

George Mason University
The School of Public Policy

PUBP 751: INTERNATIONAL POLICING AND THE RULE OF LAW
IN RECONSTRUCTION AND STABILIZATION OPERATIONS

Wednesdays, 4:30 p.m.-7 p.m.
Arlington Campus (Old Building), Room 268

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Course Objective

Assisting states in transition from the “rule of the gun” to “the rule of law” is one of the most pressing challenges of our time. Through peacekeeping missions, coalition activities, and bilateral assistance programs, the international community grapples with how best to assist fragile or failing states with the provision of security while simultaneously fostering an environment for long term rule of law development and security sector reform. This course will challenge students to consider the real-life dilemmas facing policy-makers and rule of law practitioners. Students will analyze past successes and missteps while weighing and applying options for the future. The course draws heavily on the instructors’ practical experience.

The class will be divided into two phases of study; policy (why we do what we do) and practice (how we do what we do).

During the policy segment, we will overview the basics of UN Police Missions and Security Sector Reform and analyze four primary case studies: UN Missions in Kosovo and Haiti and Bilateral Missions in Iraq and Afghanistan. We will also cover several “special” issues such as the creation and use of Formed/Stability Police Units and Gender Mainstreaming with the UN and may look in brief at additional case studies as time permits.

When we move to the practice segment, we will begin walking through the steps a practitioner must take to “set up” a civilian police or rule of law mission. We will discuss challenges in implementation such as vetting and recruiting of police, the different training methodologies available, mentoring, institutional reform and anti-corruption efforts, funding and implementation mechanisms.

Much of the reading will be “front-loaded” as you will find that many of the sessions during the practice segment will refer back to readings we have previously covered. Also, as we move into

the second half of the class, your major paper assignments will be due and I want to ensure you have sufficient time to research and prepare thoroughly.

We will have guest speakers on occasion as indicated in the syllabus. Attendance for each class is critical to your success in this course but please make a special effort to be here and on time on those days when we are scheduled to have a guest.

Course Requirement

Active student participation is expected, encouraged and will be considered in calculation of final grades. The required readings form the basis for informed discussions and student preparation for weekly seminars is essential. Students will be required to complete three “major” paper assignments throughout the course of the class as well as occasional “short” paper assignments in preparation for individual sessions. Please take note of paper due dates/times. If you have a question about a deadline – please resolve it prior to the deadline. I will not accept late papers for full credit.

Evaluation

10%	Short Assignments
25%	Policy Paper
25%	Issue Paper
20%	Assistance Package Design
20%	Class Participation

Required Texts

All readings will be **e-mailed, distributed in class, or made available through George Mason.** However, the purchase of the following text is recommended:

Policing the New World Order: Oakely, Dzedzic, and Goldberg, eds, 1998.

Disclaimer: The views expressed in this course are solely those of the instructor(s) and do not in any way represent official U.S. government policy.

SPP Policy on Plagiarism:

The profession of scholarship and the intellectual life of a university as well as the field of public policy inquiry depend fundamentally on a foundation of trust. Thus any act of plagiarism strikes at the heart of the meaning of the university and the purpose of the School of Public Policy. It constitutes a serious breach of professional ethics and it is unacceptable. Plagiarism is the use of another’s words or ideas presented as one’s own. It includes, among other things, the use of specific words, ideas, or frameworks that are the product of another’s work. Honesty and thoroughness in citing sources is essential to professional accountability and personal responsibility. Appropriate citation is necessary so that arguments, evidence, and claims can be critically examined. Plagiarism is wrong because of the injustice it does to the person whose ideas are stolen. But it is also wrong because it constitutes lying to one’s professional

colleagues. From a prudential perspective, it is shortsighted and self-defeating, and it can ruin a professional career. The faculty of the School of Public Policy takes plagiarism seriously and has adopted a zero tolerance policy. Any plagiarized assignment will receive an automatic grade of "F." This may lead to failure for the course, resulting in dismissal from the University. This dismissal will be noted on the student's transcript. For foreign students who are on a university-sponsored visa (e.g. F-1, J-1 or J-2), dismissal also results in the revocation of their visa. To help enforce the SPP policy on plagiarism, all written work submitted in partial fulfillment of course or degree requirements must be available in electronic form so that it can be compared with electronic databases, as well as submitted to commercial services to which the School subscribes. Faculty may at any time submit student's work without prior permission from the student. Individual instructors may require that written work be submitted in electronic as well as printed form. The SPP policy on plagiarism is supplementary to the George Mason University Honor Code; it is not intended to replace it or substitute for it.
(<http://www.gmu.edu/facstaff/handbook/aD.html>)

Special Needs of Students

If you are a student with a disability and you need academic accommodations, please see me and contact the Disability Resource Center (DRC) at 993-2474. All academic accommodations must be arranged through the DRC.

