



Challenges in Police Reform: Promoting Effectiveness and Accountability

ABOUT THIS POLICY REPORT

This report comes as part of IPA's project "From Promise to Practice: Strengthening UN Capacities for the Prevention of Violent Conflict," generously funded by the governments of the United Kingdom, Sweden, the Netherlands, Germany, Italy, and Portugal.

The United Nations Development Programme's Bureau for Crisis Prevention and Recovery held a workshop entitled *UNDP, Justice and Security Sector Reform: Developing Guidance for the Field* in Fall 2003. The current report, which was edited by Zoe Nielsen, comprises the discussion paper that was commissioned for that workshop.

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Introduction

The purpose of this report is to contribute to the ongoing development of programmatic strategies for UNDP's Bureau for Crisis Prevention and Recovery (BCPR)¹ in the area of justice and security sector reform (JSSR), with particular reference to reforming policing systems to enhance their effectiveness and accountability. The report was written primarily as a departure point for discussions at a workshop held by the International Peace Academy in conjunction with BCPR on 23 September 2002.² Although the phrase 'security sector' is often defined to encompass military, paramilitary, police and intelligence forces, judicial bodies, civilian oversight bodies and non-state actors, this report and the associated workshop focus exclusively on policing and police forces, addressing other institutions as necessary. This report complements a background paper commissioned by BCPR which offers a conceptual framework for UNDP activities in this area.³

The report presents diverse approaches to police reform, describes some of the principal tensions confronting national and international officials seeking to advance police reform and addresses the specific challenges of advancing accountability and effectiveness of policing. Rather than indicating what path to take, or a desirable final destination, the report seeks to identify the problems and hard choices likely to arise in implementing police reform. To this end, the concluding section poses some questions that might assist international actors when making decisions about police reform projects.

Alternative Approaches to Post-conflict Police Reform⁴

Diverse policy and academic communities have sought to define 'police reform' but no single, widely shared

¹ BCPR was created in 2002 to supplant the former Emergency Response Division of the United Nations Development Programme.

² The report from that meeting is Sriram, 2002.

³ BCPR Framework paper.

⁴ Much of this section is taken from Call 2002a.

understanding of the concept prevails. In some ways, police reform resembles the famous story of five blind men feeling different parts of an elephant, each man holding an entirely different perception to the others. This lack of shared concept means that policymakers and practitioners have no unequivocal answers to several key questions such as 'How is success measured?' and 'Who are the relevant actors and counterparts?'

Analysing police reform efforts requires differentiation between alternative perspectives. Five approaches are identified below and summarized in the table in Annexure 1.⁵ The approaches are distinguishable by their principal concerns, the language they employ and the types of organisations that tend to hold them. They are broad characterizations, and individuals often adhere to more than one of them. However, these perspectives reflect strongly held organizational approaches that field staff and local policymakers are likely to encounter among intergovernmental organizations and bilateral donors. The alternative views give rise to problems in meaning, operations, evaluation and political priority. Though rudimentary, they should be useful tools for identifying tensions in security sector reforms.

Human-rights Perspective

The most straightforward standpoint is the human-rights view, the main concern of which is the protection of internationally recognized human rights, usually emphasising freedom from torture, mistreatment and threats to life. Held by international and national non-governmental organizations, this perspective uses the language of 'reform' and 'police conduct'.⁶ Its hallmarks are the purging of human-rights violators from military and police ranks, the revamping of police doctrines and training to emphasise human-rights standards, and the establishment of internal and (especially) external mechanisms for accountability.

Peacekeeping/military Perspective

Much of the literature familiar to peacebuilding scholars falls within this category, focusing almost exclusively on reform in post-conflict settings. Although the literature

exhibits some heterogeneity, its main concern is with ensuring order in the years immediately following the termination of war, and especially with preventing a reversion to conflict. Certain authors who address police reform in post-war settings give particular emphasis to limiting the role of foreign military troops, viewing policing and police reform chiefly as the means to alleviate public security burdens and physical risk and other costs associated with deploying peacekeeping troops.⁷ The terminology can be of police 'restructuring' and 'reorganization', offering a more technical and less intrusive connotation. There is a greater focus on the interests and experiences of international actors, rather than on the performance, effectiveness and conduct of, and popular support for, national/local police organizations. In addition, police reforms are often seen as a means to prevent future conflict by integrating formerly excluded groups into policing structures, chiefly to provide security guarantees to former combatants who are demobilizing.⁸

Law-enforcement Perspective

This perspective emphasises the need to strengthen local/foreign capabilities in order to immediately control local crime and combat transnational crime and terrorism. It uses a language of crime control and professionalization, and is a view often held by international law-enforcement officers involved in peacebuilding.⁹ Most individuals who hold this perspective share broader goals of fostering the protection of human rights and the process of democratization. However, they tend to see other police professionals as counterparts sharing their own worldview and to value past police experience, regardless of political regime. Officials from enforcement agencies in powerful states, like the U.S. Federal Bureau of Investigation (FBI) and Drug Enforcement Administration (DEA), also see foreign police forces as a mechanism for carrying out their own cross-national crime-fighting tasks – establishing contacts and building capabilities to help stem terrorism, drug trafficking and smuggling, for example.

