

# INTRODUCTION

THIS STUDY IS PART OF AN EMERGING LITERATURE on the challenges of establishing sustainable security in postconflict environments. It looks at the subject through the prism of the past role and future potential of international constabulary and police forces in peace operations. Much has been written about the role of the military in peacekeeping, but there are few works in the literature concerning the role of nonmilitary security forces in a postconflict environment. There is also little in the literature about the importance and utility of establishing the rule of law for other aspects of postconflict reconstruction. In postconflict societies, sustainable security and political and economic reconstruction can best be achieved by immediately establishing the rule of law.

This study looks at these issues from an American perspective. The United States has a unique and troubled history with the use of constabulary and police in postconflict environments. It is both the largest contributor of police to international peace operations and the only country where the provision of government assistance to foreign police forces, except under certain circumstances, is literally against the law.<sup>1</sup> It has played the primary role in organizing and leading postconflict stability operations in Somalia, Haiti, Bosnia, Kosovo, and Afghanistan; but Congress, the U.S. military, and the current administration have a deep aversion to peacekeeping. Perhaps for this reason, the United States is woefully ill prepared to accomplish the nonmilitary aspects of postconflict stability operations. It does not have constabulary forces; it uses commercial contractors for UN police missions and has no program to provide the prosecutors, judges, defense attorneys, and corrections officers that are required to establish the rule of law. The study concludes with recommendations for the creation of a U.S. Stability Force

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composed of constabulary, police, and judicial specialists who would provide the capacity to establish postconflict security in Afghanistan and Iraq.

The need for creating such a force for postconflict operations is compelling. In the wake of the horrific events of September 11, 2001, the United States can no longer afford the luxury of ignoring continuing turmoil in war-torn societies. Weak and dysfunctional states have become the primary source of international instability. The response to the “failed state syndrome”—to intervene militarily, leave behind anarchy, and call it peace—is not the solution. Nor is the solution to be found in military occupation, such as the ever-more-permanent presence of forces from the North Atlantic Treaty Organization (NATO) in Bosnia and Kosovo. Washington has a strategic interest in preventing Afghanistan and other failed states from backsliding to a point where they provide a breeding ground for extremists and safe haven for terrorist organizations. The problem is that countries emerging from crisis lack the mechanisms to end the cycle of impunity for those who commit violence. In states afflicted by ethnic, religious, or political conflict, their own security forces are often among the first victims of the struggle. Either the military and the police are vanquished, or they mutate from protectors of the state and its citizens into predators. In Bosnia, some of the worst cases of ethnic cleansing were perpetrated by the Special Police Units of the Yugoslav Ministry of Interior. In the aftermath of war, international intervention forces must be able to silence the combatants and restore public order. They must also be the leading edge of an effort to institute the mechanism that democracies rely upon to ensure sustainable security—the rule of law.

To accomplish this mission, a triad of international security forces is required, including robust military forces that are capable of compelling the warring factions to cease fighting and abide by terms of the peace agreement. Participation of effective military forces is essential to the success of all stability operations. Military forces are limited, however, by their training, equipment, and experience; they have generally been reluctant to move beyond

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such tasks as separating and disarming combatants and the cantonment of weapons and former fighters. In particular, military forces are unwilling to tackle situations that involve controlling civil disturbances and law enforcement.

To deal with violent demonstrations, armed gangs, and organized crime, the intervention force needs to include military police and an armed, international civilian constabulary. Such units straddle the line between military and police and have characteristics and capabilities of both types of forces. The benefit of constabulary units in a stability operation is that they can deploy rapidly to respond to situations that require greater force and firepower than can be provided by civil police, but that do not require the firepower of infantry or armored units. Constabulary forces are trained to deal with civilians and are skilled at using the minimum amount of force necessary to control the situation. Constabulary can serve as a bridge between the military and civil police and can handle tasks that do not clearly fall within either camp.

Constabulary forces should support the international civil police who are trained and equipped to take on the patient work of law enforcement. In peace operations, international civil police have proven adept at contributing to public safety, controlling crime, and monitoring and training indigenous police. They have played a critical role in assisting refugees, ensuring free and fair elections, preventing abuse of human rights, and increasing public confidence. The presence of uniformed, international civil police in a community can increase the sense of personal security of local citizens who would be intimidated by or opposed to the presence of armed, foreign troops in their community.

