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JOURNAL OF INTERNATIONAL PEACE OPERATIONS

Redefining Inherently Governmental Functions

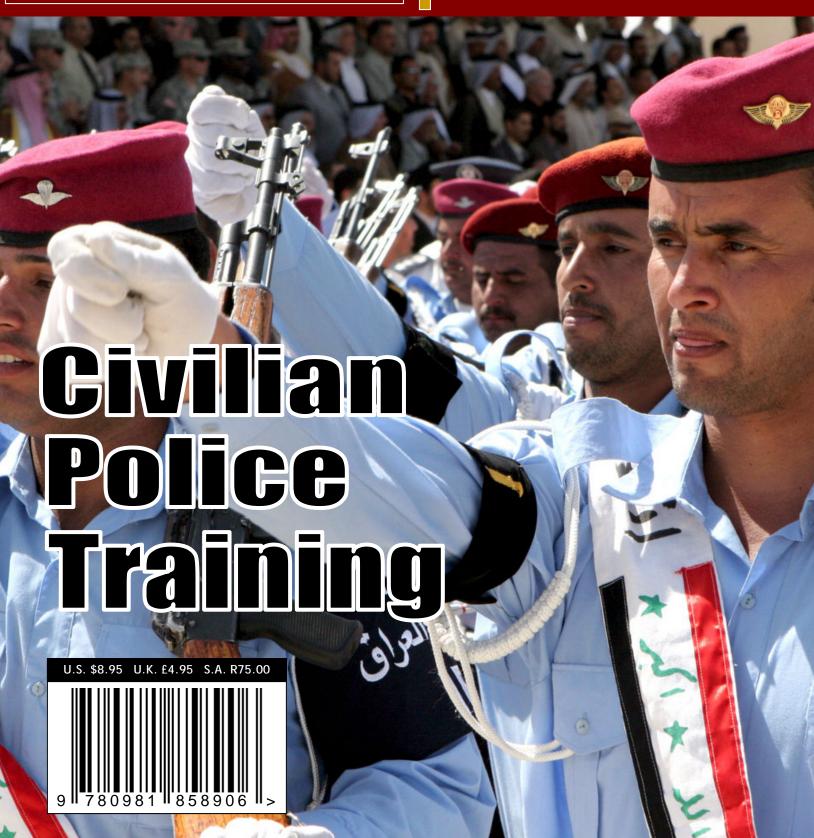
Q&A With Andrew Natsios

The Perspective of a Third Country National

China in Africa



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Newly trained Iraqi civilian police. Photo: Army Sgt. Frank Pellegrini/DoD.

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Doug Brooks

Who is Really Burdening the Military?

A Consideration of the Concept of 'Inherently Governmental'



Clearly overburdened. Photo: U.S.G.S.

NE of the more important current discussions is the o f 'inherently governmental,' a concept that has momentous repercussions for international security policy in Iraq and around the world. In the United States this term refers to which responsibilities can be entrusted to the private sector and which are best assigned only to government employees. Unfortunately, the debate turns largely around the question of what is traditionally governmental rather than what must be governmental, and this concept has enormous implications for global military and stability operations. Perhaps even more ominous, the discussion is closely intertwined with the emotional debate on the Iraq conflict, making rational decisions ever more difficult.

Western militaries in the 21st century are becoming smaller, more professional, more capable and smarter than in the past, yet too many pundits and academics are mired in a 19th-century understanding of a

military: the archaic concept of mass militaries with hapless soldiers ordered to do everything from potatopeeling to gate-guarding to ditchdigging. Strident advocacy of this anachronistic notion has been undermining military reforms toward effectiveness and efficiency. Demands that militaries return to the old concept undermines the ability of the international community to implement national and international goals and policies, not just in controversial conflicts such as Afghanistan and Iraq, but in humanitarian operations where everyone would like to see success, such as Darfur and Eastern Democratic Republic of Congo.

I often make the point that U.S. operations in Afghanistan and Iraq are the best supported and best supplied military operations in history. This observation is based not just on my own visits to these countries, but by numerous soldiers' accounts, and even by some critics of privatization who have cringed at the comforts provided to modern soldiers. This level of

support is a direct result of inspired utilization of the private sector to build and support bases, transport personnel and supplies, reconstruct infrastructure and even provide private security – largely by locals – for much of the perimeter and convoy security duties. These services certainly cannot guarantee success, but they do allow a relatively limited military force to better focus on its core missions.

For the U.S. government, a great deal can be done to improve the way in which the military uses and oversees contractors - improved oversight is far more beneficial to the mission than the current Congressional trend towards post-contract audits. IPOA member companies working with the U.S. government have been vocal in their criticisms of government oversight in Afghanistan and Iraq (although there has been gradual improvement). Good oversight also makes it easier for contractors to do their jobs since contracts in postconflict environments often need modifications to adapt to ▶28

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POA is pleased to welcome six new member companies to the Association: Arkel International, Crowell & Moring LLP, Cyrus Strategies LLC, FSI Worldwide, Securiguard Incorporated and Special Solutions. The addition of these new companies brings our membership total to 47, tangible evidence of our Association's ability to continue to attract companies from a wide variety of countries and specialties.

In other IPOA membership news, Gordon Conroy of Unity Resources Group, has been elected to fill a vacancy on the IPOA Executive Committee. Gordon will serve out the remainder of the Executive Committee's one-year term, which expires in October. This is the first time a Unity Resources Group delegate has been elected to the Executive Committee, and Gordon is also the first Australian to be elected to IPOA's most senior committee.

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Global Operational Resources Group Profile

LOBAL Operational Resources Group (GORGRP) is the leading emergency services and training company specializing in medical, survival, and rescue operations and training for remote, hazardous, and wilderness environments.

With the improvement of the security situation in post conflict regions, many organizations providing services in these areas find they can no longer rely on government owned defense assets to provide care for their personnel, or that care may be contractually limited by a life, limb or eyesight clause in their contract. This lack of care is a serious problem for organizations, as most do not have the expertise to stand up an internal medical capability, and those that do find the task a daunting distracter from their core competency.

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Redefining Inherently Governmental

Tara Lee

The Push to Redefine the Function and Its Consequences



"Inherently governmental?" Photo: U.S. Department of Defens

S a matter of policy, the United States federal government has long limited the functions that can be performed by the private sector to those that are not "inherently governmental." In order to avoid an "unacceptable transfer of official responsibility to Government contractors," the Office of Management and Budget (OMB) promulgates the executive branch policy that prohibits service contractors from performing any inherently governmental functions, and offers the following definition:

[A]n "inherently governmental function" is a function that is so intimately related to the public interest as to mandate performance by government employees. These functions include those activities that require either the exercise of discretion in applying Government authority or the making of value judgments in making decisions for the Government.