Economic-development Perspective

Some development agencies and international financial institutions have recently overcome longstanding

⁵ Some authors have differentiated mainly between a subset of these perspectives, such as concepts of public security reform that emphasise 'order' versus 'justice', or 'development' versus 'security'. See, for example, Barth Eide and Tanke Holm, 'Introduction', in Tanke Holm and Barth Eide 2000; Mani 2000.

⁶ In addition to reports by groups such as Human Rights Watch and Amnesty International, see Chevigny 1985; Cordone 2000.

⁷ Despite the discussion of police institutional development in Oakley, Dziedzic and Goldberg 1998, for instance, the thrust of this volume is to advance ways to analyse alternatives to a US military role in public security abroad. Also Schmidl 1998 and Azimi 1996.

⁸ See Kingma 2001; Ball 1997; UNDP 2000.

⁹ This perspective is most visible in policing journals and publications of the US Department of Justice's National Institute of Justice, for example.

resistance to involvement with armed institutions and have supported demobilisation and police-reform projects. Under the rubric of 'security-sector reform', these projects reflect interest in enhancing the environment for economic development, removing impediments to foreign investment, and reducing the costs of crime and violence. For instance, the Inter-American Development Bank has cited the social and health costs of violence as reasons for expanding its police development projects.¹⁰ Treating the new 'security sector' like other economic sectors, such as health and agriculture, allowed international organisations to press developing countries to reduce exorbitant levels of military expenditure.¹¹ These developments have opened the way to police-reform initiatives.

Democratisation Perspective

This perspective emphasises the rule of law and long-term justice and security, rather than short-term order. It encompasses the human-rights view to an extent, but goes beyond it with a focus on institutional development. Using terminology like police reform, rule of law and justice reform, donor agencies dedicated to judicial reform and the rule of law, and many academic analysts of police reform, are the best examples of groups that adhere to this more variegated characterization.¹² Development agencies, initially drawing principally on economic rationales for police reform, have increasingly embraced this perspective as well, adopting a more holistic view of the relationship between security, development and democracy, including attention to policing. Scholars not only analyse post-conflict societies, but they also examine post-authoritarian cases and established democracies, providing a wider range of lessons, which must be sifted with more care to assess their applicability to post-war environments.

Tensions in Police Reform Processes and International Police Aid

Numerous tensions confront international donors and national decision makers who seek to assist or transform a society's security sector. One of the characteristics of the literature on police and justice reform is its relative youth and, therefore, its weaknesses vis-à-vis other

arenas of development. Most of the literature on police and justice reform before the 1990s comes from comparative criminology (with little explicit attention to policy choices and dilemmas). More recently scholars of civil-military relations and of peacekeeping, together with human rights advocates, have turned their attention to issues of policing and police reform, with a growing body of literature available.

Consequently, relatively little of the literature on military, police and justice reform reflects the learning that has occurred in the field of development studies over the past three decades. Several tensions facing police assistance efforts also confront health, education and other economic development sectors. Police assistance, however, differs from more conventional economic development programs. Choices are complicated by the dire human (and public relations) consequences that result if aid is misused to support torture or other human rights violations, or is perceived to have been used to support such actions. The U.S. Congress banned police assistance in 1975, with several exceptions, because of evidence that USAID's police aid had strengthened recipient governments' capacity for repression and provided equipment used for the torture and inhumane treatment of detainees.¹³ The program was also tainted by the accurate perception that CIA agents used it for training and intelligence.¹⁴ These dangers present unique challenges for international police aid programs that should be kept in mind. Even police reform projects that refuse to touch operational capabilities and support seemingly non-controversial police development may not avoid the stigma of association with such organizations. As a UNDP security sector lessons learned review warns,

"The fact that the United Nations funds a government initiative, regardless of the limited nature of the assistance, brings some level of legitimacy to a public security agency that may be under attack for violations of human rights or political repression".¹⁵

The following discussions focuses on eight common tensions facing national and international actors engaging in police reform.

¹⁰ Inter-American Development Bank 1997; Morrison 1999; Buvinic and Morrison 2000.

¹¹ UK Department for International Development (DFID) 2000a; Mendelson, 2000, pp 7-9.

¹² Bayley, 2001; Call and Stanley 2001; Marenin, 1997; Neild, 1999, 1998.

¹³ See Lobe 1975; McClintock 1985; Langguth 1978; Huggins 1998.

¹⁴ McClintock 1985.

¹⁵ UNDP 2001b: 92.