"New Voices in Public Policy"

I will consider nominating the very best papers in this course for publication in New Voices in Public Policy. New Voices is a student- and faculty-reviewed journal that shares SPP's finest student work with the rest of the world.

Syllabus

I. Policy

Week One: Introduction to Criminal Justice: Security Sector Reform (SSR)

Readings:

- Sedra, Mark, "Security Sector Reform in Afghanistan: The Slide Towards Expediency."
- Albrecht Schnabel and Hans-Georg Ehrhart, "Post-conflict societies and the military: Challenges and problems of security sector reform."
- Establishing Law and Order After Conflict, Jones, et al., 7-26.
- Call, Charles and William Stanley Protecting the People: Public Security Choices after the Civil Wars *Global Governance* Vol. 7, no. 2, pp. 151-172

Discussion Questions/Topics: Establishing a safe and secure environment – what does this mean and what is security sector reform (SSR)? How is policing different from security? What are the different challenges of SSR in a development context versus a complex security environment or reconstruction and stabilization mission? Can SSR be achieved in the latter? What is the role of the police and judicial system in society? What is the relationship of the criminal justice system to SSR? What are the challenges of police reform versus judicial reform?

Week Two: Introduction to UN Police Missions

Readings:

- Oakley, Dziejic, and Goldberg, "Policing the New World Order," 1998; pgs19-440 & 365-398
- Nina Serafino, *Policing in Peacekeeping and Related Stability Operations: Problems and Proposed Solutions*, Washington, DC: Congressional Research Service, 30 March 2004.
- David Sands, "U.N. peacekeeping's thin blue line," *The Washington Times*, 24 July 2006.

Discussion Questions/Topics: What are the most pressing challenges for the police in PKOs? What important lessons as the UN learned from early policing experiences? What were the early experiences of the US in international police assistance? What is the difference executive authority versus other mandates?

Assignment: Write an opinion-editorial (one page maximum) regarding what you see as the biggest challenge facing US foreign policy with respect to SSR due via email COB September 2.

Week Three: UNPOL Operations Case Study: Kosovo/Haiti

Readings:

- Oakley, 215-252
- Haitian National Police Reform Plan

Discussion Questions/Topics: What are the most pressing challenges for the police in PKOs? What important lessons as the UN learned from early policing experiences? What were the early experiences of the US in international police assistance? What is the difference executive authority versus other mandates? Overview of UNMIK; the role of the international community, deploying UNPOL. Transition from a UN mission to an EU mission (UNMIK to EULEX). Overview of MINUSTAH; unique challenges of the Haiti mission – why do we keep coming back?

Assignment: Paper #1: Policy paper assignment distributed (Due October 8 in class)

Week Four: UNPOL Operations Case Study: Sudan/FPU

Readings:

- TBD.

Discussion Questions/Topics: Overview of Southern Sudan and Darfur mission; particular challenges – security of refugee camps and security for UNPOL (in Darfur). The growing interest in the use and development of Formed Police Units (FPU); the particular security gap that FPUs fill, how they can be used effectively, where they are not appropriate, whether the US ought to have one. Are FPUs “the solution?”

Week Five: Coalition and Bilateral Police Assistance US Military and Policing

Readings:

- Democracy, Crime and Justice; Susanne Karstedt, Gary Lafree, 605 Annals 6 (May 2006)
- Challenges in Police Reform: Promoting Effectiveness and Accountability, IPA
- The Inherent Limits of Military Forces in Policing Peace Operations, Alice Hills

Topics covered: Review of police organizations and structures; challenges in police reform, US military involvement in police reform.