OMB guidance offers 19 category examples of what is an inherently governmental function, and the same number of examples of what is not inherently governmental. Additional guidance appears in the Federal Acquisition Regulation, Department of Defense regulations, and the U.S. Code. But in the last six months, amid mounting media criticism of "outsourcing" and "privatization," several key government officials have expressed concern that the existing definitions supporting the "inherently governmental" limitation are inadequate.

In March of this year, for example, former Comptroller General David Walker told the House Armed Service Committee that the definition of inherently governmental function needs to be reconsidered. Likewise, Director of Defense Procurement and Acquisition Policy Shay Assad told the committee that the Department of Defense is currently using contractors to perform functions that he believes should be performed by government personnel.

Academics have joined the chorus. At the American Constitution Society's national convention in Washington D.C., on June 13, Professor Laura Dickinson of the University of Connecticut School of Law said that the "inherently governmental" test for whether functions should be performed by contractors is "totally ineffective." Dickinson proposes abandoning the "inherently governmental" rubric and replacing it with a definition that focuses on "core capabilities" instead.

Congress, mindful of the mounting criticisms from governmental officials and academics, picked up the drum beat with H.R. 5658. The resolution is the House-passed version of the FY2009 defense authorization bill. It explicitly directs the OMB to review the definitions of "inherently governmental" functions included in OMB Circular A-76, the Federal Acquisition Regulation, the Federal Activities Inventory Reform Act, Section 2383 of Title 10 U.S.C., and any other relevant federal law or regulation, and to develop a single

consistent definition for the term.

The currently controlling definitions of "inherently governmental" are voluminous but not necessarily helpful. The term "inherently governmental" is used fourteen times in the U.S. Code, OMB guidance, and Federal Acquisition Regulation, but is not consistently defined. The Department of Defense provides the most extensive guidance defining inherently governmental functions. DFARS 7.503 and DoD Instruction 1100.2. Guidance for Determining Workforce Mix, combine to offer 120 pages of guidance on what is and is not an inherently governmental function. Ultimately though, the instructions themselves leave room for subjective and inconsistent

immunities from suit. Internationally, these issues are already receiving attention. On June 21, the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions gathered a panel of experts to discuss, among other issues relating to private security contractors and battlefield killings, whether and to what extent contractors performing private security functions on the battlefield ought to be granted immunity by the executive. That question is very current and far from settled as a matter of international law.

Meanwhile, in the United States, the courts continue to consider the immunities question. One immunity defense arguably available to

least in terms of long term industry impact - could prove to be the DFARS 7.503 provision mandating that Department of Defense contract requirements documentation include a determination that none of the functions to be performed are "inherently governmental." The formal Department of Defense designation of the contract requirements as "non-inherentlygovernmental" could serve as evidence against the extension of that immunity. Depending on the company's other procedures and practices, this could eliminate a potentially viable litigation defense and increase the company's overall exposure to civil tort liability. Regardless of the Department of Defense designation and any contract



Officials have expressed concern that the existing definitions supporting the "inherently governmental" limitation are inadequate.



judgment, leaving the power to set limits on contractor roles to the regional combatant commander.

So what are the potential ramifications for contractors if OMB substantially changes the definition of "inherently governmental" function? Given the current anti-outsourcing trend in media coverage and campaign talking points, it could mean fewer private contracts and more oversight, especially in areas like intelligence gathering and security and stability operations.

One important and interesting aspect of the debate though, will be whether the media and legislative focus on governmental functions leads to a serious discussion of who is empowered to act on behalf of the state, and whether those actors are legitimately entitled to governmental contractors is the combatant activities exception to the Federal Tort Claims Act. Though case precedent applying this legal exception to defense contractors (especially service contractors) is far from settled, the courts' analyses of whether to grant immunity from suit under that test usually turns on how directly the contractor is performing a military function and how integral the contractor's personnel are to the military function. Thus, contracts that include language expressly disavowing any "inherently governmental" role or function under the contract could prove problematic, as contractors facing litigation try to establish their entitlement to immunity under the combatant activities exception.

For that reason, the most significant regulatory changes concerning the "inherently governmental" test – at

language to the contrary, however, contractors whose personnel, especially in contingency operations and on battlefields, are essentially interchangeable with government employees and operate under the direct control of government and military chains of command can make a persuasive case for entitlement to the appropriate immunities from civil lawsuits.

Clearly, the debate over the definition of "inherently governmental" is more than just an academic question. There will be politicians and professors proposing all manner of "fixes" over the coming months, and those remedies will all have consequences, intended and unintended, that manifest themselves in contract language and in courtroom judgments. Stay tuned.

Dr. Eirin Mobekk

Post-Conflict Civilian Police Training

The Key to Sustainable Post-Conflict Stability



UN-trained Ivoirian police cadets. Photo: Ky Chung/U.N.

police essential component to prolonged and sustainable stability rule of law in post-conflict environments. Support and assistance to police forces in post-conflict societies by multinational organizations, bilaterally by states and by private contractors has been an incredible growth area in the last 15 years. Civilian police training has been and continues to be a key focus by the United Nations and other actors in post-conflict environments. The role of the U.N. police in supporting and assisting local police forces during peace operations has developed and changed considerably since their first participation and currently includes: monitoring and advising, training, local reform, building a new force and executive policing. Most frequently the mandates of the U.N. emphasize training local forces, monitoring, advising and assisting in local reform.

Civilian police training in post-conflict environments varies but it usually includes certain basic components such as crime scene investigation, handcuffing, use of force, report writing, traffic policing, weapons training, finger-printing, community policing, crowd control, election policing and human rights. Although included, particularly by the U.N., human rights have been less emphasized. The length of training given to new or re-formed police forces are often short, both in an academy setting and in the field, because of the need to get them out onto the streets as quickly as possible.

Short training has repeatedly led to problems, which has been exacerbated by the training not being tailored to the specific context, affecting the capabilities of the police force. These problems include not being able to provide a secure environment and not standing up to local political leaders or figures of authority, which in turn contributes to a descent into corruption and violence within the force. Short training limits the time in which to learn basic policing skills, and reflects the unwillingness of international actors to commit more

fully to training and accepting that in many cases it will take time before local forces have the capacity to effectively and efficiently police. Limited non-context specific training reflects short-term vision and commitment, potentially resulting in long-term problems.

The U.N. emphasizes issues such as human rights and treatment of victims and detainees much more strongly than many bilaterals in civilian police training. Human rights training is particularly important in post-conflict societies where security forces have been abusive and corrupt. In many cases the focus is on improving the police force on a technical level, but there is often less emphasis on human rights. Post-conflict governments in many contexts prefer bilateral training support, because it comes with less insistence upon oversight, accountability and human rights.