Police Forces vs. Other State and Civil Society Organizations

Security sector reform does not always mean assisting security forces, and improving policing will almost certainly require working with and enhancing the capacities of other institutions besides police forces. Strengthening the rule of law, accountability, and crime reduction are multi-faceted endeavors that go well beyond the capabilities of police forces to influence. An evaluation of British bilateral police assistance underscored this point, concluding that, "A more holistic approach would recognize that strengthening the effectiveness of the police without addressing other parts of the formal justice system, or increasing the openness and accountability of government is unlikely to be productive in increasing access to justice".¹⁶ BCPR's framework paper also emphasizes the interdependence of judicial and law enforcement bodies and the necessity of working with civilian oversight bodies and non-state actors.¹⁷

One of the challenges of police reform is to determine which institutions to work with and work through in order to enhance justice and police responsiveness, accountability and effectiveness. Those who design reforms, especially governments, often focus narrowly on the police, courts and prosecutors. Left on their own, governments may overlook capacity-building: of ministries, where necessary leadership resides; of inter-institutional efforts (drawing together multiple executive ministries and agencies); of legislative actors and overseers; or of human rights ombudspersons and other government oversight bodies. They also tend to be disinterested in or hostile to support for civil society organizations that may criticize their performance. It requires careful planning, extensive collaboration, and sound choices to map out a reform strategy that can effectively enhance policing.

A second challenge is to ensure the execution of conceptual decisions about the appropriate actors in a reform process. One of the most oft-cited lessons in post-conflict security assistance literature is the need to address police forces in conjunction with the judiciary and the corrections system. Nevertheless, in the field such integration

has been difficult. A United Nations Development Programme (UNDP) / Department of Peacekeeping Operations (DPKO) review of the Balkans found that this lesson had been lost, as the international community failed to address a problematic judicial system in Bosnia for several years.¹⁸ It is all the more difficult to work with civil society and state organizations when they view one another with suspicion. Implementing multi-faceted police reform efforts that necessarily cut across several *types* of institutions requires not only careful conceptual planning based on a sound diagnostic of the problems, but sensitivity and constant attention to inter-organizational relations and cooperation.

Adaptation to Local Realities vs. Drawing on External Models

Sound development requires respect for and adaptation to local culture, social mores and political realities. As BCPR's framework paper advocates, "Build on what exists locally and take local ownership seriously".¹⁹ Yet reform by its very nature presumes that what exists is inadequate and requires modification. Extant security systems often were sources of repression and impediments to development, and traditional conflict resolution mechanisms have often excluded women or suppressed other rights. Police reforms, even where designed by members of the society to be policed, inevitably draw on foreign models and experiences and may favor some groups over others. Reformers face the challenge of drawing selectively upon external ideas and models, while ensuring they make sense for society. Development workers are of course aware of this tension in other project areas, but the problem is especially acute in policing since relatively few credible models of policing exist or are known within any given country.

In a similar vein, sustainable development increasingly recognizes the need to follow 'demand-driven' approaches, in which external support responds to the initiative and demands of the beneficiaries of development projects, in this case public security.²⁰ Yet many post-transition societies, such as Haiti and Mozambique, were unaccustomed to security systems founded on human rights and citizen service.²¹ Human rights organizations had focused on denouncing abuses and were

¹⁶ Biddle et al 1998, para. 31.

¹⁷ BCPR Framework paper, p. 9.

¹⁸ UNDP 2001a.

¹⁹ BCPR Framework paper, p. 27.

²⁰ Hammergren 1998; Bayley 2001:35.

²¹ UNDP 2001b.

poorly equipped to articulate demands for citizen-oriented policing. Consequently, demand-driven approaches may first require donor assistance to civil society organizations (CSOs) that can eventually place demands on the political system. As a result, waiting for cues from CSOs may be impractical.

International donors involved in assisting police reforms have encountered an additional challenge: how to get police professionals not to simply replicate their own model of policing. Even before the peace agreement with leftist rebels in 1996, the Guatemalan government selected the Spanish *Guardia Civil* to serve as its main foreign support in the transformation of country's security forces into a National Civilian Police (PNC). *Guardia Civil* personnel, with evident language skills, provided advice in reforming the academy curriculum and the structure and organization of the PNC. Analysts subsequently strongly criticized the police project for its over-reliance on the excessively military Spanish model of police organization, calling for a more democratic policing model.²² A 2001 UNDP lessons learned review suggested that reform should draw on multiple donors and therefore a combination of international models.²³ The challenge for donors is in fact broader: to craft police advice and assistance so that it not only draws on relevant models, but also adapts itself to the local realities and builds upon positive policing and justice traditions.

Accommodating vs. Countering Competing International Interests

Those embracing a developmental approach to police reform often confront international and national actors who embrace competing approaches. Consequently, development officials are likely to face pressures to modify long-term development programs in order to respond to more immediate imperatives like controlling violent crime; pursuing war criminals or drug traffickers; speeding a peace process so international troops can withdraw; or satisfying political constituencies by incorporating questionable characters into police forces. One example common to the cases of Haiti, Panama, El Salvador, and Kosovo is the tension between quick deployment of local police forces to speed the exit of foreign troops versus the lengthy time required to build a new police academy, select quality police personnel, and provide adequate field training, equipment and

advice for newly deployed officers. In many cases, new or reconstituted police forces have deployed with less classroom and field training than would normally be expected because of resource and time constraints imposed by international actors. Just as policing is inherently political, police assistance also involves crucial choices with political ramifications for local governments and for international security.

