support to police reform, this doctrine specifies that:

> Military police will assist with local control and security duties, and will assist in the training and mentoring of indigenous security forces, particularly civilian police and military police. Ideally, the training of civilian constabularies can be passed to other agencies specifically qualified for such roles.[74]

With regard to the transition of the traditionally non-military roles to other agencies, Canadian military doctrine mirrors academic theory in encouraging the transition to take place as security improves and levels of violence decrease. As conditions improve and either international or HN elements become capable of

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[71] Department of National Defence, *B-GJ-005-000/FP-001 Canadian Forces Joint Publication - Canadian Military Doctrine*, 6-12.

[72] *Ibid.*, 6-13.

[73] Department of National Defence, *B-GL-323-004/FP-003 Counter-Insurgency Operations* (Ottawa, ON: DND Canada, 2008), 6-24.

[74] Department of National Defence, *B-GL-300-001/FP-001 Land Operations*, 7-104.

supporting reform processes, "military involvement and support should decrease," as reflected in Figure 2-3.[75]
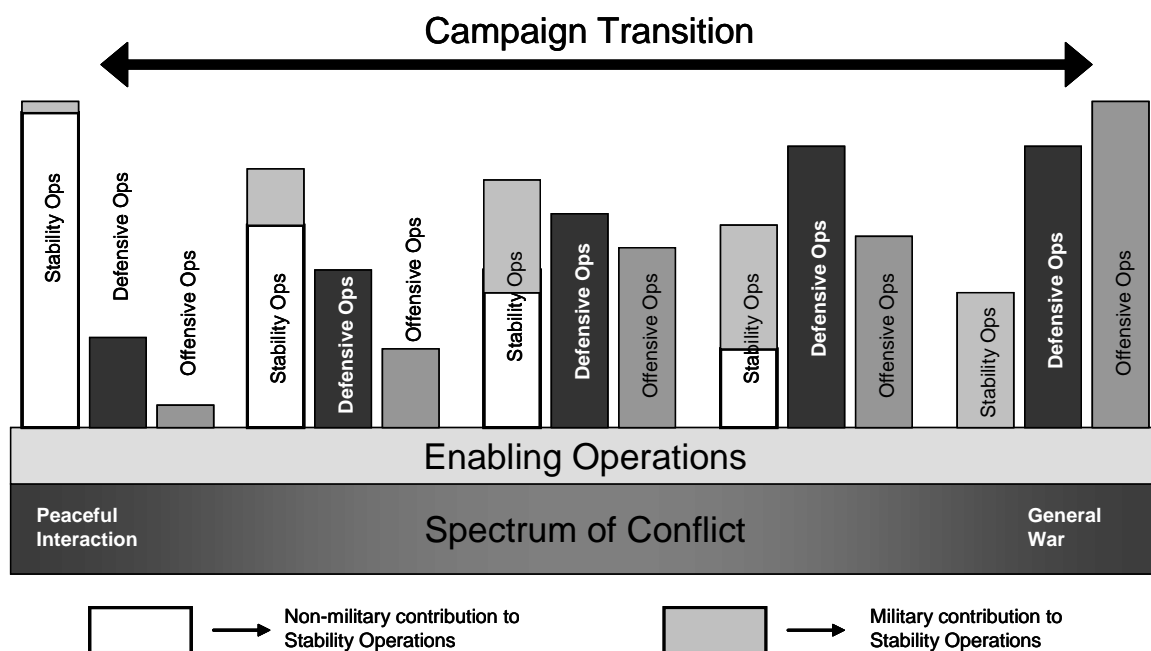
Figure 2-3: The relative contribution to stability operations of military and non-military agencies is shown at various stages in the spectrum of conflict.

United States military doctrine addresses issues surrounding ROL reform more directly, however the end result is essentially the same as the Canadian approach. The need for military forces to assume non-traditional roles, including police reform, until such time as other agencies are prepared to take on those tasks is stressed in both Army and Joint doctrine.[76] However, the Joint doctrine goes further by identifying the need for staff advisors specializing in transnational crime and criminology to support military

[75] *Ibid.*, 7-107.

[76] United States, Department of Defense, *Peace Ops: Multi-Service Tactics, Techniques, and Procedures for Conducting Peace Operations* (Washington, DC: US Government Printing Office, 2003), VI-8.; United States, Department of the Army, *FM 3-07 Stability Operations* (Washington, DC: US Government Printing Office, 2008), 3-6.

planning.[77] Despite a prohibition on the US military training HN civilian police, an

exception to the US Foreign Assistance Act of 1961 allows US military police to assist,

train or complement HN police in the conduct of their duties until other agencies are able

to undertake those roles.[78]

US doctrine also recognizes the primary role of HN police in counter-insurgency

operations. The unique role played by police in building human intelligence networks

through the basic tenants of community policing can not be replicated by intervening

military forces. US doctrine assigns a critical role to HN police capacity building

through community policing initiatives.[79] Reinforcing this community policing approach

also serves to develop HN government legitimacy and credibility amongst the local

population, thereby contributing to the greater reform efforts.

Military doctrine is therefore well-aligned with SSR and ROL reform processes,

even if there is little that applies directly to police reform operations. The limited

doctrinal guidance relating to the employment of military police in police reform roles

remains consistent with the larger themes relating to the employment of military forces in

non-traditional roles. Military police may engage in directly police reform tasks until

such time as either CIVPOL or HN policing elements are able to take over those duties.

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[77] United States, Department of Defense, *Peace Ops: Multi-Service Tactics, Techniques, and Procedures for Conducting Peace Operations*, VI-9.

[78] *Ibid.*, VI-10.

[79] Dennis E. Keller, *US Military Forces and Police Assistance in Stability Operations: The Least-Worst Option to Fill the US Capacity Gap* (Carlisle, PA: US Army War College, 2010), 2, http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB1013.pdf (accessed 29 January 2011).

In theory, this division of responsibility for police reform between military forces and civilian agencies appears logical and straight-forward. However, as discovered in Chapter 3, the practice of police reform is far less clear than the theory. Relationships between military forces and civilian agencies are difficult to cultivate and manage, while the capacity of civilian agencies to field CIVPOL officers in sufficient numbers and to operate in areas of questionable security is extremely limited. The practical challenges are far greater than theory reveals.

Chapter 3 – Police Reform in Practice

As explored in chapter 2, police reform processes are inextricably linked to the greater efforts of ROL reform, SSR, and state-building. In theory, each of these systems interact such that successful reforms can only be achieved through a coordinated, comprehensive approach. However, in practice, the necessary coordination across the multiple agencies involved in reform efforts is difficult to develop and maintain, even in relatively stable recovering states. In the context of fragile post-conflict states, the involvement of military forces in non-traditional roles further complicates reform efforts. Operations that mix international civilian police with military forces have become the norm in such post-conflict police reform operations.

Although civilian police deployed in support of UN Peacekeeping missions as early as 1960, those early missions primarily involved monitoring the national police in their duties. The UN operation in Congo-Kinshasa (1960), West Papua (1962-1963) and Cyprus (1964 onward) are three examples of such early CIVPOL missions.[80] Throughout the 1980's, UN CIVPOL missions continued to focus on monitoring efforts, only taking a more active role in police training and mentoring operations in the mid-1990's with the UN missions in Haiti (1995-2000) and Bosnia and Herzegovina (BH) (1995-2002).[81]

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[80] William J. Durch, "United Nations Police Evolution, Present Capacity and Future Tasks" (Tokyo, Japan, GRIPS Policy Research Center, 27-28 January 2010), 2, http://www3.grips.ac.jp/~pinc/data/10-03.pdf (accessed 14 January 2011).

[81] For the purposes of this paper, either Bosnia or the abbreviation BH will be used to represent the country, while the two entities within Bosnia will be abbreviated as FBiH for the Federation of Bosnia and Herzegovina and RS for the Republika Srpska.

The UN mission in Haiti (UNMIH) that began in March 1995 saw both military forces and CIVPOL deployed with the primary task of building the Haitian National Police. Prior to 1994, policing in Haiti had been a function of the military and served "mainly to protect the government and not the public."[82] Despite the lack of any form of civil war preceding the UNMIH, even the coordinated military and CIVPOL efforts failed to democratize the Haitian National Police. Instead, the police capacity building efforts suffered from dwindling international support and a "lack of adequate supporting legal framework, functioning courts, or adequate prisons."[83] Ultimately, the UN efforts to reform the Haitian National Police failed to coordinate reforms throughout the broader spectrum of agencies critical to establishing effective ROL.

In comparison to the UNMIH, the UN Mission in Bosnia-Herzegovina (UNMIBH) deployment of 60,000 military personnel under the title of Implementation Force (IFOR) and of a separate 1,800-member CIVPOL mission under the title of International Police Task Force (IPTF) posed a much larger challenge. Not only was BH truly a fragile post-conflict state, but human rights abuses by Bosnian police were commonplace.[84] As a result, the mandate of the CIVPOL mission in Bosnia eventually evolved from advise-monitor-observe, to train and mentor, to police structural and

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[82] Robert C. Davis, Nicole J. Henderson and Cybele Merrick, "Community Policing: Variations on the Western Model in the Developing World," *Police Practice and Research* 4, no. 3 (2003), 293, http://web.ebscohost.com/ehost/pdfviewer/pdfviewer?hid=105&sid=b467c903-6923-4f25-b897-e0ac35d0a68e%40sessionmgr104&vid=4 (accessed 1 March 2011).

[83] Durch, *United Nations Police Evolution, Present Capacity and Future Tasks*, 5-6.

[84] *Ibid.*, 6-7.

governance reform.[85] The UNMIBH therefore represents an important case study of international police reform in fragile states because it was the first mission to extend beyond the traditional peacekeeping role into comprehensive peace-building operations.[86] As Jacques Paul Klein, Special Representative of the Secretary-General, told the UNSC in 2001, "UNMIBH is robustly undertaking one of the largest police reform and restructuring missions in history."[87]

However, in comparison to the scope of the reform efforts being undertaken in Bosnia, those to follow in Afghanistan and Iraq represented an entirely different scale. In both of these states, broad state-building efforts were undertaken to rebuild state institutions that had been decimated by conflict, including the police. Facing on-going insurgencies and divided societies without any negotiated peace agreement, police reform operations also had to be conducted in an environment substantially less secure than Bosnia. However, in comparison, Afghanistan represented the larger undertaking:

> [a]fter 23 years of war … the police was in a dismal state. There was no functioning police infrastructure and organizational structure. No regular pay scheme was in place; police officers were insufficiently equipped and policing resources were being stretched by a plethora of non-police tasks. The country lacked a whole generation of qualified police officers.[88]

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[85] Florian Bieber, "Policing the Peace After Yugoslavia: Police Reform between External Imposition and Domestic Reform" (Tokyo, Japan, GRIPS Policy Research Center, 27-28 January 2010), 8-9, http://www3.grips.ac.jp/~pinc/data/10-07.pdf (accessed 7 November 2010).

[86] Dominique Wisler, "The International Civilian Police Mission in Bosnia and Herzegovina: From Democratization to Nation-Building," *Police Practice & Research* 8, no. 3 (07, 2007), 254, http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=25915756&site=ehost-live (accessed 7 November 2010).

[87] Jacques Paul Klein, *Security Council Briefing* (New York, NY: United Nations Security Council, 21 September 2001), http://www.undemocracy.com/securitycouncil/meeting_4379 (accessed 6 February 2011).

As a result, the scale of the international investment of money and personnel into Afghan police reform created challenges not faced in Bosnia. The large scale military involvement in police reform is but one example of these challenges.

Military involvement in police reform is particularly troublesome given the differing natures of the roles of soldiers and cops:

> whereas police officers are trained to be flexible on an individual level and adjust their attitudes to the prevailing situation on the streets (including escalating and de-escalating the use of force as needed), the military tends to be less flexible.[89]

Given these fundamental differences between the roles of police and military forces in a democratic environment, the initial assignment of forces to police reform and subsequent transitions between military forces, CIVPOL and HN agencies become critical issues.

This chapter therefore explores the practical challenges of conducting police reform within fragile states through an examination of two key case studies: the experiences of the international community in Bosnia and Herzegovina following the 1991 crisis in the former Yugoslavia, and those in the Islamic Republic of Afghanistan (hereafter referred to as Afghanistan) following the military operations that ousted the Taliban government in 2001.[90]

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[88] The German Federal foreign office, as quoted in Skinner, *Counterinsurgency and State Building: An Assessment of the Role of the Afghan National Police*, 292-293.

[89] Robert B. Oakley, Michael J. Dziedzic and Eliot M. Goldberg, eds., *Policing the New World Disorder: Peace Operations and Public Security* (Washington, DC: National Defense University, 1998), 12, http://carnegie.org/fileadmin/Media/Publications/PDF/Policing%20the%20New%20World%20 Disorder.pdf (accessed 30 January 2011).