The multiple actors involved in civilian police training in post-conflict environments persist in addressing it in a fragmented manner. There is a

serious lack of coordination and coherence, which ultimately undermines the abilities of the local police force in the long-term. It is not unusual to have five or more actors strongly involved in police training including multinational organizations, bilateral assistance, as well as private contractors. Although coordination between the different actors in these environments have been much discussed, it has rarely if ever, been successful. When different actors implement distinctly dissimilar types of police training within the same country and police department, it may lead not only to confusion within the police force, but also mean that certain issues are addressed whilst others are ignored. The issue of coherence of training not only arises

that is an issue, but also simple cooperation between the different actors. For example, in Haïti a private contractor for the U.S. State Department conducted vetting of Haïtian police officers who were to go on courses run by the contractor in 2005 and 2006. However, the United States refused for a considerable time to share the information found during this vetting process with the U.N., although the U.N. was primary actor in police training and reform in Haïti. This type of lack of cooperation hinders progress in the field and can significantly postpone police reform.

There has been a tendency by several actors involved with police assistance in post-conflict environments to focus strongly on training or seemingly

the long run, increasing the potential for continued or renewed assistance. Bilateral support for police reform in many cases often focuses exclusively on training, equipment and establishing special units within the police and is less concerned with oversight, accountability, combating corruption and establishing management structures. This can be exemplified by South Africa's and Angola's involvement in Democratic Republic of the Congo where South Africa has trained officers in crowd control and intelligence operations and Angola has trained an anti-crime brigade.

An important, but marginalized link that should be mentioned when discussing civilian police training is



Support and assistance to police forces in post-conflict societies has been an incredible growth area in the last 15 years.



when numerous different actors are involved, but also when the U.N. is primarily responsible for civilian police training. This is due to the different policing doctrines among the many nationalities participating in U.N. police operations, leading to situations where local police officers have been trained in a multitude of ways during the course of one day. To improve the outcome of civilian police training in post-conflict environments it is not only necessary to ensure longer training of the police forces, but also that international actors coordinate their efforts in civilian police training significantly. As for the U.N., establishing an international policing doctrine to be implemented by U.N. police officers conducting the various policing mandates, including training, would ensure coherence in U.N. operations.

It is not only coordination of training

define civilian police training as police reform. This has led to problems in several post-conflict countries' newly established or reformed forces. Training, although essential, does not equate to reform. Institution-building is imperative for the sustainability of the local force in the long-term. A systematic focus developing local police institutions, management structures and particularly accountability structures from early on is vital. If institution-building is left until later it can result in weak institutions with limited accountability and oversight. Local governments sometimes reinforce this focus, as in for example Burundi, where the government throughout 2007 held a very narrow view of police reform, materials, logistics and training. Although lessons are slowly being learned from previous experiences 'training as reform' is faster and cheaper – yet ultimately more costly in

that between civilian police assistance and poverty and socio-economic development. Where there is an absence of development, simply training the police in basic policing skills will not hinder potential corruption or abuse within the force if the government cannot pay adequate salaries. Nor will it allow it to cope with potential increased violence due to a lack of development. Poverty also has a direct impact upon the training of police officers. In Haïti in 2007 many police officers were so malnourished that police trainers doubted that they would be able to do the physical test.

Civilian police training is critical to rule of law, however it needs to be put in the larger and longer-term perspective of police reform, and with that socio-economic development to ensure sustainability of training and reform.

David T. Johnson

U.S. Civilian Police Training Worldwide

Training Aimed at Building Local Capacity



U.S. civilian police training in Iraq. Photo: Staff Sgt. Juan Valdes/U.S. Air Force

cornerstone of stable and democratic nations is a criminal justice system in which citizens accept and voluntarily comply with the law. Emerging democracies often need such support after many years of civil strife. As part of the United States' mission, the Department of State's Bureau for International Narcotics and Law Enforcement Affairs (INL) provides programs to help institutionalize and sustain the criminal justice sector, to instill public trust in the rule of law and to protect human rights.

In the past decade, and particularly since September 11, 2001, INL increasingly has played a role in stabilizing post-conflict societies. INL accomplishes this task primarily through security sector reform, rule of law and institutional reform, correctional system and police and justice reform programs, which support international military coalition missions in Iraq and Afghanistan and international peacekeeping missions in Haïti, Liberia, Sudan, Timor-Leste, and Kosovo. INL also assists bilateral

and multilateral police development activities throughout the world and maintains five International Law Enforcement Academies in Botswana, El Salvador, Hungary, Thailand and Roswell, New Mexico.

INL training ranges from establishing and building basic police functions in post-conflict situations to providing targeted bilateral and multilateral training for more established police organizations and law enforcement personnel.

Police Trainers

Many countries that provide police to civilian police programs have national police forces to deploy officers for overseas service. Since the United States does not maintain a national police force, its contribution relies on individual volunteers.

All trainers are selected based on their expertise and ability. All are current or former police officers with a minimum of five years experience certified by their home state law

enforcement certification entity and with field training experience, and may have significant experience working in a particular region and in conducting training. Due to the unstable environment in a number of countries, INL also utilizes the U.S. Department of Defense for specialized training to elite counternarcotics units. INL contractors who hire these officers conduct background checks and each officer must also pass a personal interview with two people involved in managing the program.

INL's bilateral police and other judicial sector development programs focus on developing existing police forces and vary significantly from country to country - a basic skills course in Benin is different than one in Bosnia. In Latin America, the Caribbean and Central and South Asia, the majority of INL police training is focused counternarcotics. INL works closely with the Drug Enforcement Administration (DEA) to determine training needs for

counternarcotics police in general and in training and support to DEAspecialized units. In Africa, Asia and the Balkans, INL training focuses on counterterrorism, money laundering, human trafficking, alien smuggling, organized crime investigations and other areas related to transnational crime. A common theme throughout all INL training is attention to institutional reform including building transparent personnel systems, establishing internal affairs sections to investigate corruption and human rights abuses, and instituting training regimes that maintain standards and update skills.

In some countries, such as Bolivia and Colombia, training is conducted by

Trainee Screening

Although the procedures for screening trainee candidates vary from program to program, the Department makes every effort to ensure that training is not provided to individuals who have ties to criminal, terrorist or narcotics trafficking organizations. Potential participants in training programs are also vetted in accordance with the Leahy Amendment at the embassy and in Washington, D.C., for human rights violations, including background checks for criminal behavior.

In Iraq, police training is carried out by the Civilian Police Assistance Training Team of the Multinational

Curriculum and Standards

\In general, training curriculum is developed by U.S. Government entities, such as the Department of Justice, DEA, FBI, Bureau of Alcohol, Tobacco and Firearms, and agencies of the Department of Homeland Security. Remaining flexible and incorporating lessons learned is essential to providing the most effective training possible. No single standard can adequately account for the wide range of topics training addresses. These topics comprise basic police development including investigative capacity, forensics, criminal intelligence, and broader issues



A common theme is attention to institutional reform including building transparent personnel systems, establishing internal affairs sections to investigate corruption and human rights abuses, and maintaining standards and update skills.



18 ■ the host nation's police or military.