In the near term, just as Cold War pressures to combat communism pervaded police assistance efforts of both superpowers, pressures to support short-term gains in the struggle against terrorism are likely to grow. The fight against terrorism is likely to infuse most rule of law assistance and security reform efforts in the coming years. Bureaucratic interests, bilateral policies and intergovernmental programs have already begun to reflect the heightened priority of combating those seen to threaten Western powers and their allies. Counter-terror capabilities are part of police work and development, and generally cohere with reform approaches that privilege human rights, peace maintenance, or democratization. Nevertheless, international development officials will face difficult choices about the degree to which police assistance takes account of counter-terror interests, as well as other foreign policy priorities like conflict prevention. Cooperation among police assisting agencies is imperative, but tensions among such agencies and their objectives are inevitable. Excessive accommodation of short-term interests may harm police development.

Purging Tainted Personnel vs. Keeping Experienced Personnel

Much of UNDP's police assistance has occurred in post-authoritarian or post-conflict settings where human rights abuses are a central feature of former security forces' conduct and public image. Political transitions increasingly involve public truth commissions or steps to bring perpetrators of such abuses to justice before criminal courts. Yet efforts to hold past abusers accountable rarely extend to all those responsible, and security sector reforms generally involve controversial choices over whom to exclude from security forces and on what grounds. Even in Haiti and Kosovo, where prior governments were defeated and post-transition governments enjoyed a clean slate, some newly appointed security officials were accused of having committed human rights violations. Where governments negotiate an end to war,

²² Stanley 2000: pp 113-134; Byrne, Stanley and Garst, 2000; and UNDP 2001b, Guatemala section.

²³ UNDP, *Ibid.*: 81.

then some compromise may well result in the retention of some, but not all, former security forces personnel.²⁴

In general, international and national police reform efforts should seek to exclude all those against whom well founded accusations of violations of international or national law exist. But several problems arise. First, documentation of involvement in past abuses may be lacking, permitting the retention of abusers. UNDP and other donors can assist in collecting and making available documentation of abuses. Second, if combatants are demobilized without adequate physical security and employment opportunities (that is, reintegration), they may rebel against the new political order or turn to crime for financial motives. Post-conflict crime waves placed El Salvador and South Africa among the most violent countries in the world in the mid-1990s, and an inordinate number of ex-combatants committed those crimes in El Salvador.²⁵

Finally, if the bulk of criminal investigators are lost, it takes years to train new detectives and to reestablish networks of informants.²⁶ Purging undesirable elements is crucial for transforming organizational cultures in police reform, but may also contribute to a backlash in crime if excessively rapid or arbitrary.²⁷ In general, retaining at least a small number of former police personnel is positive if they are selected based on individual qualities and screened for corruption and past abuses. International actors can help with reintegration programs for ex-combatants.

Adequate and Problematic vs. Inadequate Interim Security Arrangements

This tension is especially acute in the immediate aftermath of armed conflict. In post-conflict settings, a public security gap almost inevitably occurs, as no alternative force is adequately prepared to immediately fulfill security responsibilities, especially where prior applicable law is abandoned.²⁸ Police reform – design, selection, training and organizational development – takes time, but security threats do not disappear in the

interim. Decision makers must often choose between using interim security forces that are unacceptable to some portion of the population, and having inadequate security until a permanent, reformed force is deployed. International military or police forces can be particularly useful in buying new governments time to develop better national forces.²⁹ But army troops are ill equipped for civilian policing, and international police are slow to deploy and poorly prepared to operate in a foreign culture, especially with enforcement responsibilities. In the end, prior national military forces or guerrilla forces often provide interim public security, preferably under close international supervision. But without reform, old and new national interim forces usually encounter problems of legitimacy, at least with some segments of the populace. Because choices during the interim stage of a reconstruction process may be difficult to reverse, they constrain permanent security arrangements. For instance, involving the military in public security may set an unfortunate precedent by blurring the line between military and police roles, but it may on balance be less harmful than expedient approaches that leave police forces unreformed. Provisions for adequate interim security should help provide a climate in which longer-term institutional development is possible with less expediency.

Quality vs. Quantity

Several post-conflict societies have experienced public debate about whether the push to deploy large numbers of police quickly sacrifices quality of personnel. The issue has been presented as related to the question of whether crime fighting requires a sacrifice of standards and oversight. In the face of skyrocketing violent crime in El Salvador in the mid-1990s, the Public Security Minister expanded the goals for the National Civilian Police's deployment to 20,000, and accelerated recruitment and hiring. The quick increase in personnel coincided with continued inadequate internal oversight mechanisms and the discovery that many criminal youth gangs had successfully gained spots in the police academy. A subsequent government blamed poor quality

²⁴ Call 2002b.

²⁵ A 1999 survey sample of the prison inmates in El Salvador found that 22% of them had been members of the armed forces or the old security forces, and 6% were ex-guerrillas. Of prisoners between 26 and 40 years of age, 44% were ex-combatants, even though only 6% of the general population had served in the war. See Cruz, Trigueros and Gonzalez 2000: 101.

²⁶ Palmieri 1998; Stanley 1996.

²⁷ Bayley 2001:25.

²⁸ Oakley, Dziedzic and Goldberg 1998.

²⁹ This paragraph draws from Call and Stanley 2001.

controls for numerous cases of corruption and kidnaping by police personnel, forcing a purge of some 2,000 police personnel in 2000-2001.³⁰ The incident illustrates the difficult choices surrounding quality versus quantity.