In both of these cases, the international community committed military forces and civilian police to support missions aimed at creating stable, secure states following a period of significant conflict. Both states fall within the definition of a fragile state and both were emerging from periods of intense conflict involving divided societies.[91] Both states are also strategically significant in that they are located on regional boundaries: BH on the outer boundary of the European community and Afghanistan between the Middle East and Central Asia.[92]

However, these two states have very different histories that led them to conflict. As a result, the magnitude of the collapse within each state is different. The 2010 Failed State Index ranks Bosnia as the 60th most vulnerable state and describes it as "in danger", even after years of reform efforts, whereas Afghanistan ranks 6th and is described as "critical."[93] Significant differences are therefore apparent in the approach taken to police reform in each of these states. This chapter explores the differences, similarities, successes and failures of the police reform efforts in these states in order to identify key lessons learned that should inform planning for future missions.

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[90] Alan J. Kuperman, "Power-Sharing Or Partition? History's Lessons for Keeping the Peace in Bosnia," in *Bosnian Security After Dayton*, ed. Michael A. Innes (New York, NY: Routledge, 2006), 23.; Mark Sedra, "Security Sector Reform in Afghanistan: The Slide Towards Expediency," in *Security Sector Reconstruction and Reform in Peace Support Operations*, eds. Michael Brzoska and David Law (New York, NY: Routledge, 2007), 83.

[91] Paula M. Pickering, "Explaining Support for Non-Nationalist Parties in Post-Conflict Societies in the Balkans," *Europe-Asia Studies* 61, no. 4 (06, 2009), 566-567, http://search.ebscohost.com/login.aspx?direct=true&db=bth&AN=39656622&site=ehost-live (accessed 7 February 2011).

[92] Alice Hills, *Policing Post-Conflict Cities* (New York, NY: Zed Books, 2009), 120.

[93] Foreign Policy, "The Failed States Index 2010," Washington Post Company, http://www.foreignpolicy.com/articles/2010/06/21/2010_failed_states_index_interactive_map_and_rankings (accessed 10 February, 2011).

Case Study #1 – Bosnia and Herzegovina

The approach to police reform undertaken by the UN in Bosnia and Herzegovina following the 1995 Dayton Peace Accord (DPA) is important in that from the outset, the police reform mission and the military security mission were, by design, segregated.[94] This case study draws lessons learned out of the BH police reform experience. A brief examination of key elements of the conflict in the Balkans contextualizes Bosnian police reform and sets the stage for understanding the challenges of the mission. Next, the organization of the international commitment to police reform is examined, along with the approach taken to specific areas of reform. Reforms to the training of BH police, to the cantonal structure of the FBiH police, and to police governance throughout the state are examined. Finally, the levels of cooperation between the various agencies engaged in the police reform efforts are examined to illustrate failures in the comprehensive approach.

Summary of the Bosnian Conflict

While an in-depth analysis of the collapse of the Former Yugoslavia and the subsequent conflict that occurred within BH is outside the scope of this study, it is necessary to examine some elements of this history that are particularly relevant to the

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[94] United States Department of State, *Dayton Peace Accord* (Dayton, OH: United States Department of State, 1995), Annex XI, http://www1.umn.edu/humanrts/icty/dayton/daytonaccord.html (accessed 30 January 2011).

context of Bosnian police reform.[95] The nature of Bosnia's divided society is relevant to

police reform in that it created serious tensions between the three ethnic groups: the

Bosniaks, Croats and Serbs. The ethnic tensions that divided all aspects of BH society,

including the police, exploded into crimes against humanity during the conflict, creating

major obstacles to instituting a fair and impartial police force within the country. The

role of the state security police, both prior to and during the conflict, is also important

because it represents the ethical and moral climate of Bosnian policing. Under

communist rule, the state police served a very different function than the one envisioned

under a democratic policing model. Likewise, the widespread influence of organized

crime and rampant corruption within Bosnian public and private institutions illustrates

the magnitude of the collapse of ROL within the state. Combined, these factors created

the environment with which early police reform efforts were forced to contend.

With the succession of BH from the Former Yugoslavia, Bosnia inherited three

national communities divided along ethnic lines. Before the Bosnian conflict, these three

communities shared common territory while developing in relative religious isolation.

While the Bosniak culture developed from Turkish Islam, the Orthodox Serbian tradition

developed out of Byzantine traditions, and Croat Catholics were largely influenced by

Western Christianity.[96] Under Yugoslavia's ruler, Marshal Josip Broz 'Tito', peace and

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[95] A detailed analysis of how the succession of Slovenia and Croatia from Yugoslavia influenced
the later armed succession of Bosnia and led to inter-ethnic violence can be found in Alan Kuperman's
2008 study of the humanitarian intervention in the Balkans. Alan J. Kuperman, "The Moral Hazard of
Humanitarian Intervention: Lessons from the Balkans," *International Studies Quarterly* 52 (2008), 56-64,
http://www.ukrainianstudies.uottawa.ca/pdf/Kuperman%202008.pdf (accessed 7 February 2011).

[96] Roberto Belloni, *State Building and International Intervention in Bosnia* (New York, NY:
Routledge, 2007), 18.

harmony between the various ethnic groups was enforced even while national identities were reinforced within the structure of the state.[97] Throughout the republics of the Former Yugoslavia, a mix of the three ethnic groups co-existed with the majority population predominantly holding power.[98]

In Bosnia, where the Bosniak Muslim population held a small majority, ethnic tension grew stronger as the ethnic balance shifted in favour of the Bosniaks prior to the collapse of the Former Yugoslavia. With ethnic diversity throughout BH, the challenge of partitioning predominant ethnic portions of territory was much more controversial than it had been in neighbouring Slovenia, and Croatia where substantial fighting still occurred. While Croats and Bosniaks found common ground to form a majority voice in BH, the Serbian population, feeling threatened by segregation from their seat of power in Serbia, "declared in 1991 that they would not peacefully accept Bosnia's secession from Yugoslavia unless it were first divided into autonomous ethnic cantons."[99] When the international community failed to support Serbian demands, a campaign of ethnic cleansing began and violence took root in Bosnia's ethnic divide.

The ethnic divisions within BH permeated all levels of government, including the police forces. Following the 1992 to 1995 conflict, ethnic alignments were commonplace with 13 different police forces representing the various levels of Bosnian government and

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[97] Oakley, Dziedzic and Goldberg, *Policing the New World Disorder: Peace Operations and Public Security*, 135.

[98] Belloni, *State Building and International Intervention in Bosnia*, 19-20.

[99] Kuperman, *Power-Sharing Or Partition? History's Lessons for Keeping the Peace in Bosnia*, 23.

a combined total of over 32,000 police.[100] Police involvement in human rights abuses,

including the use of violence against ethnic minorities and the detention of civilians

without lawful authority, were documented throughout BH.[101] As a result, societal

divisions within BH extended deeply into the police reform process, both through

structural divisions within the various state police forces and through underlying biases

that prevented police from treating minorities groups impartially. These biases, which

amount to an affront to the norms of democratic policing, derived not only from the

divided society, however. The communist history of BH also contributed to the ethical

and moral challenges facing police reform.

Throughout communist countries, the role of police differs from the democratic

policing model. Whereas the democratic policing model charges police with enforcing

publicly announced laws equally, balancing the rights of the individual and the state,

policing under communist rule involves maintaining the authority of the party and the

state through fear.[102] Yugoslavia's history of communist rule under Tito figures

prominently in understanding Bosnian police reform. Decades of dictatorial rule,

ruthlessly enforced by government secret police, created a society that feared police as an

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[100] Heinz Vetschera and Matthieu Damian, "Security Sector Reform in Bosnia and Herzegovina: The Role of the International Community," *International Peacekeeping* 13, no. 1 (03, 2006), 35-36, http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=19374213&site=ehost-live (accessed 15 October 2010).

[101] Celador, *Police Reform: Peacebuilding through 'Democratic Policing'?*, 365.

[102] Niels A. Uildriks and P. van Reesen, *Policing Post-Communist Societies: Police-Public Violence, Democratic Policing and Human Rights* (New York, NY: Intersentia, 2003), 1, http://books.google.ca/books?id=hGkVCwgSNg8C&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false (accessed 5 February 2011).

arm of power rather than viewed police as unbiased arbitrators of justice.[103] The

"repressive control" of secret police common throughout communist countries created

societal distrust of police as agents of the state.[104]

With such widespread distrust already surrounding state institutions, the violence

that followed the succession of Slovenia and Croatia from Yugoslavia in 1991 aggravated

the already volatile situation.[105] Ethnically divided police throughout BH protected their

own kind, be they Serb, Bosniak or Croat, even as war crimes were committed.[106] The

complicity police units in these crimes against minority groups added to the perception of

the police as an institution to fear.[107] The Serbian police, as an example, is known to

have committed war crimes throughout the war and has been accused in the assassination

of the Serbian Prime Minister, Zoran Djindjić, in March 2003.[108]

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[103] Sebastian van de Vliet, "Addressing Corruption and Organized Crime in the Context of Re-Establishing the Rule of Law," in *Deconstruction the Reconstruction: Human Rights and Rule of Law in Postwar Bosnia and Herzegovina*, ed. Dina Francesca Hayes (Burlington, VT: Ashgate Publishing Company, 2008), 220.

[104] Uildriks and van Reesen, *Policing Post-Communist Societies: Police-Public Violence, Democratic Policing and Human Rights*, 11.

[105] Thomas Mowle, "NATO, the Balkan Crises, and European Security and Defense Policy," in *Bosnian Security After Dayton*, ed. Michael A. Innes (New York, NY: Routledge, 2006), 6.

[106] International Crisis Group, *Policing the Police in Bosnia: A further Reform Agenda* (Sarajevo, BiH: International Crisis Group, 2002), 1, http://www.crisisgroup.org/en/regions/europe/balkans/bosnia-herzegovina/130-policing-the-police-in-bosnia-a-further-reform-agenda.aspx (accessed 28 January 2011).

[107] See for example, the International Criminal Tribunal for the former Yugoslavia trial of Ljubomir Borovcanin, Deputy Commander of the RS Ministry of Internal Affairs Special Police Brigade, for crimes against humanity in relation to the Srebrenica massacre of Bosnian Muslims. International Criminal Tribunal for the former Yugoslavia, *Case Information Sheet: "Srebenica" (IT-05-88) Popvic Et Al.* (The Hague, Netherlands: Communications Service of the International Criminal Tribunal for the former Yugoslavia), 6, http://www.icty.org/x/cases/popovic/cis/en/cis_popovic_al_en.pdf (accessed 30 March 2011).

[108] Bieber, *Policing the Peace After Yugoslavia: Police Reform between External Imposition and Domestic Reform*, 3.

Far from the idyllic image of democratic policing envisioned by the international community, the reality of policing in Bosnia at the time of the DPA remained typical of the communist era. In fact, just following the DPA, "Bosnian police forces continued to be a threat, rather than an asset, to the building of peace" in and of themselves.[109] Any attempts to reform police in BH would have to overcome this moral and ethical barrier to democratic policing norms.

In addition to the challenge of overcoming communist-era policing norms, the rise of organized crime and rampant corruption following Tito's death led to a flourishing illicit economy. Without an identified successor to Tito, "the long process of economic and political dissolution in socialist-era Yugoslavia now quickly devolved into a disorganized, weak society in which organized crime would increasingly thrive."[110] The collapse of Yugoslavia and years of conflict continued to feed this illicit economy, reinforcing the role of organized crime and corruption.[111]

In larger centres like Sarajevo, organized crime networks engaged in trafficking drugs, weapons, pirated goods, vehicles and women. Police enforcement was not only ineffective in combating organized crime, officers often accepted bribes to turn their

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[109] Celador, *Police Reform: Peacebuilding through 'Democratic Policing'?*, 365.

[110] van de Vliet, *Addressing Corruption and Organized Crime in the Context of Re-Establishing the Rule of Law*, 220.

[111] Organized crime can be defined as "a group or network of people which is primarily focused on illegally obtaining profits and in a systematic way committing serious crimes with great societal consequences." *Ibid.*, 210.

backs on crime or became involved themselves.[112] Experienced wartime smugglers

expanded their networks into Europe creating a regional organized crime centre that

crossed not only the policing jurisdictions within BH, but international borders as well.[113]

Even in western democratic societies, enforcement action against trans-national

organized crime is limited in its effectiveness. Within Bosnia, the various local police

forces were incapable of countering organized crime even with international assistance.

By 2001, the World Bank identified the two main forms of corruption in BH as

the application of illegitimate influence by individuals or groups on the formation of

laws, regulations or policies for personal advantage (primarily through bribery, extortion

and nepotism) and the abuse of public or private office to advantage others illegally for a

price.[114] Such corruption reached into senior government positions, as illustrated by Mr

Bicakcic's diversion of funds from charitable institutions to support the Bosniak Muslim

Party of Democratic Action, and into national financial institutions, as illustrated by the

international community's seizure of administrative control over a Bosnian Croat-run

bank. Even humanitarian aid and international reconstruction funds were being "taxed"

by corrupt officials.[115]

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[112] Hills, *Policing Post-Conflict Cities*, 123.

