

GLOBAL INSIGHTS

Operationalizing the
Responsibility to Protect—
the Policekeeping Approach



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At the battle of Solferino, Henri Dunant was so appalled by the loss of life that he founded what became the International Red Cross movement to mitigate the most barbaric effects of modern warfare. His concept was that an agreement between states, the Geneva Conventions, could regulate the conduct of combatants along more humane lines. Since then, the transformation from conflict between states to conflict between peoples within states has fundamentally altered the moral and political space within which such initiatives take place. In Srebrenica, Rwanda, and a long list of orphaned conflicts, neutrality has often cost lives rather than saved them. Doing “no harm” has sometimes meant doing nothing at all, whereas aggressive military operations in support of humanitarian objectives in Somalia and Iraq have produced their own conflicts.¹ Understandably, the consensus has increasingly been that if humanitarianism is to retain credibility it must devise better methods to safeguard human security: it needs a *third way*. To resolve the dilemmas of state failure that emerged in the 1990s, UN Secretary-General Kofi Annan asked for an International Commission on Intervention and State Sovereignty (ICISS). Its 2001 report, *The Responsibility to Protect*, argued that in cases of severe humanitarian emergency, territorial sovereignty would “yield to an international responsibility to protect,” including the use of military force to enforce peace.² Such a responsibility, however, could not be exercised lightly and was to be accompanied by equal obligations to prevent or react to conflict and to “rebuild” postwar states, a reinvigoration of what Burke described as “the dual mandate” of trusteeship.³ *The Responsibility to Protect* represents the most sophisticated attempt at establishing a moral guideline for international action in the face of humanitarian emergency. It predicates legitimate intervention on the welfare of populations subjected

to persecution rather than on calculations of national interest and security; it is multilateral in vision and it advocates the UN's role in authorizing intervention and in guiding the path to peace; it warns of the use of force as an option of last resort while endorsing the pragmatic merits of coalitions of the willing and regional security arrangements. It is a *practical* guideline that, now more than ever, requires our support.

However, operationalization of *The Responsibility to Protect* has been captive to the traditional dual deadlock of establishing a permanent international military capacity and well-founded fears of nonconsensual intervention that could facilitate less salubrious forms of political exploitation. Military aspects of intervention may remain ad hoc and continue to be subcontracted to coalitions of the willing and capable among UN member states. Full-scale transformation of societies through international administration, reconstruction, and security assistance will likely continue to occur selectively in those situations where national interests intersect with international media attention to human rights abuses. Nor for that matter is military intervention a panacea for internal conflicts; diplomatic pressure can produce results if applied judiciously. However, in those cases where the international community does commit to transformation, such as Kosovo, East Timor, and Iraq, much could be done to make intervention more effective, and by implication more affordable, thus allowing and perhaps inspiring wider engagement internationally than is currently the case.

Substantial progress could be made in two fields in tandem with the Brahimi reform process: rule of law and transitional administration.⁴ As identified by the UN's recent High-Level Panel on Threats, Challenges and Change, the lack of a coherent approach for rule of law has been a pivotal impediment to regeneration of peace and centralization of authority in postwar situations.⁵ The organization of policing operations has received little attention—as realized too late in the Balkans and spectacularly the day after regime change in Iraq. Moreover, transitional administration of war-torn territories has been approached as an exceptional task for which standard operating procedures and lessons learned have not been developed on an institutional basis.

The vital importance of these functions means that a responsibility to protect must also entail a responsibility to do it right. This should include the development of rapid deployment capacity together with organized retention and teaching of lessons learned, under the banner of the UN Standby Arrangements System.⁶ Reforming policing and civilian capacity for peace operations cannot undermine the sovereignty of states, but it could dramatically improve the collective ability to manage conflicts that existentially threaten societies and international stability.

This article sets forth an operational plan both for *leadership* in reforming preparation for peace operations and for the integrated approach of *policekeeping*. Leadership should be exercised within the national remit to facilitate international frameworks that directly fulfill field-level requirements of a responsibility to protect.