Individual Merit vs. Group-Based Selection Criteria

Where security sector reforms occur in conjunction with peace processes, they often involve arrangements aimed at ensuring the interests of particular political, military, ethnic or other social groups are met. Possible measures include new security forces for specialized populations, special juridical mechanisms or laws for particular groups, and group-based selection criteria (for example, quotas) for appointments to state institutions. These group-based criteria for institutional reform exist in tension with Western liberal models that emphasize the individual as the object of internal security systems and embrace merit as the best yardstick for entrance into a police academy, law school or other state organization.

In general, individual merit-based criteria produce optimal elements for a new or reformed police force, and all selection and promotion processes should rest on this foundation. UNDP's Lessons Learned report argues strongly for individual merit-based programs, citing problems of corruption and repressive policing that resulted from the wholesale transfer of prior investigative units into new police forces in Mozambique and El Salvador.³¹ Merit-based testing for admission to a police academy or for promotion helps preserve a sense of professionalism and downplays the salience of group identity or membership in building esprit de corps within the police force.

However, group-based criteria have an important role in police forces in all societies. If historically oppressed populations feel excluded from police forces, the legitimacy of the police organization suffers. Such populations will be quicker to criticize the force and quicker to mobilize against the state. As the peacekeeping perspective on reform suggests, membership of the military or police can also provide indispensable security guarantees

to former rebels in a post-conflict peace process, as occurred in Zimbabwe, Mozambique, El Salvador and Cambodia.³² Perhaps the most prominent positive example of representation of historically excluded populations is women. Today police reformers in developed countries advocate not only the incorporation of women into all police ranks, but also the transformation of policing and justice systems to be more sensitive to gender crimes and female victims.³³

Group-based criteria for selection and promotion can therefore enhance the representativity of a police force in the eyes of the populace, and ensure that the state can meet the special security needs of these social or politico-military groups. The danger lies in the over-reliance on group-based criteria to the detriment of long-term institutional capacity. Even where group membership is an element in selection or promotion, merit-based criteria should remain the most visible and central requirement. Standards should be relaxed, rather than abandoned, if necessary to ensure representativity.³⁴

Top-Down vs. Bottom-Up Reforms

Even local police reformers confront choices about whether to transform organizations from the lowest ranks upward, or from the top ranks downward. Working with senior officials often means they are steeped in prior doctrines rarely characterized by transparency or accountability. Organizational reform rooted in the selection and training of new cadets under a different doctrine is especially possible when an entirely new force is being created. Such an opportunity maximizes the chance to replace old doctrines with new ones, and to infuse new personnel with commitments to human rights and citizen service, and an esprit de corps in *defense* of those commitments. The International Criminal Investigative Training Assistance Program (ICITAP) has adopted this approach in Panama and especially Haiti, where the U.S. agency oversaw the training of over 5,000 brand new cadets, then selecting officer candidates from among these and some holdovers from the prior army.

³⁰ Call 2002c.

³¹ UNDP 2001b: 84.

³² Call and Stanley 2001.

³³ Fitzsimmons 2002.

³⁴ In Panama, minimal test scores were lowered in order to permit entrance of more police cadets from rural areas to which urban police were reluctant to be stationed. In El Salvador, demobilized guerrillas can attend classes to help them prepare for entrance exams to the new public safety academy. In Kosovo, international quotas for women and ex-soldiers of the Kosovo Liberation Army (KLA) helped ensure their entrance, but these were later relaxed.

On the other hand, organizational theory stresses the importance of leadership from the top in carrying out reforms.³⁵ In police forces where prior officials will continue to exercise influence, starting from the lower ranks may not work. In such cases the existing organizational culture and hierarchy can overwhelm new teachings, as occurred with many U.S. military reform efforts during the Cold War.³⁶ Identifying and working with reform-minded leaders may yield the best results, even as one works with new recruits as well. In addition, starting at the bottom may create a vacuum of leadership that can be exploited by holdovers from the prior security force. This is precisely what occurred in Haiti, where the delay in selecting and working with mid-level officers left the new force with little leadership in the transition period, undermining the long-term institutional development and the ability to confront rising crime.³⁷ A recent study of two Bronx police precincts also emphasized the benefits of leadership for accountability.³⁸ It found that where police commanders voiced intolerance for abuses and took remedial action, complaints were lower.

Promoting Effectiveness and Accountability

Two of the main goals of international police reforms are effectiveness and accountability of counterpart police forces. Yet a prominent instance of balancing is precisely the alleged trade off between the law enforcement objectives of 'effectiveness' in combating crime and human rights goals of 'accountability'. Research in some countries shows that this relationship does not necessarily entail a trade-off.³⁹ It is important to distinguish here between the purported trade-off between effectiveness and *legal protections*, that is, due process and other guarantees afforded criminal suspects under the law, and the alleged trade-off between effectiveness and *accountability*, that is, checks or oversight mechanisms of police performance and conduct. Legal

protections or guarantees specify suspects' rights and place limits on police powers. Such protections often constitute a trade-off between rights and police powers (though not necessarily 'effectiveness' which may reflect factors other than police powers).