[113] Office of the High Representative and EU Special Representative, *Press Conference: High Representative to Give Police Restructuring Commission its Mandate* (Sarajevo, BiH: OHR International Press Briefings, 2 July 2004), http://www.ohr.int/ohr-dept/rule-of-law-pillar/prc/prc-hr-pc/default.asp?content_id=34173 (accessed 5 February 2011).

[114] World Bank, *Bosnia and Herzegovina: Diagnostic Survey of Corruption* (Washington, DC: World Bank, 2001), http://www1.worldbank.org/publicsector/anticorrupt/Bosnianticorruption.pdf (accessed 5 February 2011).

[115] van de Vliet, *Addressing Corruption and Organized Crime in the Context of Re-Establishing the Rule of Law*, 212-213.

As the underground economy grew during the war, society became largely dependant on illicit means for financial survival, eventually creating an economy dependant on continued violence to attract international aid money.[116] With low average monthly wages and high rates of unemployment but easy regional access to trafficking networks, many Bosnians were forced to turn to illicit activities in order to earn a living.[117] This self-reinforcing illicit economy created substantial financial inertia that acted against all reform efforts. Organized crime and corruption therefore played a significant role in making Bosnian police reform efforts ineffective.

Police Reform in Bosnia and Herzegovina

The story of international police reform in BH is essentially a story of progressive change in mandate from tactical reforms at the street-level, to operational reforms at the level of recruiting and normative training processes to strategic level reforms involving the restructuring of policing agencies throughout the state. As the mandate shifted over the years, it broadened to support better wider ROL, SSR and state-building efforts rather than merely focussing on localized security needs. While the progression was a logical adaptation given the international drive to towards democratic policing, all three levels of reform were required from the outset. However, the international community had neither the capacity nor the commitment to undertake such broad reforms in the early days of UNMIBH. Bosnian police reform can therefore be viewed as three progressive phases:

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[116] *Ibid.*, 215-220.

[117] Hills quotes the average monthly wage as roughly €250 and Bosnian unemployment rates at more than 20%, although no date for these figures is presented. Hills, *Policing Post-Conflict Cities*, 122.

the early UN CIVPOL missions that operated in conjunction with UN Protection Force (UNPROFOR) and IFOR; the reinforced IPTF that operated alongside SFOR; and the European Union Police Mission (EUPM) that took over in 2003.[118]

Although a UN CIVPOL contingent was deployed to all five republics of the former Yugoslavia under UNPROFOR from 1992 to 1995, the early mandate was largely limited to monitoring and reporting on the activities of the local police.[119] The true genesis of BH police reform lays in the DPA and the establishment of the IPTF. With a mandate to observe, monitor, train, advise and assist the two parties to the agreement in carrying out their law enforcement functions, the IPTF initially approached the police reform effort at a very tactical level.[120] During this phase of the reform process, responsibility to enforce the ROL within the state rested solely with the entity police agencies. The IPTF concentrated its efforts at the lowest level on the "substance of police work" being conducted at Bosnia's 13 different police agencies.[121]

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[118] Wisler addresses four phases of police reform, he takes a similar approach in terms of addressing micro, meso and macro reform efforts much as the tactical, operational and strategic levels of reform are suggested here. Wisler, *The International Civilian Police Mission in Bosnia and Herzegovina: From Democratization to Nation-Building*, 257-266.

[119] Duncan Chappell and John Evans, *The Role, Preparation and Performance of Civilian Police in United Nations Peacekeeping Operations* (Schlaining, Austria: Peace Center Burg Schlaining, 1999), 111-113, http://www.icclr.law.ubc.ca/Publications/Reports/Peacekeeping.pdf (accessed 13 January 2011).

[120] United States Department of State, *Dayton Peace Accord*, Annex 11.

[121] The DPA led to the division of Bosnia into two autonomous entities, the Federation of Bosnia and Herzegovina and the Republika Srpska. Republika Srpska maintained one centralized police force while the Federation was sub-divided into 10 cantons with independent policing bodies. The town of Brcko also became an autonomous district in 1999. Vetschera and Damian, *Security Sector Reform in Bosnia and Herzegovina: The Role of the International Community*, 22.; Timothy Donais, "The Limits of Post-Conflict Police Reform," in *Bosnian Security After Dayton* (New York, NY: Routledge, 2006), 187.

Throughout this phase, minimal cooperation and coordination occurred between the military and CIVPOL missions. The DPA, by intentional design, separated the function of the IPTF from that of IFOR by ensuring that, not only did the police and military mandates not overlap, they were not even mutually supporting.[122] As a result, despite IFOR's more robust military mandate, the international peacekeeping forces did not get involved in any policing roles and only reluctantly engaged in the process of apprehending suspected war criminals.[123] Without support from IFOR, the unarmed IPTF lacked any substantive ability to address public security during major events. The evacuation of Serbian civilians from Sarajevo to the Republic of Srpska (RS) by Serb police in February – March 1996, wherein buildings were gutted and burned, is one such example.[124] The 60,000-strong IFOR clearly had the capability to assist the IPTF in ensuring the ROL in Sarajevo, but the lack of integration between the military and police missions resulted in the failure of the international community to intervene.

With changing international opinion and the conclusion of the IFOR mission, new SFOR and IPTF mandates opened the door to more cooperation and more reaching police reforms. This second phase of the police reform process, therefore, roughly corresponds to the start of the SFOR mission in December, 1996. At this time, UN Resolution 1088 "reinforced the mandate of the IPTF with a significant task to

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[122] Wisler, *The International Civilian Police Mission in Bosnia and Herzegovina: From Democratization to Nation-Building*, 258.

[123] Bieber, *Policing the Peace After Yugoslavia: Police Reform between External Imposition and Domestic Reform*, 9.; Friesendorf, *The Military and Law Enforcement in Peace Operations: Lessons from Bosnia-Herzegovina and Kosovo*, 35.

[124] Durch, *United Nations Police Evolution, Present Capacity and Future Tasks*, 7.

investigate or assist investigation on human rights abuses committed by local law enforcement personnel."[125] These mandate changes therefore permitted the international community to engage in higher level police reform efforts.

The Bonn-Petersberg agreement, signed by the FBiH in 1996, and a similar agreement signed by the RS in 1998, gave the IPTF authority to screen and de-certify Bosnia police officers that had been complicit in war crimes, or that otherwise abused their authority.[126] Although used only sparingly at first, this power eventually became a strong normative tool for disciplining local police. Further tools were also implemented in order to progress the post-communist democratization of policing within both entities. The adoption of a single uniform, a code of conduct and academy level training in democratic police practices aimed to build public trust in the entity police agencies. Force reductions were also imposed to balance the numbers of police officers against census data.[127]

However, despite these efforts to move the post-communist police culture towards democratic policing norms, these operational level police reforms failed to address fully the fundamental challenge of policing within a divided society. The individual police forces remained highly politicized and aligned with the majority ethnicity within its entity or canton. Both FBiH and RS agreed to support the development of multi-ethnic policing

[125] Wisler, *The International Civilian Police Mission in Bosnia and Herzegovina: From Democratization to Nation-Building*, 259.

[126] Donais, *The Limits of Post-Conflict Police Reform*, 177.

[127] Wisler, *The International Civilian Police Mission in Bosnia and Herzegovina: From Democratization to Nation-Building*, 259.

to pre-war ethnic demographic levels (28% and 20% minority officers respectively), however the IPTF was unable to implement such a program effectively. By 2006, minorities still represented less than 10% of the police within BH.[128]

Another major flaw in the operational level police reforms is evident in the degree of coordination between the various involved agencies. While the IPTF was the UN's appointed lead agency for police reform, and coordination on public security and safety issues had improved with SFOR, the coordination between the IPTF and other international governmental and non-governmental organizations remained problematic. Examples of duplication of effort abound, such as the training of local police in riot and crowd control by the IPTF and SFOR without knowledge of similar training already paid for and delivered by France and Germany. Even UNMIBH seemed unable to coordinate its activities with the UN High Commissioner for Human Rights while negotiating regional protocols on human trafficking.[129]

Operational level police reform efforts undertaken in parallel with the military SFOR mission between 1997 and 2002 saw broader success than the earlier tactical level reform efforts. Progress was made in democratizing policing within BH through officer screening, organized training and the introduction of policing standards. The increased level of cooperation between the military and CIVPOL missions also served to enhance safety and security throughout the country, improving the application of the ROL in the

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[128] Donais, *The Limits of Post-Conflict Police Reform*, 178-179.

[129] International Crisis Group, *Policing the Police in Bosnia: A Further Reform Agenda*, 7.

process. By 2002, as the UN mission came to a close, measurable effects of these

operational reform efforts could be seen in relatively low crime rates, the improving

perception of security, and the increasing numbers of refugees returning to their

homes.[130] However, the IPTF failed to make significant structural reforms. Strategic

level structural reforms would be required to address the policing challenges posed by

Bosnia's divided society.

The transition of the overall state-building efforts from the UN to the European

Union in 2003 once again opened the door to adjusting mandates in order to better

facilitate reform efforts. The European community approached police reform as a

national agenda, focussing on strategic issues like developing a sustainable national

policing structure.[131] The EUPM arrived in BH with an exit strategy in mind. Despite a

reduction in numbers from those of the IPTF, the EUPM targeted key support functions,

such as policy-planning, budgeting and human resources, by placing expert mentors

alongside Bosnian police managers.[132]

Financial viability was one of the first indicators that drove the EUPM toward the

need for large scale structural reform within Bosnian policing. Identifying that salaries

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[130] Low crime rates were measured in relation other states in the region and excluded the activities of organized crime groups. Wisler, *The International Civilian Police Mission in Bosnia and Herzegovina: From Democratization to Nation-Building*, 261-262.

[131] Gemma C. Celador, "Becoming 'European' through Police Reform: A Successful Strategy in Bosnia and Herzegovina?" *Crime, Law & Social Change* 51, no. 2 (03, 2009), 234, http://search.ebscohost. com/login.aspx?direct=true&db=sih&AN=36101085&site=ehost-live (accessed 9 November 2010).

[132] Wisler, *The International Civilian Police Mission in Bosnia and Herzegovina: From Democratization to Nation-Building*, 262.

alone consumed over 80% of the overall police budget, the EUPM looked towards

restructuring as a means to reallocate funds to police infrastructure and technology.

Studying the problem further, the EUPM determined that in many areas police to

population ratios were roughly 1:150, far higher than the UN's recommended 1:450. The

EUPM concluded that the excess number of police officers was related to on-going

political patronage that encouraged competition rather than effective cooperation.

Needless duplication of effort between cantons was commonplace, placing undue strain

on the policing budgets.[133]

In part to address this financial need and in part to address continued political

patronage within the police, a Police Restructuring Commission was created in July,

2004.[134] Focussed on efficiency, sustainability, multiculturalism and accountability as

key principles, this Commission recommended that all police within BH be placed under

a single state umbrella, with centralized support services and core capabilities at the state

level and regional police forces supervised by regional authorities. Moreover, the

regional authorities were specifically delineated such that municipalities were formed that

"cut across the borders of former entities and cantons."[135] Despite delays in gaining the

approval of the RS, the proposal was adopted on 5 October 2005 with the State Border

Service and the State Investigative Protection Agency maintaining state-wide

jurisdictions and the intended number of active duty officers being cut from 16,800 to

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[133] *Ibid.*, 264-265.

[134] Donais, *The Limits of Post-Conflict Police Reform*, 182.

[135] Wisler, *The International Civilian Police Mission in Bosnia and Herzegovina: From Democratization to Nation-Building*, 265.

13,300 over two years. The state level also retained all budgetary and legal issues related to policing in order to ensure standardization across all agencies.[136]

While these state-wide structural reforms did not end Bosnian police reform, by 2007 BH institutions started to take ownership of their own reform efforts. The effectiveness of the EUPM structural reforms within Bosnia's divided society remain open to debate, however any signs of locally driven reforms are a major step towards independence from the international community.[137] Ultimately, further improvements to policing and ROL must be developed by the citizens of the state represented and served by those institutions. Nonetheless, the international military and civilian police contributions made significant changes to police reform in BH over a period of more than a decade. It is from these experiences that future best practices must be developed.

Lessons Learned from Bosnian Police Reform

In light of this extended international state-building effort in Bosnia and Herzegovina, the practical challenges of police reform can be better understood.[138] Only by examining the successes and failures of the international community can lessons be

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[136] Vetschera and Damian, *Security Sector Reform in Bosnia and Herzegovina: The Role of the International Community*, 23.

[137] See, for example, Collantes Celador for an opposing view on the effectiveness of the EUPM mission. Celador, *Becoming 'European' through Police Reform: A Successful Strategy in Bosnia and Herzegovina?*, 240-241.