New Strategy: The Policekeeping Approach

Strategies for providing law and order in postconflict situations still reflect the roots of peace operations in interpositional military peacekeeping of the traditional Cold War variety. The recurring failure of peacekeeping, even under a coercive Chapter VII mandate, has been that it has managed at best to provide fragile cease-fires. These have been characterized by continued lawlessness and the entrenchment of shadow economies and parallel networks of authority that have prevented successful transformation and exit from operations in the Balkans, Afghanistan, and Iraq. Moreover, in a climate of resistance to political peacebuilding, the presence of foreign occupying troops has, in some theaters, facilitated opportunities for spoilers to exploit public misgivings about intervention and to enter into renewed warfare with forces intended for peacekeeping. Such battles carry high political and human costs for both the host country and intervening powers. Reconstruction, state building, and consolidation of peace requires *law and order* in which the sustainability of an international presence is facilitated by generating the greatest local consent possible. As Annika Hansen argues, the condition of trusteeship “is to a large extent a matter of expectations and performance, where the population’s perception is conditioned by the degree to which security and stability are provided.”⁷

A new operational model needs to integrate military assistance, rule of law, domestic institutions, and local civil society. Recently the most problematic aspect has been the transfer of authority and operational responsibility from military to local constabulary forces. The solution begins with a blue force of gendarmes integrating the civilian and police dimensions of peace operations through the task of policekeeping.⁸ The second step is for the force to employ structural assistance to all aspects of the internal security architecture of a new state. The third step is the pragmatic use of local resources and revenue streams to run local institutions. Finally, the transfer of authority and operational responsibility should occur in a phased and sustainable manner.

Policekeeping begins in the immediate aftermath of hostilities and continues in diminishing measure until governance has been fully

transferred to local authorities. Most of the blue force should, if possible, be assembled from appropriate regional states to maximize cultural resonance with the host society—a “Chapter VII” solution. A fundamental problem that has plagued transitional administrations has been the inability of deployed international forces to communicate with local people, making the ground-level task of policing nearly impossible. Law and order depends on policing not only violence but also economic and property crime, and on defusing political situations for which direct and effective communication is vital. Likewise, Islamic cultures may require an understanding of the enforcement of both civil and *sharia* law and the ability to distinguish the seriousness of various types of crime and provide a graded response. The blue force should be backed up, where necessary, by military support, but the footprint could be kept light by basing such forces outside urban areas and by using them in a rapid response role, one for which military forces are specifically trained.⁹

Moreover, the civilian dimension of transitional administration should be integrated with policekeeping. Coordination of internal security could be greatly improved by placing the blue force under unified command of the transitional authority, as is current practice with civilian police in Kosovo. Law and order requires a comprehensive approach: the genuinely consultative formulation of a culturally appropriate body of law and the formation of an independent judiciary, police service, penal system, and agencies with police powers such as customs officers and traffic wardens.

Operational lessons show that patchwork systems do not produce rule of law; they lend themselves to corruption and exploitation by organized crime. Law and order requires comprehensive and consistent effort with direct civilian oversight and inclusive political strategies devised in close consultation with locals, what Jarat Chopra and Tanja Hohe have called “participatory intervention.”¹⁰ Legitimacy and consent are not abstract concepts but real political forces that create normative support for law and order among those expected to adhere to and eventually control the system themselves. Ultimately, peace is a choice that must carry greater incentives than war. Rule of law and a functioning “licit” economy are the pillars, and they must broadly satisfy local ambitions if a society is not to succumb to shadow actors pursuing war aims through crime and terror.

Four Practical Proposals

From the Balkans, Afghanistan, and Iraq it is clear that new thinking and new mechanisms are needed to complete these operations successfully. Emergencies that either do not warrant or elicit an international military

response also may benefit from a less intrusive but more effective policekeeping strategy. The following four steps could contribute to a new approach.