But trade-offs between legal protections and police powers should not be confused with trade-offs between effectiveness and accountability. Police effectiveness and accountability for police actions do not necessarily exist in tension. All managers and organizations require mechanisms of accountability to ensure performance; therefore, accountability is *necessary* for effectiveness. Although this mutually reinforcing relationship is often misunderstood by human rights activists and the general public, organizational managers often understand it. For military and police managers, internal affairs units or other internal disciplinary mechanisms are necessary to ensure that their forces are functioning as they should. Human rights violations are usually regulated by the same internal disciplinary regimen that governs all infractions.⁴⁰

At the same time, managers often view external mechanisms of accountability as impediments to organizational performance, especially when they result in public criticism. All organizations tend to prefer their own internal mechanisms to external ones, so as to monitor the indicators they believe are important, rather than indicators others see as important. Police professionals often believe that human rights protections impede their performance. There is some evidence that police personnel act with undue caution if afraid that allegations of abuse will endanger their employment.⁴¹ Thus, perceptions are important and may fuel tension between external oversight and effectiveness. In sum, the relationship between effectiveness and accountability can be both positive and negative, and should not be presented as solely one of tension.

Examining how to *reframe* this purported trade-off may be a more fruitful enterprise. David Bayley suggests that

³⁵ Skolnick and Fyfe 1993.

³⁶ Klare and Kornbluh 1988; McClintock 1993.

³⁷ Personal interview with Jan Stromsem, director of ICITAP, October 1996; Stromsem and Trincellito 2002; WOLA 1998.

³⁸ Davis and Mateu-Gelabert 1999.

³⁹ See, e.g., Skolnick and Fyfe 1993; Chevigny 1995; Bayley cited in Ziegler and Neild 2002.

⁴⁰ The tendency to place excessive use of police force on the same disciplinary regimen as loss of an assigned weapon or corruption may be disturbing to some rights advocates. However, it also opens the door to discuss human rights violations in the context of widely accepted internal norms and regulations.

⁴¹ Davis and Mateu-Gelabert 1999: 9.

convincing police managers of the importance of external accountability is difficult, but can be accomplished by reframing accountability and human rights concerns as issues of management and performance standards. As he puts it:

"I believe, then, that the kind of clever tactic with the police is not to beat them over the head with respect to external methods of accountability, much as I approve of many of them, but to work with them and get them on our side in changing their management mentality."⁴²

Emphasizing the mutually reinforcing nature of accountability and effectiveness seems to make sense. Research exists to support this approach for example, James Fyfe demonstrates that a reduction in police violence does not diminish arrest rates or stimulate crime.⁴³ Below are some of the tensions regarding accountability issues confronting police reformers.

Internal vs. External Oversight

Both internal and external mechanisms of accountability are necessary and important. Internal mechanisms include any internal unit that investigates or reports on infractions by police personnel (for example, 'Disciplinary Unit', 'Internal Affairs', etc). External mechanisms include the judicial system (criminal and civil), legislative oversight committees, human rights ombudspersons, civilian commissions, ministry-level inspectors, and (less formally) human rights NGOs, research organizations, and the media.⁴⁴

In the end, neither internal nor external oversight bodies can function effectively without the other. Without external mechanisms, police managers will have the freedom not to investigate and punish human rights abuses, and internal controls will not operate effectively. External oversight generates political will to enforce disciplinary regulations internally. On the other hand, external mechanisms can only function minimally without sufficient data on police misconduct, including police archives, witness reports, and police officer statements. That data is often only available through the

cooperation of police personnel who have access to it. Furthermore, internal mechanisms of review are more likely to detect the full range of police infractions, rather than just the most visible abuses, and can bring informal career pressures on officers in ways that external means cannot.⁴⁵ The most effective external monitors form working relations with internal monitors in order to support those internal monitors (who in extreme cases face threats to their own safety) and obtain needed information. International actors can not only support the creation or strengthening of external and internal oversight bodies, but also foster their collaboration with one another.

Which External Oversight Mechanisms?

Tensions in this area also exist over which external and internal mechanisms are most effective. One of the main external means of accountability is the judicial system, which should prosecute government agents who commit unlawful human rights abuses, and which may permit civil suits against police forces or individual officers. If laws and courts exclude evidence obtained through torture, then the incentive for torture is diminished. However, in many societies where police abuse is common, courts are weak and ineffective. Even where they successfully punish egregious violators, they are a blunt instrument whose deterrent effect is slow and indirect.⁴⁶

Partly due to heated debates in the United States over their role, civilian review boards have received significant attention in policing literature.⁴⁷ Such boards are comprised of at least some non-police personnel, generally appointed by elected officials, and review civilian complaints about police misconduct. In particular, they have been used in cities where racial minorities believe that institutional bias may not permit effective internal oversight over police treatment of minority communities. Despite some positive contributions, civilian review boards suffer from limitations of access to information and of limited powers (usually recommended action by the police chief). Moreover, many developing countries are unaccustomed to the notion of civilian input, much less oversight, in security policies and operations.

⁴² Quoted in Ziegler and Neild, 2002: 8.