[138] In a comparative study of external assistance to nation-building efforts spanning conflicts from the Second World War to Afghanistan, Bosnia is reported as having received the highest levels of funding per capita. James Dobbins and others, *America's Role in Nation-Building: From Germany to Iraq* (Santa Monica, CA: RAND Corporation, 2003), xviii, http://www.rand.org/pubs/monograph_reports/MR1753.html (accessed 30 March 2011).

learned to inform future operations in fragile post-conflict states. The experiences of the IPTF and EUPM are therefore important to consider.

The importance of comprehensive and coordinated reform efforts, as indicated by police reform theory, is clearly illustrated by the successive movement of the police reform mandate from tactical level issues to operational and strategic level issues. Police reform efforts need to extend beyond the traditional peacekeeping roles of monitor and train to the institution-building roles of supporting normative changes (the importance of community policing for example), improvement of governance processes and oversight of major structural change. Truly sustainable police reform must therefore be conducted at all three levels simultaneously and in a coordinated fashion in order to fully contribute to the overall state-building missions.[139]

Direct interaction and cooperation between the military and CIVPOL components of the international mission is therefore critical from the outset. The intrinsic connection between police and overall security implies that the military mission to provide safety and security is necessarily linked to the police reform mission.[140] Attempts to segregate the two, as occurred with the IPTF and IFOR, jeopardizes the police reform mission. Early coordination is all the more important as:

> [t]he delay in building up missions is not just a case of wasting time, it
> results in international organizations missing the 'golden hour' when
> security provision or assistance in the immediate aftermath of conflict sets

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[139] Wisler, *The International Civilian Police Mission in Bosnia and Herzegovina: From Democratization to Nation-Building*, 266.

[140] Donais, *The Limits of Post-Conflict Police Reform*, 187.

the tone for the long-term evolution of the post-conflict reconstruction project.[141]

The impact of organized crime is particularly important in this context. If organized crime is permitted to establish itself during a period of ROL vacuum, a far greater effort is necessary to eradicate it later.[142] Military forces must be prepared to engage in police reform efforts immediately to ensure those efforts are as effective as possible.

Finally, the need to address problems associated with divided societies in fragile states must be carefully considered. While it may seem appropriate to adopt a homogeneous approach to policing, wherein the majority group controls the local police community, such a structure can prolong the problems of political patronage and abuse of power as witnessed in BH. On the other hand, a heterogeneous approach, wherein minority groups are represented throughout the policing community, may lead to continued animosity as well. Ultimately, the host nation must be intimately involved in structural reforms in order to ensure state ownership of the reform process. As a truly political process, such ownership is a fundamental requirement to producing sustainable change in the long term.[143]

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[141] Bieber, *Policing the Peace After Yugoslavia: Police Reform between External Imposition and Domestic Reform*, 17.

[142] Dobbins and others, *America's Role in Nation-Building: From Germany to Iraq*, 107.

[143] Celador, *Becoming 'European' through Police Reform: A Successful Strategy in Bosnia and Herzegovina?*, 241.

Case Study #2 – Afghanistan

Afghanistan, like Bosnia, is a fragile state in which the international community has invested a great deal of money and effort towards police reform. Afghanistan also faces the challenges of a divided society. However, differences appear between the situation in Afghanistan and that in Bosnia when the source of conflict is examined. Afghanistan's history is unique in this respect. Given the substantially greater insecurity in Afghanistan, the challenges of conducting police reforms are also more significant than those faced in BH. Afghanistan is therefore an informative second case study of practical police reform in a fragile state from which additional lessons can be drawn.

In keeping with the approach taken to the BH case, this study begins by examining those historical aspects of the Afghan conflict that are particularly relevant police reform operations. The tactical, operational and strategic approaches to the police reform efforts are examined to highlight similarities and differences with both the theoretical framework presented in chapter 2 and the practical experiences of the international community in Bosnia. Finally, additional lessons learned are drawn from the on-going Afghan mission that should be considered in future planning.

Summary of the Afghanistan Conflict

The people of Afghanistan have a long history of nearly continuous conflict going back over centuries. This history of violence has influenced the development of Afghan

society, creating social structures that are largely at odds with the western ideals of Weberian society.[144] The concept of centralized government has largely been absent from Afghan history. Instead, "[p]olitical power has not usually been manifested above a local level, and the people have been resistant to attempts to impose central control."[145] Historically, power rested at the village and district levels where village elders, Mullahs and tribal councils governed based on traditional justice systems.[146] As a result, the Afghan people largely distrust state authority, making international state-building efforts much more difficult.

While much has been written on the historical development of Afghan society, this study focuses on the history of Afghanistan from the 1980's forward and how it formed the policing culture prior to NATO operations in 2001.[147] The decade of Soviet occupation from 1979 to 1989, the period of Soviet-backed government until 1992, the civil war that ravaged Kabul until the rise of the Taliban in 1996, and the control exercised by the Taliban government until its overthrow by international military forces in 2001 all played important roles in shaping the Afghan police prior to the commencement of international reform efforts.[148]

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[144] Weber, *Economy and Society*, 56.

[145] Skinner, *Counterinsurgency and State Building: An Assessment of the Role of the Afghan National Police*, 291.

[146] Peter Dahl Thruelsen, "Striking the Right Balance: How to Rebuild the Afghan National Police," *International Peacekeeping* 17, no. 1 (02, 2010), 82.

[147] See for example, Ahmad Shayeq Qassem, *Afghanistan's Political Stability* (Burlington, VT: Ashgate Publishing Company, 2009).; Henry S. Bradsher, *Afghan Communism and Soviet Intervention* (Oxford, UK: Oxford University Press, 1999).

Before the Soviet invasion of Afghanistan in December 1979, Afghanistan had enjoyed a rare and relatively progressive period of peace. Throughout the 1960's and most of the 1970's, a national civilian police force had been built, primarily based on the European policing model, with assistance and training from East and West Germany.[149] While this nascent modern police capability showed the potential to serve Afghanistan well into the future, the Soviet invasion destroyed the notion of democratic policing throughout the country. Under Soviet rule, power struggles between various factions of the ruling People's Democratic Party of Afghanistan severed the Ministry of the Interior's control over state intelligence and policing functions. The intelligence service developed into the State Information Services which, with significant training from the KGB, became a powerful tool for state control. With responsibility for "internal intelligence, arrest and interrogation of political suspects, subversion of border tribes, assassinations and counter-intelligence," the State Information Services created its own army division.[150]

In contrast, the remainder of the Ministry of the Interior retained the mandate for only criminal investigation and limited policing roles. However, consistently engaging in armed confrontations with the State Information Services, the Ministry of the Interior

[148] Barnett R. Rubin and Andrea Armstrong, "Regional Issues in the Reconstruction of Afghanistan," *World Policy Journal* 20, no. 1 (Spring, 2003), 31, http://search.ebscohost.com/login.aspx? direct=true&db=aph&AN=9629177&site=ehost-live (accessed 5 February 2011).; Thruelsen, *Striking the Right Balance: How to Rebuild the Afghan National Police*, 82.

[149] Andrew Wilder, *Cops Or Robbers? the Struggle to Reform the Afghan National Police* (Kabul, Afghanistan: Afghanistan Research and Evaluation Unit, 2007), 3, http://www.areu.org.af/ index.php?option=com_content&task=view&id=39&Itemid=73 (accessed 14 January 2011).

[150] Tonita Murray, "Police-Building in Afghanistan: A Case Study of Civil Security Reform," *International Peacekeeping* 14, no. 1 (03, 2007), 109.; Bradsher, *Afghan Communism and Soviet Intervention*, 137.

grew in size beyond that of the Afghan Army and developed its own light infantry force.[151] As a result of the separation and conflict between these two state institutions, policing in Afghanistan became extremely militarized. As the concepts of serving and protecting the civilian populace gave way to state supremacy and individual survival, the basic values and norms that are fundamental to democratic policing disappeared.

Following the withdrawal of Soviet forces from Afghanistan in 1989, Afghan police continued to play only a minor role in state security. Maintaining some responsibilities for traffic control, police patrolled the highways but otherwise withdrew from crime prevention and investigative roles in all but the largest cities. In rural areas, ROL was enforced by tribal elders according to local customs and not state law.[152] As a result, local power brokers consolidated their positions through violence and money, reinforcing the traditional warlord societal structure.

The vacuum of power left by the departure of the Soviet forces also opened the door to other regional states, like Iran and Pakistan, who began supporting individual warlords, entrenching their role in Afghan society more deeply.[153] These external influences fuelled the Mujahedeen forces that divided the country while fighting for control.[154] By 1996, the Taliban movement began to seize power with support from

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[151] Murray, *Police-Building in Afghanistan: A Case Study of Civil Security Reform*, 109.

[152] Thruelsen, *Striking the Right Balance: How to Rebuild the Afghan National Police*, 82.

[153] Rubin and Armstrong, *Regional Issues in the Reconstruction of Afghanistan*, 31.

[154] Thruelsen, *Striking the Right Balance: How to Rebuild the Afghan National Police*, 82.

Pakistan. Operating through a hard-lined interpretation of Islamic law, the Taliban

expanded its influence throughout most of Afghanistan. By 1998, religious academies, or

madrasas, were fuelling religious conflict within the already divided society.[155]

Under Taliban rule, the role of police shifted away from enforcing ROL to

enforcing religious decrees under the Department of Vice and Virtue.[156] Lacking western

judicial systems, traditional Islamic Shari'a law was applied, albeit through the Taliban's

fundamentalist lens. Despite the ethnic tensions between the multitude of groups within

Afghanistan, including Pashtuns, Tajiks and Uzbeks, Taliban rule united most of the

country by force.[157] However, with most state institutions on the verge of collapse, an

illicit economy developed around the drug trade and cross-border smuggling. By 2000,

Afghanistan supplied over 70% of the world's opium, funding organized crime, warlords

and insurgent groups.[158]

Without state enforced ROL, organized crime networks flourished throughout the

region, extending their influence from drugs to all forms of other goods, including human

trafficking, just as they did in Bosnia. Benefiting from the illicit economy, regional and

tribal leaders funded the development of their own militias.[159] As revenues grew and

state oversight remained non-existent, Afghanistan also became a safe-haven for militant

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[155] Rubin and Armstrong, *Regional Issues in the Reconstruction of Afghanistan*, 31.

[156] Murray, *Police-Building in Afghanistan: A Case Study of Civil Security Reform*, 109.

[157] Thruelsen, *Striking the Right Balance: How to Rebuild the Afghan National Police*, 82.

[158] Rubin and Armstrong, *Regional Issues in the Reconstruction of Afghanistan*, 32.

[159] Murray, *Police-Building in Afghanistan: A Case Study of Civil Security Reform*, 110.

groups like al-Qaeda and the Islamic Movement of Uzbekistan. With this explosion of the underground economy, members of existing state institutions became enveloped by a culture of corruption and fundamentalist beliefs.[160]

The few remaining state institutions collapsed completely following the September 11, 2001 terrorist attacks and the US-led coalition operations against the Taliban. In their place, a security vacuum formed in the brief time leading up to the Bonn Agreement in December of 2001 that established the Afghan Interim Administration. Early efforts to re-establish government services allowed the already powerful warlords, like the Commanders of the Northern Alliance, to expand their influence into the fledgling central government.[161] The appointment of a Northern Alliance leader as the Minister of Interior soon led to most senior police positions being filled by ex-militia fighters with little or no police training.[162] As a result, organized crime and corruption became entrenched in the very institutions targeted by state-building efforts in 2002. This short gap during which combat operations prevailed over reform efforts set the conditions from which state-building started.

After more than 20 years of war and violence, the Afghan people were left distrustful of state institutions, relying on local warlords and tribal leaders for their only form of customary ROL. Fractured by ethnic and political divisions, Afghan society

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[160] Rubin and Armstrong, *Regional Issues in the Reconstruction of Afghanistan*, 31.

[161] Sedra, *Security Sector Reform in Afghanistan: The Slide Towards Expediency*, 83.

[162] Wilder, *Cops Or Robbers? the Struggle to Reform the Afghan National Police*, 3.

faced a growing insurgency, increasingly poor security and abject poverty. The role of police within Afghan society declined from taking early steps towards democratic policing to being essentially non-existent and symbolizing state sponsored crime and corruption.[163] In relation to the police reform challenges faced in Bosnia, Afghan reform represented a much greater undertaking.   Both the public distrust of state institutions, police being the most visible face of government to most of the population, and the level of insecurity created unique challenges for the international community as it began to rebuild Afghanistan.

Police Reform in Afghanistan

As the international community turned its attention to rebuilding Afghanistan, international leaders recognized the need to reform police as part of the security sector early. While the importance of re-establishing ROL for the Afghan people was realized from a humanitarian perspective, police reform also rose to the top of the security agenda as a result of US counter-insurgency doctrine that recognizes the important role that police face in minimizing popular support for insurgents.[164] Consequently, following the lead nation model agreed upon at the 2001 Bonn Conference, Germany undertook the police reform role, in part due to its experiences from the 1960's and 1970's.[165]

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[163] Mark Sedra, "Police Reform in Afghanistan: An Overview" Bonn International Center for Conversion, 4-11 June 2003), 2, http://www.ssronline.org/edocs/mark_sedra_paper.pdf (accessed 7 November 2010).