Establish an International Policekeeping Center (IPC)

What is required is an international center of excellence devoted to producing higher competence and standard operating procedures for civilian policing and administration—an International Policekeeping Center (IPC). It would include riot control, diplomacy and negotiation, training in the peace operations environment, and cultural awareness. It would embody a lessons-learned wing, specific to civilian policing in peace operations through a permanent and rotating external faculty that would also create an institutional memory. The operational effect of such an institution, given the current fragmented method of conducting law and order operations with individual secondments, would be pivotal. As proposed by the High-Level Panel on Threats, Challenges and Change, existing resources for peace operations should be harnessed under a new peacebuilding commission. So what resources are currently available? For instance, given their experience in postconflict work, the Canadian Pearson Peacekeeping Centre and the Royal Canadian Mounted Police could be organized as lead agencies, in partnership with the International Association of Peacekeeping Training Centres, national police services, the UN Best Practices Unit, and the International Peace Academy, toward a unified effort for training and for the development of doctrine. National police officers worldwide could attend the IPC as part of regular training and as a criterion toward eligibility for service in peace operations. Budget permitting, it should have a UN-subsidized permanent faculty and a “standing force” developed with regional organizations. The IPC could also work in conjunction with national and regional training initiatives for civilian policing and peacekeeping to develop broader expertise and co-deliver mission-specific training.

Develop Expertise in Transitional Administration and Judicial Reform

A second wing of the IPC would serve as a place for the retention and development of practice in the UN’s political state-building missions. As a central aim, it would include developing good-governance practices and serving as a place of critical discussion of strategies in peace operations. Operational lessons are often counterintuitive. For example, as Michael Pugh has argued, privatization and early elections have

proved detrimental to the regeneration of state authority in postconflict situations.¹¹ Without rule of law they have exerted centrifugal forces that allow war entrepreneurs to exploit instability, entrench shadow economies, and legitimize affluent radical parties as parliamentary barons. Specific topics would include political and economic reform initiatives; structural organization of UN missions; development of the Brahimi reform process; military-police-civilian cooperation; thematic analysis of such past and emerging issues as rule of law, security sector reform, disarmament, and reintegration; geographic expertise; and analysis of “light” and “heavy” footprints. Currently, operational practice is not standardized, nor is there an adequate institutional basis devoted to the development and retention of doctrine and expertise. Knowledge is diffused among journals, research institutions, and individual practitioners. The IPC could connect to the UN Secretariat and national diplomatic and civil services to create an international capacity tailored to state building and political assistance missions.

Centralize and Standardize Civilian Capacity Rosters (CCR)

Civilian capacity rosters (CCRs) are operated by the UN Volunteers, the UN Development Programme, the Organization for Security and Cooperation in Europe, national foreign services and development agencies, and specialized capacity organizations such as Oxfam (e.g., water sanitation), RedR (engineering), and volunteer organizations. Bureaucratic overlap, lack of transparency, and demand shortages encourage surge recruitment and contribute to slow deployment and quality variance. Centralized management of capacity rosters could build on existing frameworks with greater oversight and ease of access, gradually moving toward standardized qualification requirements and deployment standards as widely employed within military structures. It would operate specialist rosters that include availability criteria to create an immediate deployment capability for advance teams, with lower alert levels for main force and rear guard follow-up of administrative and development experts. Such a structure would reduce the administrative surge and uneven deployment characteristics of ad hoc recruitment.

Move Toward a Global Watch

As Walter Dorn has argued, early warning through a global watch is fundamental to rapid response and conflict prevention.¹² Current approaches rely on a decentralized system of information gathering, national intelligence sharing, and limited analysis. Sectoral expertise is

dispersed throughout the UN system, the specialized agencies, and non-governmental organizations (NGOs). Centralized around-the-clock processing of field information relating specifically to peace operations could be created through a single peace operations analysis center that would work in conjunction with national intelligence agencies, UN crisis monitoring, and such specialized NGOs as the International Crisis Group, Human Rights Watch, Amnesty, and other local or regional monitoring groups. This capacity would have a direct, priority connection to the Department of Peacekeeping Operations (DPKO), UN specialized agencies, regional security organizations, and national governments with differentiated alert levels that determine priority handling. Such a center could be augmented with a hotline to the secretary-general's office.