Discussion Questions: When is it appropriate to build a bilateral, vice a multilateral (UN, OSCE, EU, AU) program? What are the advantages/disadvantages to a bilateral program? What are the elements of a bilateral program – how is the planning different from a UN or other multilateral mission? Is it appropriate to have “lead” nations? Why or why not? What should the relationship with host government look like in a bilateral program? What do we need from a host government to have a successful bilateral program?

Assignment: Write a short essay (one page maximum) answering discussion questions one and two due via email COB September 23.

Week Six: The US Military and Policing: Focus on Iraq

Guest Speaker: Brooke Darby, Deputy Director, Office of Iraq Programs, Department of State.

Readings:

- GAO Report 06-697T Rebuilding Iraq: Governance, Security, Reconstruction and Financing Challenges
- Planning post-conflict reconstruction in Iraq: What can we learn? Andrew Rathmell

Topics covered: Organization, structure, history, progress of Iraq police missions, involvement of the military and impact on the mission(s).

Discussion Questions: How (or to what extent) should the military be involved in police reform? Under what circumstances should the military lead such a program versus civilians? What are the advantages/disadvantages of a military lead? What are the advantages/disadvantages of a civilian lead? What are the advantages/disadvantages of a co-lead (military/civilian)? How do we improve military/civilian coordination in mission development?

Week Seven: The US Military and Policing Cont.: Focus on Afghanistan

Readings:

- GAO Report 05-575 Afghanistan Security: Efforts to Establish Army and Police Have Made Progress, But Future Plans Need to be Better Defined
- Cops or Robbers: The Struggle to Reform the Afghan National Police, Andrew Wilder

Topics covered: Organization, structure, history, progress of Afghanistan police mission, involvement of the military and impact on the mission(s).

Discussion Questions/Assignment: (Debate Exercise) The class will be split in half; group one will work together to draft a memo addressed to the Secretary of State arguing that the civilians should lead the police reform process in Afghanistan; group two will work together to draft a memo addressed to the Secretary of Defense arguing that the military should lead the police reform process in Afghanistan. Papers shall be presented and debated during the latter portion of class.

Week Eight: Legal Foundations and the Guiding Legal Framework

Readings:

- Remarks to the Open Meeting of the Security Council on Justice and the Rule of Law, Under Secretary General DPKO
- Select UN mandates, peace agreements, and national Constitutions (TBA)
- Legal and Judicial Rule of Law Work in Multidimensional Peacekeeping Operations, Scott Carlson
- Rule of Law Programs in Peace Operations, Hurwitz and Studdard (IPA)

Discussion Questions/Topics: Comparing legal traditions: common law, civil law, sharia, customary/informal law. Discussion of case studies- examples of various justice systems post-conflict (Balkans, Afghanistan, etc.). What is the impact of a destroyed justice system on a peacekeeping operation? What law guides in a peacekeeping operation- international law? Host nation law? Do the language of the mandates support “nation-building”? When do we cross the line from peacekeeping to nation-building? Is this a problem? The use of international lawyers and judges in substitution missions- examples of Kosovo and East Timor. Are UN institutions equipped to carry out justice reform in R&S missions? When is it appropriate to use international judges/lawyers? What are some of the drawbacks?

Assignment: Paper #2: Issue paper assignment distributed (Due November 5 in class)

Week Nine: Developing Indigenous Judicial Capacity

Guest Speaker: Don Stolworthy, Senior Corrections Advisor, Office of Civilian Police and the Rule of Law, Department of State.

Readings:

- Afghanistan’s Systems of Justice, Nojumi, et al.
- Customary Law in the Cross-fire of Sudan’s War of Identity, Francis Deng (excerpts)
- Comparative Criminal Justice Systems, Reichel, 252-292 (corrections)
- Supporting National Prison Systems, UN Study

Discussion Topics/Questions: US agencies involved with rule of law programming- the challenges of the interagency (USAID, DOJ, State Department, DOD). How do you measure success in justice programming? The basics of justice sector program design and the challenges. Pros and cons of working under a peacekeeping mission versus bilateral assistance.

II. Practice

Week Ten: Setting up Shop: Use of Contractors, Vetting and Recruiting

Readings:

- Call, Charles T., “Police Reform, Human Rights, and Democratization in Post-Conflict Settings: Lessons from El Salvador.”