⁴³ Cited in Chevigny 1995: 55.

⁴⁴ Civilian review boards and Inspectors-General may fall within or without police forces.

⁴⁵ Bayley 1985: pp. 177-78.

⁴⁶ Chevigny, pp. 98-110.

⁴⁷ See, e.g., Goldsmith 1991; Kerstetter 1985; Chevigny 1995; Pérez 1994, and the Christopher Commission report on the Los Angeles Police Department, 1991.

In developing countries, however, less obvious external means of oversight have worked better than review boards or executive-appointed commissions. Human rights ombudspersons have played an important role in publicizing notorious cases of police abuse in the Balkans and Central and South America.⁴⁸ Ombudspersons have often played a more effective role in pressing state organs to investigate and prosecute police abuses than human rights NGOs or other advocacy groups. At the same time, ombudspersons' offices face constraints on their powers (which rarely extend beyond investigation and recommending sanctions) and depend largely on police sources to verify and investigate citizen complaints.⁴⁹ The media, often neglected in U.S. police literature as a means of accountability, has contributed significantly to stimulating judicial investigations and internal action in post-conflict societies.

Participation as Accountability?

While not obviating procedures for investigating abuses, citizen participation can be seen as an additional external mechanism of accountability. To the extent that communities or civil society representatives are involved in the selection of police personnel, or in the setting of strategic priorities, policing is responding to external stimuli, and thus being held to account by society at large. As such, participation should be seen not only as a way to ensure that police forces respond to the perceived problems of citizenry, but act in a more transparent and accountable manner. Of course, as rising vigilantism in many developing countries during the 1990s illustrates, citizen participation is not synonymous with oversight. Upset at high crime rates, citizens may call for fewer checks on police powers in the belief it will help effectiveness in fighting crime. Consequently, other external and internal checks remain important.

Due Process Guarantees vs. Policing Prerogatives

Human rights legal reforms often accompany peace processes and transitions from authoritarianism. Reforms may include acceptance of or codification of international treaties, the creation of new human rights institutions, or the adoption of due process guarantees. In some post-conflict societies, such guarantees have been adopted and hailed as a breakthrough in bringing a formerly brutal state into compliance with international

rights standards. Such guarantees are considered tools for preventing future conflicts based on exclusion or political violence.

At the same time, crime waves have afflicted societies in Central America, the Balkans and Africa following the adoption of human rights protections. New rights guarantees, which generally limit police powers, have been denounced for fostering crime and citizen insecurity. Initiatives are generally introduced to rollback rights protections and to enhance police powers.⁵⁰ Human rights NGOs in Latin America have confronted public opinion backlashes and are blamed by some for defending and abetting criminals at the expense of ordinary citizens. These perceptions of trade-offs are not always correct. Yet such events and the surrounding discourse damage human rights achievements and the very legitimacy of human rights as a concept. Societies which experience high levels of common crime and which introduce high-profile human rights guarantees face difficult choices in upholding both citizen rights and citizen security.

Potential Obstacles and Challenges for International Police Aid

A number of potential obstacles confront those involved in police reform. These include:

- Rapid turnover in international advisers, trainers and monitors;
- Resistance from institutions which formerly controlled internal security, be they the armed forces or political parties;
- Shortfalls in pledged donor resources after the first couple of years of a post-conflict reconstruction process;
- Unanticipated growth in common and organized crime, as well as pressures to rollback human rights reforms in policing and justice;
- Neglect of back office support capacities (budgeting, planning, oversight, management, etc.) in favor of mainline patrol units;

⁴⁸ The Human Rights Ombudsperson in Kosovo has acted in an innovative oversight role in the UN transitional administration in that province.

⁴⁹ Dodson, O'Shaughnessy and Jackson 1998.

⁵⁰ Call 2002b; Rauch 2002.

- Formation of informal or parallel security forces in order to bypass new institutions and preserve prior organizational networks and cultures;
- Establishment of salaries or provision of equipment that are too expensive to sustain once external resources are phased out.

In attempting to come to terms with potential obstacles, those responsible for planning international efforts might consider the following questions:

- What are the goals and pertinent actors of a justice and security sector reform strategy?
- What concept of police reform do other international actors hold?
- Which competing demands for reform should be accommodated and which should be contested?
- Does the mission involve enforcement powers for international police? If so, what tensions or dilemmas will ensue in handing off these responsibilities to domestic security forces?
- What resources are realistically likely to be available, and what can realistically be accomplished with them in the project time frame?
- How can interim security be assured without compromising sound long-term JSSR prospects?
- How important is incorporation of former enemies into the police in preventing armed conflict?
- To what extent will the legitimacy of a new police or justice system depend on some punishment for past human rights abusers?
- What factors underlie expected insecurity? What are the best means of preventing and reducing these security threats?
- What size force is required given anticipated security needs? What size can be sustained, in terms of both nationally available human resources and financial resources for salary, training and equipment?
- To what extent are political parties and other influential political actors implicated in organized crime?
- What demobilization and reintegration programs will be necessary to deter widespread involvement in violent or organized crime? What other programs or incentives might be feasible?
- What are the optimal selection criteria for maximizing the security of different social groups (including former combatants) without deepening group divisions and while ensuring the entry of qualified individuals necessary for long-term police effectiveness?
- How necessary is the support of existing leadership to transform organizational culture? Should new leadership be cultivated for this purpose, and if so, how?
- How will local civilian forces relate to local military or paramilitary forces?
- What local policing practices or conflict resolution mechanisms are likely to already enjoy legitimacy and can be built upon? What non-traditional, modern mechanisms might make sense (for example, alternative dispute resolution)?
- How can citizens participate in the creation of a new justice and security system?