[164] Skinner, *Counterinsurgency and State Building: An Assessment of the Role of the Afghan National Police*, 292.

[165] Murray, *Police-Building in Afghanistan: A Case Study of Civil Security Reform*, 110.

Just like the early approach taken in Bosnia, Germany decided to reform the ANP rather than to build anew. However, unlike Bosnia where there was an existing police capability, in Afghanistan no true policing capability existed.[166] The German approach to ANP reform was flawed from the start. Attempting to build upon a base of untrained and unqualified former Mujahedeen commanders with questionable loyalties only served to allow crime and corruption to become increasingly entrenched within the Ministry of Interior. As a result, senior officials within the Ministry resisted structural reforms from the outset and the German police project simply did not have sufficient resources to carry the reform through to completion.[167]

However, Germany did identify five key areas as reform priorities: the national training academy; overall coordination of the international efforts; ANP infrastructure; the provision of police equipment; and ANP structure and organization.[168] Given their resource limitations, Germany focussed its efforts on re-opening the Afghan National Police Academy in Kabul, establishing a 30-month officers' course and a 90-day non-commissioned officers' course through which the principles of democratic policing could be taught.[169] Moreover, as early as 2002, the first class of Afghan Police Trainers graduated from a train-the-trainer program and began teaching police recruits.[170]

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[166] Thruelsen, *Striking the Right Balance: How to Rebuild the Afghan National Police*, 82.

[167] Sedra, *Security Sector Reform in Afghanistan: The Slide Towards Expediency*, 86.

[168] Sedra, *Police Reform in Afghanistan: An Overview*, 3.

[169] Thruelsen, *Striking the Right Balance: How to Rebuild the Afghan National Police*, 83.

[170] Sedra, *Police Reform in Afghanistan: An Overview*, 3-4.

Successful as this program was, fully trained ANP could not be produced quickly enough to meet the security needs.

In order to field more police more quickly, the US led a program to develop ANP recruit training in Kabul and seven additional regional training centres operating under a civilian contractor named Dyncorps.[171] Facing a requirement to support election security throughout the country in 2004, DynCorp taught two, four and eight-week courses to various ANP classes and then immediately deployed them to posts within their respective regions.[172] However, this quantity training approach significantly undermined the quality of training that ANP members received, thereby reducing the professionalism, and ultimately the credibility, of the force.

The need to produce quantity over quality clearly derived from the operational need to provide better immediate security to Afghan society. However, given the entrenched culture of corruption already in existence, such short training courses failed to impress the principles of democratic policing on the recruits. Training primarily focussed on necessary survival skills with little attention being given to the skills and knowledge necessary to enforce Afghan law.

These short training courses also ignored fundamental issues like illiteracy amongst ANP. With illiteracy rates conservatively estimated at 30% or lower, few ANP

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[171] Sedra, *Security Sector Reform in Afghanistan: The Slide Towards Expediency*, 86.

[172] Skinner, *Counterinsurgency and State Building: An Assessment of the Role of the Afghan National Police*, 293.

could effectively conduct basic law enforcement duties like verifying vehicle registrations or the investigation of offences for presentation in court. As a result, surveys indicated that Afghans felt the level of security was declining despite the large numbers of ANP trained through 2006.[173] Ultimately this strategy traded limited immediate security advantage for long-term success, sustainability and independence from international support.[174]

Recognizing the limitations of the training being offered, many national military forces involved in the International Security Assistance Force (ISAF), including Canada, felt it necessary to provide on-the-job mentoring to the local ANP units. As a result, military forces and national CIVPOL contributions became involved in Police Operational Mentoring and Liaison Teams (POMLT).[175] These teams embedded themselves with ANP detachments, living and working alongside their Afghan counterparts while providing oversight and guidance. However, CIVPOL mentoring efforts were hampered by the unfavourable security environment, and military efforts to mentor police were under-resourced, unqualified for the role and often misemployed.[176] The wide-spread use of infantry forces to mentor ANP served only to create a para-

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[173] *Ibid.*, 293.

[174] Thruelsen, *Striking the Right Balance: How to Rebuild the Afghan National Police*, 85.

[175] Murray, *Police-Building in Afghanistan: A Case Study of Civil Security Reform*, 111.

[176] A compilation of interviews with several US and UK Police Mentors from across Afghanistan illustrates the lack of formal and informal training received by mentors prior to their deployment. Many mentors trained to mentor the Afghan Army only to learn in theatre that they would be working with the ANP instead. William Rosenau, *Police Mentoring in Afghanistan 2007-2009* (Alexandria, VA: CNA Analysis and Solutions, 2010), 90, http://www.cna.org/research/2010/police-mentoring-afghanistan-2007-2009 (accessed 13 January 2011).

military organization while doing little to develop democratic policing capabilities.[177] Without ISAF direction to synchronize these police mentoring efforts throughout Afghanistan, the application of the POMLT program depended solely on national police reform visions.

Coordination of police reform efforts throughout Afghanistan represented a major challenge, even within ISAF. The Combined Security Transition Command – Afghanistan (CSTC-A) undertook the lead military role in overall reform efforts, while a separate organization, also operating under ISAF, called the NATO Training Mission – Afghanistan eventually took the military's lead role in conducting training of Afghan soldiers and police.[178] Despite these two organizations, the synchronization of military support to police reform varied dramatically throughout ISAF, depending on the restrictions placed upon various components of the force by their respective nations. As a result, many of the military-led police reform efforts have been heavily criticized for their inherent lack of understanding of the differences between police and military forces. The reorganization of the ANP regional command structure, from an eight region structure that respected ethnic divisions to a five region structure based on the Afghan Army that ignored considerations of the ethnic communities, is a principle example.[179]

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[177] These observations are based on the author's personal experience in Afghanistan as Canada's first police qualified Commanding Officer of the POMLT after several years of Infantry-led police mentoring. Moreover, these observations are not limited only to Canada's approach to police mentoring.

[178] Thruelsen, *Striking the Right Balance: How to Rebuild the Afghan National Police*, 83-84.; William Caldwell, "NATO Press Briefing - NATO Training Mission - Afghanistan," *NATO,* 3 March 2010, 1, http://www.nato.int/cps/en/SID-BB22784D-A54BFA0D/natolive/opinions_61890.htm?selectedLocale= en (accessed 26 January 2011).

[179] Murray, *Police-Building in Afghanistan: A Case Study of Civil Security Reform*, 118.

On the civilian side, many state-sponsored contributions to the overall ANP reform effort added to the already complex landscape with competing agendas, differing approaches and uncoordinated efforts. The UN, operating under the United Nations Assistance Mission Afghanistan (UNAMA), provided some oversight and supported the police contribution to elections security.[180] Norway signed a bilateral agreement with Afghanistan and contributed the Norwegian Project for Support of the Police in Afghanistan. Even within the European community, few countries agreed to support police reform under the EUPOL umbrella, preferring instead to adopt bilateral agreements with Afghanistan in order to pursue 'signature projects.'[181]

With the addition of several non-governmental organizations to the police reform agenda, the problem of not only coordinating the international efforts, but also of tailoring the police reforms to the identified requirements of the Afghan Ministry of Interior, became so complex that an International Coordination Police Board was created. Although this board aimed to synchronize the work of these many contributors, the head of the board, Police Commissioner Kai Vittrup, is quoted as having commented that "one needs to be willing to be coordinated if coordination is to work."[182] As a result, the only effective coordination that occurred between the varied contributors was that based on personal relationships.

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[180] *Ibid.*, 111.

[181] Thruelsen, *Striking the Right Balance: How to Rebuild the Afghan National Police*, 85.

[182] *Ibid.*, 86.

Nevertheless, despite the limited funding and competing agendas that have "undermined the coherence of reform activities," some infrastructure projects have progressed.[183] The Afghan Border Police, a sub-unit of the ANP, received significant investment from the international community in support of a plan to establish 75 border crossing stations. These stations will improve Afghan control over cross-border traffic and the collection of customs revenues for the state.[184] However, in other areas such as the districts surrounding Kandahar city, the ANP still occupied abandoned school houses with little or no furniture as late as 2010.[185] In such areas, ANP facilities are so poor that they are often unsafe to be used as living or working spaces, much less as jail facilities. As a result, some ANP are forced to use otherwise unacceptable means to secure prisoners, such as shackles or straight jackets, and have resorted to recruiting forced labour from surrounding villages to conduct repairs to buildings without payment.[186]

In lock-step with the general state of ANP infrastructure, little progress has been made on the provision of equipment as well. Outside of major centres, many ANP districts still lack reliable communication means, fuel supplies for both vehicles and generators are insufficient for police operations, food rations are insufficient to meet daily requirements and basic items like uniforms, boots or winter blankets are often unavailable.[187] Military mentors and partners are able to provide some resources, but not

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[183] Sedra, *Security Sector Reform in Afghanistan: The Slide Towards Expediency*, 95.

[184] Sedra, *Police Reform in Afghanistan: An Overview*, 5.

[185] Based on the author's personal observations.

[186] Sedra, *Police Reform in Afghanistan: An Overview*, 6.

without developing a harmful relationship of dependence. While international funding

continues to provide the financial means for procurement, efforts by CSTC-A to develop

a logistical and administrative system within the ANP, a capability largely ignored in the

rush to field as many police as possible to support the counter-insurgency effort, have yet

to bear fruit.[188] Unable to get basic supplies through administrative channels, some ANP

resort to corruption or outright theft in order to eat. In other cases, power figures within

Afghan society fund small groups of ANP privately, creating troublesome political ties

and reinforcing ethnic divisions. Although the situation is better in cities like Kabul and

Kandahar, these large centres do not represent the majority of the policing districts.[189]

Even more fundamental than infrastructure and equipment are the questions of

structural and organizational reforms that have been implemented by the international

community. While such reforms have been tackled more aggressively in Afghanistan

than they were initially in Bosnia, much work remains. As noted earlier, ISAF

restructured the ANP regional command system to align it with that of the Afghan army

and to reduce the influence of provincial governors over the ANP, but in doing so,

ignored ethnic communities throughout the country.[190] Under a democratic policing

model, the ANP should be focussed on providing service to communities. Acting as the

face of the state in many areas of the country, the ANP must develop and maintain close

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[187] *Ibid.*, 3.

[188] Wilder, *Cops Or Robbers? the Struggle to Reform the Afghan National Police*, 34.

[189] Based on the author's personal observations.

[190] Wilder, *Cops Or Robbers? the Struggle to Reform the Afghan National Police*, 4-5.

ties with their respective communities. However, the divided society continues to create

challenges in Afghanistan, just as in Bosnia.

While strategic level efforts to ethnically balance the ANP are needed, two

schools of thought exist regarding the approach that should be taken to address policing

the divided society. The first seeks to recruit nationally, train centrally, and employ

outside of the member's home region in order to promote diversity and to disrupt the

politicization of the ANP locally. Proponents of this approach envision the ANP role as

that of a conventional law enforcement service. The second approach seeks to recruit,

train and employ ANP more locally, or at least regionally, in order to exploit community

ties to the build trust and confidence of the people in their police. Proponents of this

approach, including the US, view the ANP as primarily an element of the counter-

insurgency fight. Ultimately, the divergence of these two ideals stems from the "failure

of the United States and the coalition forces to make a first order decision about the

ANP's roles, missions, and functions."[191] Of these two approaches, there has been little

to suggest that either has been more successful.

In one small area of the Panjwai district, a primarily Pashtun area of Kandahar

province, three separate ANP detachments illustrate these challenges well. The first

detachment, composed of ethnic Tajik's, was trained centrally and then deployed south.

These ANP were extremely professional in the conduct of their policing duties.

However, building the trust of the local community and their Pashtun superiors within the

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[191] Rosenau, *Police Mentoring in Afghanistan 2007-2009*, 66.

District ANP proved extremely difficult, limiting their overall effectiveness. Only a few kilometres down the road, another ANP detachment, recruited and trained locally, developed strong ties to its community. As a result, these ANP supported the local elders in both maintaining peace within the community and in 'taxing' outsiders by way of illegal check points. A third ANP detachment, also recruited and trained locally, exploited its close ties with the local community in order to prey upon the community members.[192]

Although ethnic tensions inherent in the divided society clearly impact the ANPs ability to carry out their policing duties, the source of the conflict in Afghanistan is not directly related to purely ethnic ties as it was in Bosnia. Instead, the development of professional norms consistent with the democratic policing model appear to be the larger problem. Unlike in Bosnia, where a modern society existed prior to the conflict, Afghan society largely lacked a modern understanding of the role and functions of state institutions like the police. As a result, national policing ethical and moral standards were non-existent prior to police reform operations. Establishing these norms and overcoming the rampant crime and corruption within the ANP lay at the heart of prioritizing national interests over localized power struggles. In the mean time, "[f]actional and ethnic alliances continue to take precedence over loyalty to the state, demonstrating the failure of SSR to de-politicize and de-ethnicize the security sector."[193]

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[192] Based on the author's personal observations.