Topics covered: Challenges in the use of private contractors; various different vetting requirements (legal) in place regarding assistance to foreign law enforcement organizations and challenges in implementing them. Recruiting; helping host governments ensure that they attract the best candidates and keep them; efficacy of strategies utilized in previous missions such as pay reform, rank reform, education incentives, infrastructure and equipment based incentives.

Discussion Questions/Assignment: Why do we use private contractors? What are the potential pitfalls, how can we avoid them? Are there other options? What is vetting, why do we do it, what are the regulations, what are the challenges and how do we address them? How do we help host nations effectively recruit in the midst of a war?

Assignment: Using your readings and your own creativity, create an outline for a recruitment strategy for new police in Sudan – no more than three pages. Due via email COB October 28.

Week Eleven: Training in a Hostile Environment: Everybody Wants a SWAT Team

Guest Speaker: Angela Maddox, former UNPOL officer and current senior police advisor at US Embassy Port-au-Prince, Haiti.

Readings:

- Review Iraq and Afghanistan readings from Week 6 & 7.

Topics covered: Developing long-range training programs that integrate specialized advanced skills into a more holistic curriculum, ways in which to incorporate advanced training programs into “in-service” training programs in the field, challenges of “quick and dirty” basic training. Quick/Emergency/Standby reaction units, SWAT teams –determining whether to provide and how to provide. Sustainment challenges of heavily armed units.

Discussion Questions/Assignment: How do you balance the need to fill the security vacuum with the need to develop long-range training programs? How do you provide “field” or “in-service” training in an insecure environment? Do developing nations really need “heavy” capabilities? What are the challenges involved in supporting such requests?

Week Twelve: Mentoring, Institutional Reform and Corruption

Readings:

- Balangita, Emil, "Controlling Corruption in Post-Conflict Societies," Kroc Institute Occasional Paper #26:OP:2.
- Novakowski, Mike, "Police Field Training Officers: It's the Singer, Not the Song," The Canadian Review of Police Research (2004).

Topics covered: Different approaches (one on one versus team approach) to mentoring; elements of law enforcement institutional reform; identifying different forms of corruption that implementers are forced to address in law enforcement reform including linkages to insurgency and narcotics trafficking, dealing with left-over "problem children" in an institution, low-level graft/bribery, and dealing with organized crime generally.

Discussion Questions/Assignment: What is mentoring? What isn't it? How can you distinguish mentoring from training, what skills/qualities are needed to be able to effectively mentor and what environment must be present for mentoring to be effective? How do you get host nation support for institutional reform efforts? Should it be a top-down or a bottom-up approach? How do you minimize potential spoilers? What kinds of organizations/institutions can or should be created to combat corrupt officials? How do you discourage corruption that has become endemic and is no longer recognized as such?

Week Thirteen: Community Policing and Cultural Relativity:

Readings:

- Adelman, Madeline; Erez, Edna; Shalhoub-Kevorkian, Nadera, "Policing Violence Against Minority Women in Multicultural Societies: Community and the Politics of Exclusion," Police & Society, 2003, Issue No. 7, pp. 105-133.

Topics covered: Community policing programs; transforming host nation perspectives when implementing community policing initiatives. Creating diverse police forces in countries with historical ethnic and gender-based biases (and possibly political groups as well).

Discussion Questions/Assignment: What lessons have we learned from these efforts – what are some potential minefields (where has this gone wrong)? Why this is important, when do you start (when is it too early or too late)? What tools will you need as an implementer and how do you coordinate effectively with local governments?

Assignment: Paper #3: Assistance Package Design assignment distributed (Due December 3 in class)

Week Fourteen: Thanksgiving Break

Week Fifteen: Developing Civilian Capacities in R&S Operations

Reading:

- “In the Wake of War: Improving US Post-Conflict Capabilities,” Council on Foreign Relations Independent Task Force
- Rand Study, Options for Transitional Security Capabilities for America, Terrence Kelly

Discussion Questions/Topics:

The establishment of the Office of the Coordinator for Reconstruction and Stabilization and DOD doctrinal shifts. Civil-military planning and exercising- the development of new model response models. Civilian reserve issues specific to police and justice personnel. Applying the new models to current scenarios.