These host nation trainers are trained and mentored by U.S. law enforcement personnel to build host country police capacity. This "trainthe-trainer" approach has the added benefit of institutionalizing basic, advanced and specialized law enforcement training. Police development activities in Africa, East Asia, Europe and the Middle East generally employ trainers and technical advisors from U.S. federal agencies including the Departments of Homeland Security, Justice and Treasury. Instructors in INL's five International Law Enforcement Academies represent approximately 17 different federal law enforcement agencies. All are certified as expert trainers by their respective agencies.

Security Transition Command in Iraq which is responsible for recruiting and vetting of trainees. In Afghanistan, the Departments of Defense and State share responsibility for police recruit screening. In both cases, the U.S. government assists these governments in developing minimum standards for police candidates, to include aptitude, minimum age and literacy requirements.

Where INL is supporting United Nations or other multilateral organization peacekeeping missions, the multilateral organization manages local police training in cooperation with the host nation to screen police trainee candidates. Assistance to those agencies is also contingent on excluding candidates in violation of the Leahy Amendment or other provisions of U.S. law.

counternarcotics, anti-money laundering, intellectual property rights, border security, respect for human rights, and anti-corruption.

In post-conflict environments like Afghanistan, Haïti, Iraq and Kosovo, training aims to quickly and effectively build their capacity to promote the rule of law, maintain peace and provide security. The basic police training curriculum is based on wellestablished U.S. domestic procedures as well as the experiences and lessons learned from prior international police training missions. In many postconflict areas we also provide training to existing law enforcement personnel to refresh their basic skills while also providing instruction in human rights and community-oriented policing. As recruits graduate from basic training and begin work, INL closely ▶ 16

European Union Gendarmerie

Joseph Lacey-Holland

Initiative

Continent-wide Push to Improve Critical Aspect of Peacekeeping



EUPOL officers comparing berets in Kinshasa, D.R. Congo. Photo: EUPOL

18, 2007, witnessed the gathering of representatives from five European Union members in Velsen, the Netherlands, to sign a treaty establishing the European Gendarmerie Force EUROGENDFOR as it is officially titled. Based in Vicenza, Italy, the force is able to rapidly deploy (within 30 days) a fully operational police mission consisting of up to 800 Gendarmes, with the capacity to further reinforce this number should the need arise. Although primarily designed to operate under EU auspices the force will also be available, upon request, to the United Nations, NATO, the Organization for Security Cooperation in Europe and ad hoc coalitions.

For France, Italy, the Netherlands, Portugal, and Spain, this treaty represents the culmination of a process that began in November 2001, when EU member-states attended the Capabilities Improvement Conference in Brussels, Belgium. This meeting aimed at increasing force commitments to the Helsinki Headline Goal, which was established under the European

Security and Defence Policy in 1999.

This policy re-asserted member-states' commitment to the European military and security priorities formulated by the now dormant Western European Union in 1992. These so-called "Petersberg Tasks" identified three key areas in which it was deemed essential that Europe develop an independent operational capability: humanitarian and rescue missions; peacekeeping; and tasks of combat forces in crisis management, such as peace-enforcement.

With these ambitious targets in mind, and drawing on their extensive experience in the Balkans during the 1990s, European policy-makers acknowledged major deficiencies in the continent's peacekeeping capabilities, particularly their militaries' inability to maintain public order, enforce the rule of law and combat organized crime in the aftermath of intervention.

Considering that European armed forces were configured for highintensity conventional warfare, it is hardly surprising that they struggled to implement socially sensitive law and order programs in complex quasicombat environments. The deployment of civilian police was an attempt to address this problem, but civilian police personnel were completely overwhelmed by the anarchic conditions of post-conflict environments, lacking both the training and firepower to confront the lingering forces of war.

These failures were not wholesale, and the military and civilian police both had their respective roles to play. Nevertheless, a serious void existed between their differing capabilities. This so-called "public-security gap" was not only destabilizing in the short term, but also set dangerous precedents for the future development of states under international supervision. In Kosovo, for example, the U.N. Mission's failure to effectively challenge organized crime has assured that this newly independent state is a haven for human trafficking and the drug trade.

The European Gendarmerie Force is the EU's attempt to fill this void in law and order with Gendarmerie-cum-Carabinieri forces. These forces are variably referred to as Stability ◆ Police Units, Multinational Police Units or Integrated Police Units. The latter's acronym, IPU, has already entered into the EU's official lexicon.

Simply put, IPUs are police units with military status, specially trained in dealing with public disorder, tackling serious crime and conducting high risk operations. In order to successfully deter, mitigate and deescalate nascent violence and criminality, IPUs maintain a unit-based structure, employ high levels of discipline, and retain the capacity for the graduated use of force, up to and including lethal levels.

The advantages of utilizing IPUs in intervention operations are numerous and represent a major addition to the EU's capacity for dealing with international emergencies. The units' hybrid nature allows them to conduct

community policing whilst retaining the capability to respond effectively to any violent challenge against their authority.

In addition, the unit structure of IPUs gives them a significant operational edge over their civilian counterparts. A serious drawback of civilian police is that they consist of individuals from disparate national backgrounds who have little or no operational history together. In contrast, IPUs deploy in self-contained units with well-developed standard operating procedures and the shared bond of common training and barracked living.

Furthermore, the military status of IPUs allows them to slip into military command structures more easily than civilian police, ensuring that lines of communication remain transparent

and disputes over jurisdiction are kept to a minimum. Should operational command be transferred to civilian authorities, IPUs are adaptable enough to integrate into this organizational setup as well.

Bridging the public security gap and enforcing effectual law and order have become the pre-eminent challenges of contemporary intervention operations. IPUs offer the robustness, deployability, flexibility and interoperability required for the successful implementation of law and order in challenging environments. The establishment of the European Gendarmerie Force is an important development in European peacekeeping doctrine and reflects the EU's willingness to put into practice lessons learnt from its previous engagement in post-conflict management.



European policy-makers acknowledged major deficiencies, particularly their militaries' inability to maintain public order, enforce the rule of law and combat organized crime.



Post-Conflict Civilian Police Training

14 ■ monitors performance of those trained, the host government's implementation of instructional techniques and procedures, and overall progress toward specific performance measures.

Once these programs mature and move beyond basic capacity building, police training becomes more comprehensive, offering more advanced courses that focus on the needs and priorities of that particular country.

Curriculum for the International Law Enforcement Academies is developed through a process in which all

participating countries identify key law enforcement challenges facing their nations and their region. Based on these findings, the appropriate U.S. government agencies provide training tailored to the region that the International Law Enforcement Academies serve. Instruction includes counterterrorism, drug trafficking, financial crimes, border security, organized crime, intellectual property rights, human trafficking and other emerging criminal activities. Instruction is tailored to the unique nature of these issues in each region. For example, training at the International Law Enforcement Academy in Budapest emphasizes organized crime and human

trafficking, while courses at the International Law Enforcement Academy in San Salvador will emphasize anti-gang training, counternarcotics and criminal investigations.