[193] Sedra, *Security Sector Reform in Afghanistan: The Slide Towards Expediency*, 92.

On a larger scale, the international community of donors undertook some critical structural and organizational reforms that contributed significantly to the goal of making the force self-sustainable. Early reform targets were force numbers, rank structures and pay systems and scales, each contributing to making the ANP more fiscally sustainable and operationally effective.[194] Fiscal sustainability presented an enormous challenge as security sector reforms were estimated to cost US$292.8 million in FY 2004/2005 but only US$92.8 million was raised by international donors.[195] Nevertheless, the ANP rank structure was inherently top heavy, with senior officers outnumbering Sergeants three to two in 2005, and the pay scales for all ranks were too low to sustain families without encouraging corruption.[196]

In order to make the ANP more financially sound, reforms sought to address the rank imbalance by drastically reducing the number of senior officers based on capability screening. All senior officers wishing to remain in the ANP competed for a greatly reduced number of positions through a process that included vetting by UNAMA to guarantee that candidates did not have a history of human rights abuses. Initially, this process worked well, selecting 31 Generals from 317 applicants in the first phase.[197] Unsuccessful candidates were allowed to compete for lower positions, so in the second phase 86 Major Generals and Brigadier Generals were selected. However, President

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[194] Skinner, *Counterinsurgency and State Building: An Assessment of the Role of the Afghan National Police*, 293.

[195] Sedra, *Security Sector Reform in Afghanistan: The Slide Towards Expediency*, 93.

[196] Murray, *Police-Building in Afghanistan: A Case Study of Civil Security Reform*, 113.

[197] *Ibid.*, 113-114.

Karzai undermined the entire process and his own Minister of Interior by issuing a decree

appointing 86 Generals that had failed the screening – including individuals with known

histories of human rights abuses or links to insurgent groups, drug traffickers and

warlords.[198]

Despite the obvious continuation of corruption, nepotism and politicization within

the most senior ranks of the ANP and the Ministry of Interior, rank reforms did succeed

in righting the rank pyramid. As table 3.1 illustrates, the force grew overall, but more

importantly, many additional officers were put to work at front line units while those

working in higher headquarters were drastically reduced. Other reforms attempted to

combat the internal corruption through the establishment of a professional standards unit

"responsible for disciplining corrupt or underachieving police."[199]

The reform efforts also targeted the ANP pay system as a significant source of

police corruption. Notorious for allowing the ANP chain of command to skim funds

from subordinates' pay, the first step in this reform effort established an electronic pay

system.[200] Substantial savings were realized in the process of registering ANP members

for their banking when more than 21,000 "ghost police" were eliminated from the overall

payroll.[201] However, electronic pay distribution could not address the problem of corrupt

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[198] Wilder, *Cops Or Robbers? the Struggle to Reform the Afghan National Police*, 40.

[199] Skinner, *Counterinsurgency and State Building: An Assessment of the Role of the Afghan National Police*, 296.

[200] Murray, *Police-Building in Afghanistan: A Case Study of Civil Security Reform*, 112.

[201] Wilder, *Cops Or Robbers? the Struggle to Reform the Afghan National Police*, 39.

police illegally taxing the Afghan population. Further reforms to the pay system revised

the pay scale to better reflect the greater responsibilities of higher ranks and to bring

parity to the Afghan Army rates of pay.[202] While pay reform did not eliminated ANP

corruption, police members are now paid enough to encourage progression through the

ranks. Moreover, pay parity with the Army is a first step in restoring the ANP as a

respectable occupation.

Rank Reform			Pay Reform		
Before reform	**Police ranks**	**After reform**	**Before reform**	**Police ranks**	**After reform**
340+	Generals	117	$107	Lt. General	$750
2450	Colonels	301	$103	Maj. General	$650
1824	Lt. Colonels	467	$95	Brig. General	$550
2067	Majors	580	$92	Colonel	$400
3762	Captains	1057	$88	Lt. Colonel	$350
1705	1st Lieutenants	1518	$83	Major	$300
1834	2nd Lieutenants	2756	$78	Captain	$250
1043	3rd Lieutenants	0	$69	1st Lieutenant	$200
4800	Sergeants	9324	$66	2nd Lieutenant	$180
36600	Patrolman	45880	$62	Sergeant	$115/140/160
56425	**Total**	**62000**	$70	Patrolman	$70/80

Table 3-1 outlines the ANP organizational rank structure before and after restructuring reforms, as well as the amended monthly pay scales by rank.[203]

However, as noted earlier, all of these reforms suffered from the lack of a

common and comprehensive vision of the ANP post-institutional reforms.[204] Nearly a

decade after the military action that removed the Taliban from power, positive signs are

emerging. Through the efforts of the international community and Afghan partners, the

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[202] *Ibid.*, 39-40.

[203] Based on data provided in *Ibid.*, 39.

[204] *Ibid.*, 37

Ministry of Interior is becoming more capable of developing programs based on Afghan priorities.[205] The publication of the Afghan National Policing Strategy in 2010 marked a major milestone as it laid out the ANP's mission, vision and strategic objectives for the next 5 years.[206] This document, in which the Afghan Ministry of Interior takes ownership for the future of policing in Afghanistan, has been applauded by the NATO Training Mission as "key to allowing Afghanistan to succeed in securing peace and taking full control of its own future."[207] The overall police reform effort is far from complete, but fundamental change appears to have taken root at the top.

Lessons Learned from Afghan Police Reform

The international community involved in these reform efforts have made significant progress in some areas and less in others. Looking to the future, identifying key lessons from the first ten years in Afghanistan is an important step in shaping the way ahead, not just for Afghanistan but other state-building missions as well. Fragile states continue to exist in many regions of the world, and as conflict develops, the international community will continue to be asked to intervene. Only through careful consideration of

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[205] Royal United Services Institute for Defence and Security Studies (London) and Foreign Policy Research Institute (Philadelphia), *Reforming the Afghan National Police* (Philadelphia, PA: Foreign Policy Research Institute, 2009), 95, http://www.fpri.org/enotes/200909.rusi.reformingafghanpolice.html (accessed 13 January 2011).

[206] Islamic Republic of Afghanistan Ministry of Interior Affairs, *Afghan National Police Strategy* (Kabul, Afghanistan: Deputy Minister for Strategy and Policy - Department of Strategy, 2010), http://www.ntm-a.com/documents/other/anps.pdf (accessed 18 February 2011).

[207] Martin Gerst, "Minister Sets Course for Afghan National Police," *NATO Training Mission - Afghanistan Press Release,* 9 March 2010, 2, http://www.ntm-a.com/news/8-police/272-minister-sets-course-for-afghan-police-forces?tmpl=component&print=1&layout=default&page=&lang= (accessed 18 February 2011).

the successes and failures in Afghanistan can world leaders hope to do better in the future.

The need for comprehensive reform, that developed only over time in Bosnia, appears to have been well-understood from the outset in Afghanistan. The Bonn conference recognized police reform as a key state-building function, garnering international attention ever since. However, while many nations engaged in police reform activities, competing national agendas and opposing visions as to the end-state of ANP reform subverted the lead-nation construct, subsequently undermining the cooperative approach.[208] Perhaps the single most important lesson to be drawn from Afghan police reform is the need for a single vision of the desired product.

The development of a universally accepted strategic vision for the mission, roles and structure of the police force must be a priority for future police reform missions. The international community of donors embraces many different policing models within their own countries, ranging from national paramilitary type police forces to highly decentralized municipal, provincial and federal forces. Moreover, the democratic policing model, although generally accepted as the ideal standard throughout the western world, does not necessarily translate well into tribal cultures. Given the range of policing models used around the world, the question of determining the appropriate model in the context of state-building efforts within fragile states should hold the attention of

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[208] William Flavin, "Planning for Conflict Termination and Post-Conflict Success," *Parameters: US Army War College* (Autumn, 2003), 102-103, http://www.carlisle.army.mil/usawc/parameters/Articles/03autumn/flavin.pdf (accessed 2 March 2011).

leaders.[209] Debate, consultation and deliberate planning must overcome donor differences, creating a single strategic vision for the reforms before the effort begins.

The involvement of the host nation in the development of such a strategic vision is critically important. Without HN acceptance and support, negative actors within will compromise reform efforts, as illustrated by the resistance to ANP reforms reaching all the way to President Karzai. The failure to tie Afghan leadership to the reforms undertaken by the international community created conditions that allowed the institutionalization of tribal politics, corruption and nepotism. As a result, the efficiency and effectiveness of reform efforts were seriously impaired.[210]

The lack of a shared strategic vision from the very start of NATO operations in Afghanistan also compromised the implementation of security sector reform efforts.[211] Without a comprehensive plan in place prior to the combat operations, the international donor community lost critical months preparing to conduct state-building activities.[212] During those months, tribal leaders, warlords and criminals entrenched themselves in the fledgling government in place of the power vacuum created by NATO operations.[213] A similar effect occurred in Bosnia where organized crime elements entrenched themselves in the illicit economy. Only through early planning can steps be taken to ensure that

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[209] Wilder, *Cops Or Robbers? the Struggle to Reform the Afghan National Police*, 62.

[210] Sedra, *Security Sector Reform in Afghanistan: The Slide Towards Expediency*, 97.

[211] Dobbins and others, *America's Role in Nation-Building: From Germany to Iraq*, xxv.

[212] Flavin, *Planning for Conflict Termination and Post-Conflict Success*, 97.

[213] Sedra, *Security Sector Reform in Afghanistan: The Slide Towards Expediency*, 97.

negative actors are not freely given a foothold by periods of power vacuum at the state level.

Of course, the development of a universally accepted strategic vision is not enough in and of itself. For police reforms to be effective, the international community must be capable of and willing to provide the necessary resources to undertake all of the planned reforms at the tactical, operational and strategic levels. In Afghanistan, donor capacity has significantly hampered police reform both through limited financial support and personnel. As noted earlier, only a small portion of the funds needed have actually been provided. Likewise, many of the agencies engaged in police reform operations, be they military mentoring teams, civilian training teams or international police commitments, are significantly undermanned. Moreover, donor fatigue is already becoming a problem in Afghanistan as the reform mission stretches into its second decade.

Part of the manning concern inherent in police reform operations in fragile states lies with the military forces. Military commanders need to acknowledge and understand the role police reform plays in counter-insurgency operations. Related to the need for an over-arching strategic vision for police reform, military forces must understand the differing functions of HN police and military forces. Training police to act in place of army elements undermines the reform effort and jeopardizes the ROL. However, too often military troops assigned to police reform operations lack the training and experience to mentor HN police successfully. Troops assigned to police reform

operations should therefore receive special training prior to deployment. For example, troops deploying to Afghanistan as police mentors should be trained to guide the ANP to work alongside Afghan army elements such that the army provides security in order for the police to carry out their law enforcement duties.[214]

In addition to dedicated training, leadership elements involved in police reform should be derived from policing backgrounds. While the tactical mentoring of frontline police in a fragile state may involve little police expertise, the cultivation of police ethics, values and norms requires police thinking. Infantry soldiers do not share the police culture and are therefore poor choices to lead police mentoring missions, even in situations where basic combat skills are necessary for survival. At the operational and strategic levels of police reform operations, police experience becomes even more critical as mentoring efforts must necessarily delve into police management and administrative issues. While CIVPOL elements are more likely to be engaged in the reform effort at these levels, military leaders need to be able to communicate effectively with their civilian counterparts in order to synchronize military and CIVPOL efforts.

Finally, integration of the many military and civilian actors in the police reform agenda into the single strategic vision remains a major challenge of coordination. On this count, the international donor community in Afghanistan has failed, in part because of the lack of a single vision. Even though poor coordination was identified, measures to improve it largely failed as a result of national interests. Unfortunately national politics

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[214] Rosenau, *Police Mentoring in Afghanistan 2007-2009*, 6.; Skinner, *Counterinsurgency and State Building: An Assessment of the Role of the Afghan National Police*, 300.

of donor states play a fundamental role in determining what and how national elements become involved in the reform process. These national caveats cause inefficiencies in the reform system and compromise efforts to synchronize activities. In future missions, such caveats should be avoided so that all resources can be best applied where and when they are needed. However, in a world driven by politics, this is perhaps unachievable.

In order to pursue its own national interests in operations like those in Bosnia or Afghanistan, Canada must strive to make the most effective use of its limited resources possible. If Canada is to make a significant contribution to police reform in fragile states, all of the available national instruments must be brought to bear in a coordinated manner, including assets from the Department of Justice, Corrections Canada, the Royal Canadian Mounted Police, other civilian police agencies and specialized elements of the Canadian Forces like the Military Police. Given the role of military forces in the early stages of post-conflict reform, CF Military Police are ideally suited to police reform missions within fragile states.

Chapter 4 - A Role for Military Police

As both theory and practice illustrate, successful police reform requires attention and expertise simultaneously applied at the strategic, operational and tactical levels in coordination with larger SSR and state-building efforts. Within the context of fragile states, like those of the preceding case studies, police reform operations take on additional challenges. The role of the military in stability operations cannot be restrained to only combat if security and ROL is to be restored. However, modern military forces are ill-equipped to fill the role of police mentors.