Policekeeping has a direct application both as an alternative to forced appropriation of state sovereignty and as a complement to ongoing peace operations. In humanitarian crises such as Darfur, or as a regionally negotiated strategy in Iraq, the policekeeping approach could better command local consent by protecting societies from persecution and lawlessness.¹³ In Sudan, confrontation and the sense that Islamic societies are isolated by Western powers could be deescalated by insisting that the government accept a policekeeping, rather than peacekeeping, force via the African Union, with international advisers. Such an approach could have a longer-term benefit both as a monitoring mission and as a way to strengthen the judicial protection of civilians. Or in Iraq, for example, it would be more difficult for insurgents to justify terror attacks on a blue force composed of Muslim police deployed as a regional initiative for law and order than against coalition military forces, or even a U.S.-trained Iraqi constabulary.

Putting *The Responsibility to Protect* into practice will require the redeployment of existing resources to target them to current and acute problems. These proposals are low-cost options for a time when resources are stretched more than at any time in the past ten years. From analysis and experience, it is our belief that they could help provide the new approach and the peace dividend that is sorely needed. 🌐

Notes

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1. See Mary B. Anderson, *Do No Harm: How Aid Can Support Peace or War* (Boulder: Lynne Rienner, 1999).

2. Report of the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: IDRC, 2001), available online at www.dfait-maeci.gc.ca/iciss-ciise/report2-en.asp#synopsis.

3. The “dual mandate” was the notion that the “family of nations” had a responsibility to help local peoples attain self-governance as a “sacred trust of civilization,” or trusteeship. See H. Duncan Hall, *Mandates, Dependencies and Trusteeship* (London: Stevens & Sons, for the Carnegie Endowment for International Peace, 1948), p. 105.

4. See “Report of the Panel on United Nations Peace Operations” (Brahimi Report), A/55/305–S/2000/809 (New York: United Nations Department of Public Information, 2000), available online at www.un.org/peace/reports/peace_operations.

5. *A More Secure World: Our Shared Responsibility*, Report of the Secretary-General’s High Level Panel on Threats, Challenges and Change (New York: United Nations Department of Public Information, 2004), pars. 221–230.

6. Although the UN Standby Arrangements System (UNSAS) has made significant moves toward integrating military and civilian mission components, civilian policing remains in a semiautonomous state of underdevelopment. See UNSAS website, www.un.org/Depts/dpko/milad/fgs2/unsas_files/sba.htm

7. Annika S. Hansen, “International Security Assistance to War-Torn Societies,” in Michael Pugh, ed., *Regeneration of War-Torn Societies* (London: Macmillan, 2000), p. 36.

8. See Graham Day, *Policekeeping: A Field Guide to Law and Order Operations in Failed States* (Washington, D.C.: USIP Press, forthcoming 2005).

9. The concept of the light footprint emerged in response to the often distorting political and economic effects of a mass influx of international staff in postconflict operations in Cambodia and East Timor. It has been used by the UN Assistance Mission in Afghanistan, and its defining features are principal reliance on local actors, greater emphasis on capacity building, and predication of political reforms on consultation with civil society of the host nation. See, for example, Simon Chesterman, *Tiptoeing Through Afghanistan: The Future of UN State-Building* (New York: International Peace Academy, 2002).

10. Jarat Chopra and Tanja Hohe, “Participatory Intervention,” *Global Governance* 10, no. 3 (2004).

11. Michael Pugh and Neil Cooper, with Jonathan Goodhand, *War Economies in a Regional Context: Challenges of Transformation* (Boulder: Lynne Rienner, 2004), pp. 1–4.

12. Walter Dorn, *Global Watch: The Evolution of UN Monitoring for International Peace and Human Security* (New York: St. Martin’s Press, forthcoming).

13. For the case of Iraq, see Graham Day and Christopher Freeman, “Policekeeping Is the Key: Rebuilding the Internal Security Architecture of Postwar Iraq,” *International Affairs* 79, no. 2 (March 2003).