While the preceding examples illustrate how training varies depending on challenges and environments, all U.S. government assistance to foreign law enforcement personnel is grounded in basic values. Our training strives to impart respect for the rule of law, human rights and basic codes of conduct, and is constantly monitored so that procedures may be amended as necessary.

Reconstruction Amidst Conflict in Sudan

An Interview with Andrew S. Natsios

Melinda Baker



Andrew Natsios. Photo: U.S. Department of State

NDREW S. Natsios served as the U.S. Special Presidential Envoy to the Sudan from September 2006 to December 2007, an appointment announced by President George W. Bush in his remarks at the United Nations General Assembly on September 19, 2006. From May 1, 2001 to January 12, 2006, he served as Administrator of the U.S. Agency for International Development (USAID) the lead U.S. government agency doing international economic development and humanitarian assistance. During this period he managed USAID's reconstruction programs in Afghanistan, Iraq, Sudan which totaled more than \$14 billion over four years. President Bush has also appointed him Special Coordinator for International Disaster Assistance and Special Humanitarian Coordinator for the Sudan. Natsios served previously at USAID, first as director of the Office of Foreign Disaster Assistance from 1989 to 1991 and then as assistant administrator for the Bureau for Food and Humanitarian Assistance (now the Bureau of Democracy, Conflict and Humanitarian Assistance) from 1991 to January 1993. After serving 23 years in the U.S. Army Reserves as a civil affairs officer, Natsios retired in 1995 with the rank of lieutenant colonel. He is a veteran of the Gulf War.

JIPO: What are some of the fundamental issues in Sudan that must be resolved in both the near and long-term future to prevent Sudan from sliding once again into civil war?

Andrew Natsios: You have several major issues currently. The first is the situation in Abyei, which has to get resolved before it explodes into a larger conflict.

Secondly, we have to have some set of arrangements around the elections next year. Elections can either greatly stabilize or destabilize a fragile political situation, and with the February election coinciding with a new U.S. administration taking office and a likely long transition, it could not be a worse time to have failed or

fraudulent elections for U.S. policy makers to have to deal with.

Thirdly, we have to deal with the issue of the referendum in 2011 in terms of whether the South will secede from the North, and what quiet negotiations should be done ahead of time to avoid that referendum destabilizing the country. These are three critical issues that will have to be dealt with over the next three years. And failure to resolve any one of those things could potentially result in war.

JIPO: What do you think are the future prospects for engagement between the North, the South and outside intermediaries in light of current Special Envoy Richard Williamson's recent suspension of talks involving both the Northern and Southern Sudanese governments?

Andrew Natsios: Rich Williamson is a very skilled and able diplomat working in an extremely difficult situation, and the initiatives that he is taking are exactly the right thing to do in my view. He is putting pressure on both the North and South to try to come up with a solution to Abyei and on other issues related to the implementation Comprehensive Peace Agreement. Both sides were proving extremely inflexible. There are hardliners in both the North and the South that are making it difficult for the moderates to reach a consensus. By calling

■ off talks and criticizing both sides, I
think he is showing that he is an
independent mediator who is looking
to both sides to moderate some of
their demands to come up with a
compromise.

The U.S. and the international community must continue to focus on facilitating a series of political solutions to get the Comprehensive Peace Agreement back on track and deal with the three main issues mentioned earlier. Progress is being made in the South, and to have it all erased because of another war would be a catastrophe. There is some evidence from Khartoum that President Bashir, who has the past couple of years sided with the hardliners in the National Congress

of political deals where no one completely wins and no one completely loses. We need to understand that any deal that threatens the existence or survival of the Nile River Arabs will simply not be implemented, no matter how much international pressure is placed on the government.

I would suggest encouraging the North and South to form a political coalition of convenience between the Sudan People's Liberation Movement, the southern party, and one or two of the Nile River Arab political parties (perhaps even the National Congress Party) for the elections next year. In exchange for resolving Abyei, holding free, fair, and peaceful elections, implementing the rest of the

too much money into fragile institutions anywhere, you are going to have corruption and that is what you have in the South. It's not a group of people running an organized effort, but rather individuals just taking advantage of the absence of certain organized systems to account for funds. With 300,000 people on the Southern government's payroll between the military and civil service, this is not insignificant.

Efforts are being taken by donor governments through USAID, the World Bank, the European Union and others to help put into place systems to address this problem: like the hiring of the British firm Crown Agents to oversee all procurements. The South has agreed to this in theory, although



The U.S. and the international community must continue to focus on facilitating a series of political solutions to get the Comprehensive Peace Agreement back on track.

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Party, is shifting his position to support more moderate forces in his party, but he has not got enough support within the National Congress Party yet to be able to see that an accommodation actually takes place.

JIPO: What would a grand political bargain look like?

Andrew Natsios: In regards to Abyei, we could essentially have an oil for land deal. The North could receive a set percentage of oil revenues, even after 2011 if the South does secede, and in return the original Southern tribes from Abyei will get their land back with the borders according to the Abyei Border Commission report.

In general, there needs to be a series

Comprehensive Peace Agreement, and facilitating the entrance of a more robust U.N./African Union peace keeping force to Darfur the U.S. would create a roadmap for improved relations with Sudan, offering things such as the removal of economic sanctions and establishment of full diplomatic relations following the completion of these benchmarks.

JIPO: You have highlighted that one positive note in Sudan has been that Khartoum did give the South now nearly \$4 Billion in oil revenues based on the terms of the Comprehensive Peace Agreement. How is the Southern government handling reconstruction given this large infusion of funds and high level of underdevelopment?

Andrew Natsios: When you inject

the implementation is a little less sure since no one would be able to really make money off of the procurement process anymore.

This is not the first time a country has hired outside people to come in and help. For example, the Mozambicans hired the same firm to come in and handle procurement to eliminate corruption and to even handle tax and customs collections as well. This is an option for the South, but it takes political will, and the problem with political will in the South right now is that dissatisfied tribes may turn to the North for support or help. So there is a balance between good governance, systems, institution building and the reality of the general political instability in the country.

Paul LaFontaine

Considering Stadium Security

As the Beijing Olympics Nears, the Security Focus Moves to Large Sporting Events



Potentially stadium security overkill. Photo: Homestead U.S. Air Force Base

N 1995 a student at Oklahoma University detonated a bomb strapped to his body outside a packed stadium. In 2001, a plot was uncovered by French authorities involving an attack against a stadium in Paris during a soccer match between France and Algeria. Authorities suspected attacks were planned during both the 2004 European Cup soccer matches in Portugal and 2006 World Cup in Germany. Though attacks on stadiums are more commonly found in works of fiction, the reality of such events are not far from the headlines.

Even in our multimedia age people continue to enjoy gathering in large crowds and watching live entertainment. Because of this, the worldwide multibillion dollar live entertainment industry is a visible target for bad actors who may want to commit violent acts. There are 650 U.S. and 620 European stadiums with over 8,000 seat capacity. To improve security for this number of locations, today's stadium crowd control measures must evolve into a

disciplined and active threat assessment with predictive reaction capability.