This chapter explores the sources of expertise available to support the police reform agenda as nations reach beyond their own boundaries in the interest of national and international security. Privately contracted companies play a supporting role to the donor states' efforts in police reform, as witnessed in Afghanistan. However, at the higher operational and strategic levels police reform efforts must conform with and provide support to national military and political agendas. This paper therefore confines itself to examining the three main sources of police expertise capable of supporting donor state efforts to carryout police reform in fragile states: those civilian police who play purely domestic law enforcement roles at home; those gendarmerie or paramilitary police who fulfill domestic law enforcement roles while also supporting rule of law operations within national military forces; and those military police who provide permanent, professional policing services to their respective militaries.

Throughout this chapter, the capabilities and limitations of these civilian, paramilitary and military police are examined in the context of police reform operations in fragile states in order to illustrate the unique role that Canadian Forces Military Police can play. With balanced responsibilities for domestic and international law enforcement, involving both military and civilian law, and full spectrum military training, the military police of the CF are ideally suited to supporting Canada's state-building agendas wherever they may be required. The challenge is to most effectively employ this limited resource to maximize the impact on police reform operations. The chapter concludes with recommendations for the employment of CF Military Police in support of police reform.

International Sources of Expertise

Without a doubt, the need for civilian police support to police reform operations cannot, and should not, be replaced by military police in any form. The need for civilian police to aid countries in the re-establishing ROL was first recognized by the UN over 50 years ago. Since that time, 86 Member States have contributed to CIVPOL missions with more than 17,000 deployed today.[215] Recognizing the level of commitment required to effectively build police reform capacity, the UN created a Civilian Police Unit in 1994, later renamed to the UN Police Division (distinct from the UN Military Division) in

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[215] United Nations Department of Peacekeeping Operations, "Foreword to 50-Year Anniversary Edition," *UN Police Magazine* (January, 2011), 1, http://www.un.org/en/peacekeeping/publications/ unpolmag (accessed 13 January 2011).; United Nations Department of Peacekeeping Operations, "The Increasing Importance of United Nations Police," *UN Police Magazine* (July, 2010), 1, http://www.un.org/en/peacekeeping/publications/unpolmag (accessed 13 January 2011).

2004. This UN headquarters element was followed by the establishment of a Standing Police Capacity of 25 civilian police officers on secondment in 2006.[216] While this Standing Police Capacity provides some immediate capability to new missions, it is clearly limited in its capacity to support long term police reform operations.

Civilian police are, and always have been, the UN's force of choice for police reform. However, as the case studies illustrate, CIVPOL missions are simply not capable of carrying out full spectrum police reform at the tactical, operational and strategic levels without support from the other agencies engaged in SSR operations. In fragile states like Bosnia or Afghanistan, the scope of required police reforms is simply too broad for the international community to provide sufficient civilian police capacity. Keeping in mind that every civilian police member deployed on international operations means one less officer providing safety and security to citizens at home, donor states rarely have spare civilian police capacity. Within Canada, the RCMP has "considerable difficulty releasing [its] members from their various domestic policing responsibilities"[217] despite having several thousand volunteers for CIVPOL service. As a result, CIVPOL missions remain under-resourced.

Looking beyond the resource concerns, civilian police are also not prepared to operate in the war-like conditions often faced in fragile states. Even civilian police

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[216] United Nations Department of Peacekeeping Operations, *Foreword to 50-Year Anniversary Edition*, 15.

[217] Chappell and Evans, *The Role, Preparation and Performance of Civilian Police in United Nations Peacekeeping Operations*, 101.

trained in criminal intelligence fields are not well-suited to the modern counter-insurgency campaign where HN police allegiances are questionable. Trained only in the enforcement of the ROL, civilian police are not prepared to operate, and if necessary fight to survive, in non-permissive combat environments. The role of civilian police in international police reform operations is therefore constrained to the 'Peaceful Interaction' end of the Spectrum of Conflict.[218] Only with significant force protection assets assigned from cooperative military forces can civilian police contribute to reform efforts under more unstable conditions.

Additional concerns arise in the recruiting of civilian police for international reform operations. The UN's selection criteria for police missions remain loosely defined, in part, as "a minimum of five years regular police service experience."[219] Even throughout western countries, this selection criteria leaves the door open to an extremely wide array of policing backgrounds. While such diversity can strengthen a CIVPOL mission, the general lack of experience in training or mentoring roles is largely overlooked. Police experience is not sufficient to make a civilian police officer an effective CIVPOL mentor. A background in police training is much more beneficial when mission roles include training and mentoring in police operations.

By comparison, those paramilitary police forces that conduct policing duties for their national military forces in addition to civilian policing roles, like the French

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[218] Department of National Defence, *B-GL-300-001/FP-001 Land Operations*, 3-11.

[219] Chappell and Evans, *The Role, Preparation and Performance of Civilian Police in United Nations Peacekeeping Operations*, 82.

Gendarmerie nationale, the Italian Carabinieri or the Dutch Royal Marechaussee, are

typically better trained to operate within the insecure environments of fragile states. Such

police forces share a much closer relationship with their military counterparts than do

western civilian police forces. As a result of their level of joint training, gendarmeries

are:

> able to provide continuous service on the full crisis spectrum, from normal society
> to war, and back again. This capacity makes them ideally suited for low-intensity
> post-crisis situations, which are inaccessible to normal police forces but do not
> quite require the use of regular army troops.[220]

In the context of international police reform, these gendarmerie forces are able to operate

more independently than western civilian police-based CIVPOL units in areas of

insecurity. In Afghanistan, for example, French POMLTs are comprised of a mix of the

military and civilian policing elements of the Gendarmerie nationale.[221]

However, the gendarmerie policing model is often criticized for being

contradictory to the democratic policing model in that "a centralised, militarised police

cannot show genuine concern for the well-being of the population in a given area."[222]

The implied lack of independent control with civilian oversight inherent in such

militarized policing models creates tension between the theoretical role of gendarmerie

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[220] Pierre Gobinet, "The Gendarmerie Alternative: Is there a Case for the Existence of Police Organisations with Military Status in the Twenty-First Century European Security Apparatus?" *International Journal of Police Science & Management* 10, no. 4 (Winter, 2008), 456, http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=36610404&site=ehost-live (accessed 24 February 2011).

[221] In 2010, the author participated in an exchange with the French POMLT organization deployed to Afghanistan.

[222] Gobinet, *The Gendarmerie Alternative: Is there a Case for the Existence of Police Organisations with Military Status in the Twenty-First Century European Security Apparatus?*, 459.

forces and those civilian police agencies operating under democratic policing norms. In practice, however, significant differences exist between the many gendarmerie forces that make these theoretical arguments more or less true on a case by case basis. Whether this statement is true in all cases or not, the divergence of national policies towards policing between purely civilian police forces and the mixed civilian-military structures of gendarmeries has contributed to the lack of a shared vision in international police reform operations like Afghanistan.

While the police of gendarmerie forces present greater capability for operating within fragile states than purely civilian police, military police that train and support national military forces as their raison d'être move still further across the spectrum of conflict. Only military police deploy to the front lines of combat alongside their brothers in arms. However, just as the gendarmeries are somewhat removed from the principles of democratic policing, so too are military police. In many military forces around the world, military police are tasked with such roles as prisoner of war handling, battlefield circulation, and rear area intelligence, in addition to their law enforcement roles.[223]

In comparison to civilian police counterparts, most general duty military police have little involvement in community policing outside of military security tasks:

> [US] military personnel, even military police, are not prepared to train and advise civilian police in most tasks. Instead their training is skewed toward higher end stability policing tasks such as riot control, convoy security, motorized patrolling,

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[223] Raymond Bell Jr., "Military Police and Stability Operations," *Officer Review Magazine* 49, no. 5 (12, 2009), 12, http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=47389595&site=ehost-live (accessed 24 February 2011).

establishing checkpoints, and weapons training. The emphasis on such tasks makes it more difficult to transition to community-based policing.[224]

As a result, military leadership has been reluctant to become involved in police reform operations.[225] In countries like Afghanistan, where military forces have no choice but to undertake police reform missions, the impact of military leadership is often the militarization of the police roles. However, as the case studies revealed, "militarisation of police roles and responsibilities … misunderstands both the nature of insurgency and the contribution of policing to counter-insurgency."[226]

Therein lies the central challenge in selecting appropriate forces for the police reform mission within the context of fragile states and active insurgencies. The combined experience and knowledge necessary to conduct police reforms in accordance with the principles of democratic policing while also operating in support of a military counter-insurgency mission does not currently reside within most civilian, gendarmerie or military police organizations. The differing visions of what roles indigenous police should play, that have been so problematic in places like Afghanistan and Iraq, stem directly from national points of view on this issue.[227]

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[224] Keller, *US Military Forces and Police Assistance in Stability Operations: The Least-Worst Option to Fill the US Capacity Gap*, viii.

[225] Oakley, Dziedzic and Goldberg, *Policing the New World Disorder: Peace Operations and Public Security*, 9.

[226] Royal United Services Institute for Defence and Security Studies (London) and Foreign Policy Research Institute (Philadelphia), *Reforming the Afghan National Police*, 62.

[227] Eric E. Greek, "The Security Trinity: Understanding the Role of Security Forces in COIN," *Joint Force Quarterly*, no. 59 (2010), 37, http://search.ebscohost.com/login.aspx?direct=true&db= aph&AN=55324865&site=ehost-live (accessed 24 February 2011).

The Canadian Experience

The recognized lack of capacity in these cross-functional areas has driven some to argue for the creation of standing forces specifically prepared for police and stability reform operations.[228] Composed of mixed military and civilian expertise, such combined teams would deploy specifically to ease the transition between military-led and civilian-led reforms as the security situation improved. Within Canada, no such standing force exists, although the RCMP have been appointed as the national lead agency for international policing operations. The International Peace Operations Branch of the RCMP is tasked to support up to 200 deployed civilian police per year and to develop a cadre of 600 qualified and deployable officers to support Canada's commitment to CIVPOL missions.[229]

Canadian Forces Military Police

Although the RCMP relies upon contributions from provincial and municipal civilian police agencies to support its police reform missions around the world, there remains very little integration between the Canadian CIVPOL efforts and those of the CF Military Police beyond the in-theatre tactical level. The refusal to allow a retired military police officer with two international deployments to deploy as a CIVPOL member

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[228] See for example, Bouldin, *Keeper of the Peace: Canada and Security Transition Operations*, 274.

[229] Canada. Royal Canadian Mounted Police, *2006 - 2008 Biennial Review International Peace Operations Branch* (Ottawa: Canada Communication Group, 2008), 5, http://www.rcmp-grc.gc.ca/po-mp/rev-revue/rev-revue-eng.pdf (accessed 5 March 2011).

because he had only been employed as a civilian police officer for two years clearly

illustrates the institutional blindness to the experience and skills that CF MP offer to such

missions.[230] As a result, military police represent a largely untapped resource that could

be better employed to support Canada's role in international police reform operations.

Unlike the military police of other military forces, CF MP fulfill a comprehensive

range of domestic policing responsibilities. With peace officer status under Section 2 of

the Criminal Code of Canada and powers of arrest and detention under Section 156 of the

National Defence Act, CF MP are uniquely tasked with the enforcement of both civilian

and military laws.[231] As a result, CF MP are involved in community policing practices

consistent with the democratic policing norms and standards of all other Canadian

civilian police. Moreover, CF MP maintain an internal capacity to enforce professional

standards and are subject to external civilian oversight by a Police Complaints

Commission modelled after that of the RCMP.[232]

CF MP also perform the full range of battlefield tasks that other countries expect

of their military police units as well. As a result, CF MP are expected to support

Canadian military operations throughout the spectrum of conflict. Missions like the CF

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[230] Eva Hoare, " 'Asinine' Move to Ban Officer from Mission; Ex-Military Man Rejected for Haiti," *The Chronicle-Herald,* 23 February, 2011.

[231] *Criminal Code of Canada,* (2011): S. 2, http://laws.justice.gc.ca/PDF/Statute/C/C-46.pdf (accessed 7 March 2011).; *National Defence Act,* (2011): S. 156, http://laws.justice.gc.ca/PDF/Statute/N/N-5.pdf (accessed 7 March 2011).

[232] Additional information pertaining to the mandate of the Military Police Complaints Commission can be found at Glen Stannard, "Military Police Complaints Commission," Public Works and Government Services Canada, 2010, http://www.mpcc-cppm.gc.ca/index-eng.aspx (accessed 7 March 2011).

operation in Afghanistan have proven the capability of CF MP to not only operate in conditions of insecurity, but also to carry out law enforcement functions to the same standard expected of them domestically. In regards to police reform operations, CF MP have proven themselves capable of conducting HN police mentoring and training both within centralized facilities and with frontline operational police units.