Annexure 1

Table 1: Alternative Perspectives on Police Reform⁵¹

Perspectives on Police Reform	Human Rights	Peackeping/ Military	Law Enforcement	Economic Development	Democratization
<i>Main Concern</i>	Human rights	Order/Capability	Crime control	Economic Costs; Development Obstacles	Democracy; Justice
<i>Dominant Terminology</i>	'Police conduct'	'Police Restructuring' 'Police Reorganization/ Reorientation/Reform'	'Professionalization'	'Security Sector Reform' 'Rule of Law'	'Police/Justice Reform' 'Rule of Law' 'Citizen Security'
<i>Institutions Tending to Exhibit Perspective</i>	Human rights NGOs; Human rights IGOs	Western military establishments; UN/Peacekeeping Scholars & Consultants	Some CIVPOL officers; Donor country police agencies (eg, FBI, DEA, Spanish Guardia Civil)	International financial institutions; Some development agencies	Some donor agencies dedicated to governance, judicial/legal reform, and development

⁵¹ From Call 2002a.

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About the program

From Promise to Practice: Strengthening UN Capacities for the Prevention of Violent Conflict

Senior Program Associate: Dr. Chandra Lekha Sriram

Senior Program Officer: Ms. Zoe Nielsen

Duration: September 2000 – June 2003

While preventing violent conflict has many advocates at a general level, knowledge about how it is to be done, under what circumstances, when, and by whom, remains significantly underdeveloped. This is partly a problem for analysts, whose techniques for assessing volatile situations and potential remedies need to be sharpened. It is also a significant problem for organizations and institutions, whose practices, cultures, and styles of decision-making, and whose systems of learning and accountability, often inhibit effective responses to the complex environments in which conflict may turn violent.

In 2000-2001, IPA conducted an initial research and policy development project entitled "From Reaction to Prevention: Opportunities for the UN System in the New Millennium." The project aimed to determine the degree of consensus and discord in recent research on conflict trends and causes of conflict and peace, and to use these findings to help shape policy and action on conflict prevention within the UN system. We drew several conclusions from this initial work, including recognition of the urgent need to address the developmental aspects of conflict prevention. In light of this, IPA launched a three-year project entitled "From Promise to Practice: Strengthening UN Capacities for the Prevention of Violent Conflict." The goal is to find opportunities to strengthen the conflict prevention capacity within the UN system. The project devotes considerable attention to structural prevention, emphasizing the role of development and capacity-building.

The profile of conflict prevention has been raised by the publication of the Secretary-General's report on the subject in June 2000. The development of this report engaged broad sectors of the UN community, including member states, and IPA contributed to the advancement of the concept prior to the report by holding a number of workshops and informal discussions, including a Security Council workshop. The project is organized around three interrelated components: policy development, networking, and research. Policy development involves briefings, workshops, conferences, and policy fora bringing together the UN and New York-based policy community with international experts and practitioners to discuss research findings and present new ideas. We seek to build networks of expert practitioners in the UN system and among the UN, member states, and relevant NGO personnel and academics in order to sustain and increase involvement in preventive efforts. More information on program events and all of the program reports are available on the program website at <http://www.ipacademy.org/Programs/Research/ProgReseConf_body.htm>.

IPA's research aims to identify the most appropriate tools, actors, and strategies for a range of preventive actions to be undertaken by the United Nations. Case studies of preventive action were commissioned on the following nine countries: Georgia (Javakheti), Burundi, Tanzania (Zanzibar), Fiji, Kenya, East Timor, Colombia, Tajikistan, and Liberia. In order to develop cases that are both rigorous and as policy-relevant as possible, consultations have involved the UN system and its agencies, research institutes, civil society actors, experts, and others, developing guidelines for authors to give priority to the policy insights gained from cases. An edited volume of these cases will be published in 2002. A policy report on lessons from the case studies was disseminated to the UN and the larger policy community in the spring of 2002. The report presents ideas on best practices and policy recommendations for a wide variety of situations and identifies cooperative potential among UN actors, regional and subregional organizations, member states, NGOs, civil society, and the business community in preventing violent conflict.

The prevention project has developed two meetings to examine the role of regional and subregional organizations. A workshop held in April 2002 with the Swedish Institute in Alexandria, Egypt, sought to share best practices on conflict prevention and examine collaboration and cooperation between the UN and regional and subregional organizations at a working level to distill practical policy-oriented and operational suggestions. A senior level conference held at Wilton Park, UK, in July 2002 built on insights from the workshop and focused on further steps that can be taken to strengthen the role of regional and subregional organizations in conflict prevention.



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