Standard crowd control measures are designed to reduce confrontations and discourage bad behavior at crowded events. Event attendees are checked on entry and many officers in the stadium check bathrooms and other areas throughout. Officers move in an out of crowds looking for the onset of spontaneous trouble.

Overwhelming physical presence is designed to reduce the potential for sudden mischief. The responsibility for this security lies with a mix of local police and stadium security, so this type of security is subsidized by the state. Police usually deploy outside the building perimeter in numbers sized for the crowd while venue security teams deploy inside.

Given the broad availability of targets, the determined bad actor, trained to penetrate security at the weakest point of coverage, will only be detected by specific efforts to improve threat identification and neutralization. Improving threat identification on the day of the event requires active surveillance of up to 35,000 people simultaneously. This will create a financial problem if the attempted remedy is an increase in personnel. Already thin, event budgets would evaporate under the strain. If the solution is technical, to include increased employment of closedcircuit television throughout the stadium and scanning devices or metal detection at the point of entry, the capital cost will be high. Purchases of expensive machinery are likely suitable only for the largest of venues.

The procedural leap that will let authorities and stadium operators move threat identification to the period prior to the event is similar to airport security: identity based ticketing. On purchase of the tickets, the attendee gives an identity or membership number to be used. Prior to the day, the attendee list can be checked against a watch list. Cleared attendees can enjoy the event with minimum security oversight.

■ European soccer teams have used identity based ticketing to reduce hooliganism. In Greece and the Netherlands the football leagues already control a hooligan list, which is checked against ticket purchases.

The first challenge with these implementations is that unlike airlines, the venue has to quickly move 10,000 to 35,000 people into the venue. The processing time for each attendee must be much faster. There are a variety of methods for this, though a standard has not yet emerged.

The second challenge is budget. Equipment and training for identity based ticketing increase already tight stadium budgets. Local police will not bear the brunt of the expenditure. If a few tragic incidents mandated the use

of active measures the industry would not be able to handle the increased cost. If the incidences were numerous, it could devastate the industry.

To avoid the negative economic impact of the increased costs associated with improved security, the prudent stadium operator and the entrepreneurial security company can join forces to marry active response security measures with commercial loyalty club ticketing capability. The loyalty programs have identity based ticketing embedded with membership cards and activity tracking. There is a precedent for this, as many European soccer teams mandate that ticket buyers must be fan club members, allowing for the gathering of marketing information and voluntary security data.

People enjoy being fans and the status it confers. To raise their profile and accumulate benefits, they will volunteer personal data and submit to a vetting process. The benefit to them is convenience. For the stadium it is increased marketing data and revenues. And for the security company, it is a registered database of attendees that make active measures more effective.

The forward thinking security company might seek out partners with whom they can marry their expertise in active security measures with the technical capabilities to run a loyalty club. The combined product will be an attractive package for the stadium looking for a long term higher participation and greater security for the event attendees.



The worldwide entertainment industry is a visible target for bad actors who may want to commit violent acts.



Reconstruction Amidst Conflict in Sudan

18 | JIPO: What is the impact of any Chinese involvement in the area?

Andrew Natsios: The Chinese get about 60 percent of their oil from Sudan's oil fields, so they do hold a lot of influence through oil. But this influence also extends beyond oil, considering the number of Chinese construction companies that operate in both the North and the South as well as in Darfur working with the U.N. I think the Chinese have come a long way since the beginning with their policy of non-interference because through their actions they are interfering. About a couple of months ago, the Chinese government openly criticized the Sudanese government for stonewalling U.N. efforts to get peacekeepers into the country, which is something they have not really done publicly before. So does China have influence? Yes, but I don't think we should exaggerate that influence. The largest trading partner with Sudan is the European Union and we need to look at the totality of the picture.

JIPO: Can you talk about the current role and status of the U.N. peacekeeping force in Darfur?

Andrew Natsios: It is clear to me that there has been a hesitation on the part of U.N. officials to bring in forces speedily, even though there is a U.N. resolution in place authorizing it. The reason for this is that if you look at U.N. peacekeeping missions over the past twenty years, operations where there is no peace agreement

have a very high rate of failure. When there is an agreement like the Comprehensive Peace Agreement, the likelihood of success is significantly higher. But when you have a situation where you have fifty rebel groups and no agreement to hold parties accountable to, it is a much different situation. So there has been a bit of a slowdown in the hopes that a political settlement will be reached before peacekeepers are sent in. However, in the case of Darfur we cannot wait for a political settlement, as the presence of the troops may help facilitate negotiations. So I know that Rich Williamson, Secretary Rice and Deputy Secretary Negroponte have put in place some measures to try to get the forces in more quickly. I support those measures.

Perspective of a Third Country National

Hugo Guerrero

A Response from a Colombian Private Security Contractor



The sun sets over a base in Iraq . Photo: SPC Sean Kimmons/U.S. Army.

Editor's note: Many people outside of the peace and stability operations industry are astonished to learn that companies utilize local nationals to provide the overwhelming majority of their personnel requirements. Third country nationals are the next largest source of expertise, and they come from all over the world to work for companies providing services such as logistics, aviation, demining and of course security. This article comes to the Journal of International Peace Operations from a Colombian third country national who worked as a security specialist in Iraq.

FTER 20 years of private security work in Colombia, I had the opportunity to work professionally outside my country: a dream come true. My security qualifications and previous experience in Colombia's conflict environment, including mortar attacks, abductions, mine fields, bombed pipelines, assassinations and extortion prepared me well for this work. Iraq would round out my professional experiences.

I should say that working in Iraq has been one of the edifying and satisfactory experiences of my life. In my case, and in that of most other Colombians that have worked in Iraq for private security firms, the experiences were excellent from the start to the end.

I found the recruitment process to be transparent and fair. From the

beginning, the terms of the contract and the employer's goals were always clear and a respect for my rights was guaranteed. I was well briefed and trained and communication with my superiors was open, constructive and continuous. My salary was paid on time, benefits and insurance were clear, and I received a bonus upon completion of my contract. I made good friends and am still in good contact with many of them.

From the beginning I was treated like a person, not just an employee. A positive attitude and an open mind are essential for a good experience. I put my confidence in the prestige of the firm that contracted me and in the professionalism of the people they recruited. In a short amount of time, I was able to build an important foundation for my children's future. My family and I are very grateful.

Unfortunately, upon returning to Colombia, I encountered a campaign of disinformation characterizing the Colombians working in Iraq as "mercenaries." It bothered me that this distortion blindly mirrored the global campaign against the effort in Iraq and also revealed the ignorance of journalists and opinion-makers regarding the true role of our industry in a globalized world. I spoke on this issue at several conferences and gave interviews to both national and international news sources to provide more accurate information.