Given that CF MP meet the same democratic policing standards of their civilian police counterparts and that they have the military combat training necessary to operate under conditions of insecurity, CF MP are ideally suited to supporting police reform operations in fragile states. Their combined expertise in both police and military operations make them better suited to supporting dangerous police reform missions than civilian police, gendarmes and even military police of other nations. Moreover, CF MP possess a unique understanding of both the military and police cultures that could be particularly valuable during the military to civilian-lead transition period.

Unfortunately, CF MP face the same manning pressures as other police agencies with respect to their domestic policing roles. Additionally, on international operations, CF MP are mandated to carryout many other roles aside from police reform tasks. Therefore, any CF MP contribution to Canada's police reform effort must be carefully measured. Nonetheless, CF MP bring sufficient expertise and experience to bear on police reform operations that they should be more readily integrated into the national effort. If used effectively, CF MP could help to close the gap between the theory and practice of police reform operations in fragile states.

Recommendations

In order to close this gap and to address the issues identified as lessons learned from the two case studies, several policy changes must be made. First, CF leadership need to recognize the distinction between HN policing functions and HN military roles within the counter-insurgency campaign. As the Afghan case study identified, combat arms leadership of police reform functions often fail to make this distinction and, as a result, HN police are mentored into non-police functions. Instead, the CF needs to recognize that its police reform efforts should be led CF MP and supported by combat arms soldiers. In the leadership role, CF MP can leverage their expertise to better support the counter-insurgency fight by properly mentoring the HN police in their roles within the community.

Additionally, CF MP should be engaged in key liaison and planning positions to assist in coordinating Canadian military and CIVPOL efforts. With their common understanding of both cultures, CF MP can enable the synchronization of effort and ease the transition as security improves. Depending on the level required, CF MP are capable of supporting tactical, operational or strategic police reforms in this role. In operations like Afghanistan, where Canada plays a significant role at all three levels, carefully positioned MP could greatly aid in keeping tactical efforts aligned with operational and strategic end-states that otherwise get lost in translation through multiple levels of headquarters.

Back in Canada, CF MP have started to play a small role in supporting the RCMP in its pre-deployment training for civilian police officers.[233] CF MP have much more experience in training personnel for international deployments than the RCMP. By seconding a senior MP officer to the RCMP, CF MP could support the RCMP in the development of doctrine, policies and procedures for pre-deployment training and international policing operations.[234] Such a secondment would also benefit the MP Branch in that it would help to keep CF police reform operations aligned with Canada's national intent.

Finally, given the unique mix of civilian and military law enforcement roles played by CF MP, consideration should be given to supporting police reform at the highest levels by placing senior MP officers in the police planning and operations branches of NATO and the UN. At these strategic levels, CF MP are ideally suited to championing democratic policing norms within the various military cultures. In both organizations, CF MP would be able to advance Canadian views on police reform agendas with a voice backed by military experience. They would also assist these organizations in closing the gaps between the military and civilian police reform efforts that are particularly troublesome in fragile states.

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[233] Over the last several years, the offices of the Canadian Forces Provost Marshal and the Operational Support Military Police Group have regularly been asked to provide briefings to deploying civilian police on the current situation with the Afghan National Police.

[234] Nathan Flight, "Optimizing Canada's Commitment to Police Reform in Afghanistan," *The Canadian Army Journal* 13, no 1 (2010), 109, http://www.army.forces.gc.ca/caj/documents/vol_13/iss_1/CAJ_vol13.1_10_e.pdf (accessed 29 April 2011).

While none of these recommendations require large numbers of CF MP, the potential impact of a few carefully placed military police officers in key roles could greatly enable CF and Canadian efforts to support police reform in fragile states. Both domestically and internationally, at the tactical, operational and strategic levels, CF MP are ideally suited to supporting police reform operations. The combination of expertise in democratic policing and military operations does not reside in civilian police agencies, most gendarmerie forces, or even other military police organizations around the world. CF MP should therefore be pushed to the forefront of Canada's police reform mission.

Chapter 5 - Conclusions

Police reform in fragile states presents many theoretical and practical challenges to international donor communities. Even though police reform and capacity building is a relatively small piece of the greater ROL, SSR and state-building processes, it plays a central role in the post-conflict recovery of fragile states. As a result, both theory and practical experience have illustrated the complexity of military involvement in the transition from military-led to civilian-led police reform. With a unique blend of military training and civilian police skills, the Canadian Forces Military Police are ideally suited to easing this transition.

In theory, police reform efforts support the establishment of rule of law within fragile states. When combined with other justice, governance and corrections reforms, the basis of civil society is re-established. In cases where an environment of insecurity exists, rule of law, enforced by a police force perceived as legitimate and credible by the local population, becomes a central challenge of larger security sector reform initiatives. With daily interaction between police and society that results from a dedicated community policing model, a reformed police force becomes a primary face of government.

In order to ensure that the police become a positive contributor to state-building efforts, western models call for the installation of democratic policing norms and standards. However, ethnic, religious and cultural divides often pervade in fragile states, leading to significant challenges to democratic policing. Moreover, state histories of

communism, police states, or tribal societies fundamentally oppose the introduction of democratic policing norms. Normative change therefore becomes a central function of the police reform effort.

Effecting normative change requires a carefully planned approach to police reforms across the tactical, operational and strategic levels. A detailed analysis of what reforms should be undertaken, in what manner and by whom should lay the foundation for international efforts. Such planning needs to address change to organizational structures, training and recruiting mechanisms and logistical support systems in such a manner as to continually reinforce democratic policing norms. In divided societies, these decisions require even closer scrutiny to ensure that ethnic, religious or cultural divides do not undermine reform efforts.

With a host of international donor agencies at work in these recovering fragile states, cooperation between military and civilian entities is also a crucial factor in effective reform efforts. In regards to police reform, military forces are not, and should not be, the lead agency. Nevertheless, if the security situation is sufficiently dangerous to prevent CIVPOL elements from operating, military forces must necessarily become engaged in police reform efforts. To do otherwise is to generate a power vacuum that, historically, facilitates the development of lawless society.

Military doctrine recognizes the need for involvement in reform efforts, but emphasizes the quick transition to civilian led efforts as the security situation improves.

While military forces recognize the need for specialist advisors to support police reform operations, doctrine does little to address the source of such expertise. More useful to military police reform efforts is the doctrinal approach to indigenous police in counter-insurgency operations. US military doctrine recognizes the critical role that HN police play through community policing initiatives and the security dividend paid by supporting police reform. In this aspect, the doctrinal approach to military involvement in police reform serves to assist in developing HN police capacity, legitimacy and credibility in order to further ROL, SSR and state-building efforts.

However, as the Bosnian and Afghan case studies reveal, police reform in practice is not as easily implemented as theory and doctrine suggest. In Bosnia, the reluctance of the international community to mix police and military roles was codified from the outset by the division of responsibility between the two lines of operation in the Dayton Peace Accord. Although over time the gap narrowed, the division between the CIVPOL and military missions clearly had a negative impact on the pace of police reforms. Only once the two separate efforts became mutually supporting was significant progress possible. The requirement to coordinate military and civilian efforts must therefore be considered in planning from the outset.

While these lessons from Bosnia had been learned prior to the commencement of the Afghan reconstruction efforts, unity of effort within the international community remained a significant challenge. Unlike the Dayton Peace Accords that effectively split the military and police missions, the Bonn Conference assigned a lead nation to the

police reform efforts in Afghanistan. Recognizing that both military and civilian forces would be involved in Afghan police reforms, Germany agreed to take the lead. However, the international community failed to agree to a standardized approach and quickly fell into competing visions.

The fundamental divergence between elements of the international donor community regarding the envisioned end-state of police reform efforts quickly led to opposing missions. With a multitude of military and civilian organizations involved in the police reform effort, effective coordination between the agencies could not be achieved. While some nations pushed for a long-term view of the development of a western democratic police force for Afghanistan, others argued that a para-military police was needed immediately in order to support counter-insurgency operations.

Military personnel, operating under ISAF, tasked to train, mentor and partner with Afghan National Police received little training with respect to police reform operations and less guidance in their task. While some units assigned to police reform tasks contained police experience as either military police or reserve soldiers with policing backgrounds, many others were simply combat arms units tasked to support the fight. As a result, each pursued independent views of the ANP's role. Some supported democratic policing norms, including the importance of community policing, while others served to tailor the ANP into a reserve military force to support the Afghan National Army.

With the overall police reform effort in Afghanistan too large for a single nation to support on its own, the problems of coordination, synchronization and unity of effort proved overwhelming. In order to realize the type of police reforms envisioned by academic and military theory, it is imperative that military forces be selected and trained to overcome the gap created by the necessary transition from military-led to civilian-led police reform operations. It is in this transitory role that Canadian Forces Military Police are uniquely suited to supporting police reform operations in fragile states.

Identifying the ideal source of policing expertise for police reform in post-conflict fragile states is not a straightforward exercise. Sourcing sufficient civilian police to support CIVPOL missions is difficult given the limited domestic policing capacity in most nations. Moreover, domestic civilian police lack the training and experience necessary to operate safely in high risk environments. Gendarmerie forces, although also trained to support military forces, are not fully integrated into combat operations and are often viewed as a 'state police,' serving the state rather than the population first. As a result gendarmerie forces trend away from the democratic policing model. Military police, through their role in supporting combat operations, are highly trained and capable of operating in high risk environments, but typically lack the law enforcement experience and expertise of civilian police, particularly with respect to community policing initiatives.

However, Canadian Forces Military Police, unlike the military police of other countries, hold authority and responsibility to enforce civilian and military laws within a

domestic context. CF MP therefore bridge the gap between law enforcement experience and the ability to operate in high risk environments. In the context of police reform operations within fragile states, CF MP are ideally suited to supporting the transition of police reform operations from military forces to their civilian counterparts.

With the policing skills necessary to carry out police reform operations and the law enforcement culture necessary to understand and develop democratic policing norms, CF MP should be at the forefront of Canadian military support to police reform operations. As the police reform effort shifts from the military to CIVPOL organizations, CF MP can bridge the gap through a common understanding as law enforcement personnel. Moreover, CF MP are well-suited to championing the role of HN police in counter-insurgency operations and the differing roles of HN police and HN military forces within security sector reforms.

The experience of CF MP can also be leveraged in support of Canadian police reform efforts through carefully selected positions within the CIVPOL organization. With operational experience, senior CF MP could make valuable contributions to keeping tactical police reform efforts aligned with operational and strategic objectives. CF MP could also support the force generation of Canadian CIVPOL officers through support to pre-deployment training and doctrine development. With only a handful of key exchange positions, the CF Military Police Branch could support the RCMP International Peace Operations Branch in a significant and mutually beneficial way.

Internationally, with their combination of military and law enforcement training, CF MP should be viewed as ideal military police reform planners within NATO and the United Nations. At strategic levels, CF MP embody a unique blend of skills and experience that make them ideal champions of democratic policing norms within the international military community. In liaison or exchange positions to either or both of these organizations, CF MP could help to advance Canadian views on police reform while also lending the advantage of military experience. Even at these strategic levels, the experience of CF MP could be leveraged to help in closing the gap between military and civilian police reform efforts.

While police reform does not address all of the underlying problems of any fragile state, it is a crucial piece of the state-building puzzle. Given the complexities of international police reform in fragile states, every effort must be made to ensure that the lessons of theory and practice are learned. History has illustrated that close coordination and synchronization of military and civilian efforts in support of police reform is both necessary and extremely difficult. Canadian Forces Military Police represent a source of unique expertise in this area. They should therefore be leveraged as much as possible to ensure the success of Canadian police reform efforts abroad.

List of Accronyms

ANP	Afghan National Police
BH	Bosnia and Herzegovina (the country)
FBiH	Federation of Bosnia and Herzegovina (the Bosniak-Croat entity within Bosnia and Herzegovina)
CF	Canadian Forces
CF MP	Canadian Forces Military Police
CIVPOL	Civilian Police
CSTC-A	Combined Security Transition Command - Afghanistan
DFID	United Kingdom's Department of International Development
DPA	Dayton Peace Accord
EUPM	European Union Police Mission (operating in Bosnia and Herzegovina)
HN	Host Nation
IFOR	Implementation Force (part of UNMBIH)
IPTF	International Police Task Force (part of UNMBIH)
ISAF	International Security Assistance Force (operating in Afghanistan)
NATO	North Atlantic Treaty Organization
NTM-A	NATO Training Mission - Afghanistan
OGD	Other Government Department
POMLT	Police Operational Mentoring and Liaison Team
RCMP	Royal Canadian Mounted Police
ROL	Rule of Law
RS	Republika Srpska (the Serbian entity within Bosnia and Herzegovina)

SFOR   Stabilization Force

SSR   Security Sector Reform

UN   United Nations

UNAMA   United Nations Assistance Mission Afghanistan

UNMIBH   United Nations Mission in Bosnia and Herzegovina

UNMIH   United Nations Mission in Haiti

UNPROFOR   United Nations Protection Force

UNSC   United Nations Security Council

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