While military and civil police forces have participated in international peace operations since the early 1960s, international constabulary forces in such missions have appeared only relatively recently. This phenomenon is somewhat surprising because the logic of utilizing constabularies in postconflict environments has been so persuasive that America repeatedly turned to such forces throughout its history. From the early colonial period, English and Spanish settlers drew on their respective European traditions

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to organize local militias that performed both military and police functions. During the Civil War, the Grand Army of the Republic both preserved the Union and dealt with riots and sedition. On the American frontier, settlers banded together to defend their homes against marauders and to provide rough-and-ready justice. The best known example of an American constabulary was the Texas Rangers, who fought Indians, patrolled the Mexican border, and brought law and order to the frontier. The most famous Texas Ranger was the “Lone Ranger,” a fictional character created by scriptwriters at a Detroit radio station in the 1930s. In the story line of thousands of radio and television episodes and several motion pictures, the Lone Ranger always came to the rescue.

Drawing on these examples from American history, the United States also used constabularies to restore stability abroad. From the end of the Spanish-American War to the post-World War II occupation of Japan and Germany, the U.S. military created units composed of American and local personnel that performed both military and police functions. This use of U.S. military forces ended tragically when American troops that performed constabulary duties in Japan were sent into combat against North Korean armored divisions at the beginning of the Korean War. Since Korea, the U.S. military has forsworn creating constabulary units and resisted performing police duties. At the same time, the U.S. government has encouraged the use of constabulary forces from other countries. Faced with the need to close the “security gap” between military and civil police forces and reduce the U.S. force presence in Bosnia and Kosovo, the Clinton administration called for the creation of European constabulary forces to ensure stability.

The Bush administration also advocated increasing the use of constabulary and police forces as an alternative to the military for peace operations. The events of September 11 added urgency to the administration’s call for a drawdown of U.S. troops in Bosnia and their replacement with a European constabulary to fight organized crime.

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**OVERVIEW**

This study looks at the evolution of U.S. policy toward peace and stability operations through the prism of the American experience with constabulary and police forces in postconflict environments. Chapter 1 describes a riot that occurred in the Bosnian town of Brcko on August 28, 1997, that had far reaching implications for U.S. policy on postconflict security. After heavily armed American soldiers were nearly overrun by an unarmed, ethnic Serb “rent-a-mob,” the Defense Department determined that European constabulary forces were needed to address civil disturbance in Bosnia. Chapter 2 examines the problem of what a “constabulary” is, as there is no agreed-upon definition; there is also considerable confusion with the term “paramilitary,” which is used interchangeably with “constabulary” in the media. The chapter provides a working definition and details the history of U.S. experience with constabulary forces in postconflict environments. Chapter 3 looks at the differences between military and police forces. It also looks at the role of civil police (street cops) in peace operations and examines their shortcomings through case studies of police in peace operations in Cambodia, Somalia, Haiti, and Bosnia. Chapter 4 returns to the story of the U.S. effort to create a European constabulary force for Bosnia. It describes the process through which the United States agreed to maintain military forces in Bosnia, the result of which was a European-led Multinational Specialized Unit (MSU) as part of NATO’s Stabilization Force (SFOR) in the war-torn country.

Chapter 5 recounts the checkered history of the MSU in Bosnia. Trained to provide crowd control, the MSU was misunderstood by SFOR commanders and improperly utilized. Chapter 6 details the subsequent use of both military and civilian constabulary forces in Kosovo. As in Bosnia, the history of these forces in Kosovo was one of misunderstanding, misuse, and missed opportunities. Special Police Units (SPUs) in Kosovo have only recently been used for their intended purposes of crowd control, high-risk arrests, and border patrol. Chapter 7

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examines the development of U.S. policy toward the use of police and constabulary forces, the end of the UN police mission in Bosnia, and U.S. efforts to include a constabulary force in the new police mission provided by the European Union. Chapter 8 looks at the Bush administration's policy on peacekeeping, the War on Terrorism, Afghanistan, and Iraq. Chapter 9 provides a summary of lessons learned in previous peace operations and concludes with recommendations for the creation of a new U.S. Stability Force that would give the United States the capacity it now lacks to control civil disorder, restore sustainable security, and establish the rule of law in postconflict environments.