This perception problem began in 2004 when some recruiting firms searching for skilled personnel to work in Iraq blundered in their handling of the local recruitment. These firms used intermediaries or recruiting officers with vague authority and their clumsy actions generated confusion and suspicion



with the public. Some representatives organized surreptitious meetings, which should have been open and professional. Worse, competition between recruiters for commissions created a frenzy of harmful conjecture. Ultimately, a perplexing incident in 2006 related to the fraudulent process of contracting and the bad treatment of Colombian third country nationals brought to work in Iraq as security guards for a prestigious security firm compromised public trust in the industry.

Nevertheless, the many multinational firms that have employed Colombians have found them to be smart, enthusiastic, experienced and Operations Association. In Colombia, the private security industry has already implemented regulations based on Corporate Social Responsibility ISO-26000, application of the International Peace Operations Association Code of Conduct, and the adoption of practical guidelines for the continuity of firms in both the extractive and non-extractive industries in conflict zones and where governance is weak. This opens business opportunities in the post-conflict environment, which allows for the possibility that Colombians will again be utilized as third country nationals in international contracts.

Upon returning to Colombia, I encountered a campaign of disinformation characterizing the Colombians working in Iraq as "mercenaries."

professional. Colombians are not as cheap as the nationals of other developing nations, but if one needs a more sophisticated level of security, Colombians are a good option. Our extensive experience with the war on drugs and terrorism make us a better option than others. The Colombian knows to listen when there is something to be heard, to speak when there is something to be said, to sing when there is something to be sung, and to show maturity during times of conflict.

It is essential to take into consideration innovative ideas about the role of private security at the local and global level such as those put forth by the International Peace It is important to note that since the International Peace Operations Association was created, an alternative image of international security firms is bolstering a different image of the overall industry environment. Building upon this new image, we must focus on taking constructive action in societies destabilized by conflict: action that is tailored to the reality that faces Colombia and many other countries.

This article was translated from the original Spanish version by Melinda Baker and Bethelhem Ketsela Moulat.

The original Spanish version of this article is available on the Journal of International Peace Operations web site.

Places like Iraq can be a challenging and often dangerous working environment Photo: Cpl. Robert R. Attebury/U.S. Marine Corps

United Nations Initiatives in Training

Dr. Phyllis J. Mihalas

Creating a Capable Pool of Personnel to Improve the Effectiveness of Peace Ops



Looking to the future effectiveness of U.N. operations. Photo: United Nation

T one time finding expertise in peace operations was more good fortune than successful recruiting. The expectation was that member states would send professionally trained troops, police and civilians. Proficiency in respective fields, such as logistics, security, and management was minimally the requirement, but professional development training to assimilate them into the mission was not always the highest priority. In fact, the highest priority was getting the mission assembled whereas staff orientation training ranged from minimal to non-existent.

Although the Brahimi Report from 2000 placed great stress on alleviating the roadblocks to recruiting and deploying capable civilian staff to peace operations, the issue of training for civilians seemed to fall between the cracks. Taking a step beyond job training, the Department of Peacekeeping Operations (DPKO) has since instituted a career development program, run by the new Human Resources Management and

Development Section in Personnel Management and Support Services, and is taking steps to retain a growing pool of mostly young, fieldexperienced civilian personnel.

In May 2008, the Integrated Training Service of DPKO introduced a strategy of peacekeeping training through 2011. The Integrated Training Service vision is to make the United Nations the global leader in development and setting peacekeeping training standards. To that end, the expected outcomes are to increase the knowledge and skills of peacekeeping personnel so they may:

- Meet the evolving challenges of peacekeeping operations;
- Perform their specialist functions in an effective, professional and integrated manner; and
- Demonstrate the core values and competencies of the United Nations.

Rather than struggling to meet the full range of peacekeeping training demands, the Integrated Training Service will operate at the strategic level and focus its efforts on priority areas where a small, centralized service can make an effective contribution. The goal is for the Integrated Training Service to capture best practices, set standards, develop policy and provide guidance to trainers in DPKO, the Department of Field Support, Field Integrated Mission Training Centers and member states, to assist them with developing and delivering training.

Further, the Integrated Training Service will be responsible for meeting priority training development and delivery needs that cut across functions or affect major areas of peacekeeping. These priorities will be determined through assessment of current and future training needs, and are likely to include management training. Peacekeeping training related to specific substantive or technical areas will be decentralized to offices and units in DPKO, the Department of Field Support, the Secretariat, i.e., for human rights and humanitarian affairs), and the field to supplement the Integrated Training Service

- ◆ effort. Over the next four to six months, the Integrated Training Service will implement this strategy through six teams:
- 1. Needs Assessment;
- 2. Policy and Standards;
- 3. Field Training Support;
- 4. Support to Member States;
- Leadership and Management Training; and
- 6. Program Management.

As DPKO and the Integrated Training Service work toward making the United Nations the global leader in development and setting peacekeeping training standards, there continues a need for professional development for those who work in and around U.N. peacekeeping missions.

first century; research innovative training and capacity-building approaches; and form partnerships with other U.N. agencies, governments and non-governmental organizations to develop and implement programs that meet individual countries' needs.

UNITAR POCI trains peacekeepers, humanitarian workers, United Nations staff, and other persons interested in global peace and security. Published and distributed through hard copy or Internet downloadable, there are 22 courses that allow anyone to study peacekeeping topics from anywhere in the world in a self-paced program. Military and civilian staff may take courses in preparation for deployment to a peacekeeping mission, or they can add to their knowledge in the field.

- Security Measures for U.N. Peacekeepers
- Peacekeeping Operations and International Conflict Resolution
- Civil Military Coordination
- Disarmament, Demobilization and Reintegration

UNITAR POCI, which has been endorsed by the International Peace Operations Association, enhances professional development for a minimal cost as a convenient and flexible training plan. With unlimited access, this well-respected distance learning program has established institutional relationships with existing peacekeeping training partners worldwide. Study materials, examinations and certificates are all managed online.



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There are many independent academic training programs that support professional development in the peace operations field. One program dedicated to providing training to peacekeepers, police and humanitarian workers worldwide is the United Nations Institute for Training and Research, Program of Correspondence Instruction (UNITAR POCI) for Peacekeeping Operations.

Founded by Dr. Harvey Langholtz in 1993, UNITAR POCI is a U.S. 501(c) (3) not-for-profit organization that developed a training program under agreement with UNITAR. An autonomous body with the United Nations, UNITAR POCI's mandate is to enhance the effectiveness of the U.N. training and assist countries in meeting the challenges of the twenty-

Additionally, UNITAR POCI courses are available for corporate professional development for those organizations that have direct business dealings with the United Nations and its Peacekeeping Missions.

Students from over 170 nations have enrolled in correspondence courses from UNITAR POCI for over 98,000 enrolments globally during 2007. In addition to various history courses as well as three different logistics courses, others include:

- An Introduction to the U.N. System
- The Conduct of Humanitarian Relief Operations
- Commanding U.N. Peacekeeping Operations
- U.N. Military Observes: Methods and Techniques
- Ethics in Peacekeeping

While methodologies and delivery options (residence, distance learning, blended) vary, they are two of the standard bearer programs available for those who seek a professional development program in support of peace operations.



Photo: UNDPKO.

South Africa

and Nepal Tighten Laws

Soldiers and Private Contractors to be Affected by New Impositions



Gurkhas form an integral part of British military operations. Photo: U.K. Ministry of Defence.

AST fall, the South African parliament passed a wide-sweeping ban prohibiting South African citizens from engaging in what the government terms mercenary activity, a category it defines as employment by both private security firms and foreign militaries. Similarly, last month in Nepal, the newly installed Maoist government announced that they would put a halt to the service of elite Gurkhas in foreign armies.

Taken together, these two developments represent a troubling trend for the peace and stability operations industry. While a certain increase in the amount of government supervision could be expected in the wake of the immense expansion of the industry following the wars in Afghanistan and Iraq, this hard stance against the industry as a whole is a worrying development.

Both governments provided some explanation for their decisions. For South Africa, the move represents an effort to change the country's

international reputation, gained during the apartheid years, as an exporter of "guns for hire." Additionally, members of the South African government, including Minister of Defense Mosiuoa Lekota, expressed concerns regarding the lack of legal framework governing the private security industry, citing the absence of adequate oversight and regulation as one of the reasons for the ban. Meanwhile, Nepal's new Communist government said only that it does not want to see young Nepalese go abroad to serve in foreign militaries, regarding the long-established practice as "shameful."

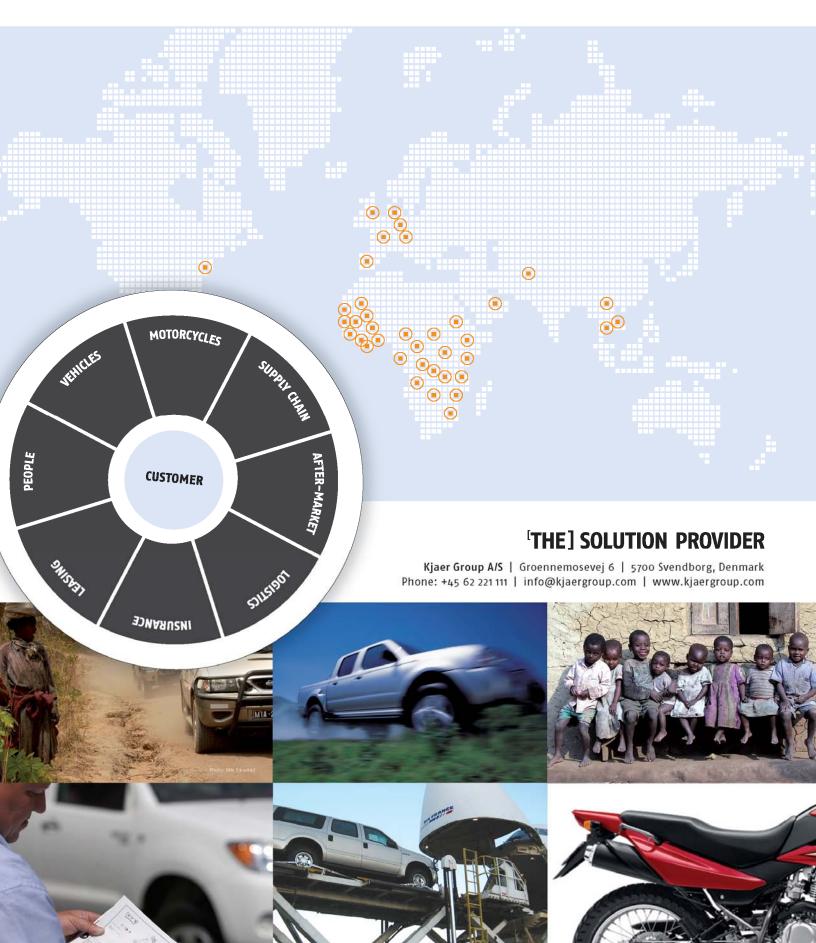
These decisions have repercussions outside the private security industry as well. Both bans prohibit citizens' service in the armed forces of other countries. This is problematic, given that nearly 1,000 South Africans serve in the British military, many of them on the front lines in Iraq. Current legislation being considered in the South African parliament in Pretoria would subject these individuals to fines or possible jail terms, causing

concern for the British Army, which is in the throes of a recruiting pinch and hopes to retain the troops.

Prohibiting Gurkhas from foreign military service would have even more serious effects if the ban was realized; presently the British Army employs a brigade of 3,400 Gurkhas, and the Indian Army fields another seven regiments. The Nepalese government has stated its intent to shut down British recruiting stations in the country, prompting an angry response on the part of the British government, which cites the longstanding tradition of Gurkhas' service in the British armed forces. For the Indian Army, however, the problem is considerably more serious, as the Gurkhas represent a significant proportion of their entire army, especially of their elite troops.

From the perspective of the private security industry, one potential problem with this trend is that the ban on South Africans serving abroad might result in increased recruiting of ex-military personnel from \$\rightarrow\$28





Ambassador Herman Cohen (Ret.)

The Chinese Are Coming!

The Chinese in Africa: Threat or Promise?



Chinese Premier Hu Jintao addresses a Forum on China-Africa Cooperation in Beijing. Photo: Government of China

O almost anywhere in Africa these days, and you will see a steady, incoming flow of Chinese business representatives, Chinese workers and Chinese shopkeepers. Where the China of Mao, between 1960 and 1975, saw Africa as a prime candidate for anticapitalist revolution, today's China sees Africa as the major feeding trough of primary commodities needed for its exponential economic expansion.

Chinese industry needs raw materials of every kind. Africa has these materials in abundance. China has the capital to invest to get the raw materials out of the ground. The Africans stand to make a lot of money through licensing, royalties and taxes. If it can take advantage of the enhanced revenue flows from today's commodities boom, Africa should be able to enjoy a major breakthrough in economic growth and poverty reduction.

How do the Chinese operate in

Africa? Are they projecting an image of "neo-colonialism" as some analysts argue? Do the Chinese pose a threat to American and European interests in Africa?

In its search for primary commodity deals in Africa, Chinese business and the Chinese government work together quite smoothly. The government offers to finance and implement badly needed infrastructure projects in Africa. In return, Chinese business is usually awarded priority status in the competition for commodity exports.

One good example is the Republic of Congo where I am currently doing consulting work for both an American aluminum company, and an American power plant company. The Chinese are building a hydroelectric dam in the North. In return, the Chinese purchase all of the Congo's crude oil. There is no charity involved in these deals. The dam is financed through a private sector bank loan, and the Chinese pay world prices for the

crude oil. What counts for the Chinese is the reliability of supply.

In the Republic of Niger, Chinese companies are investing in uranium mining. Included in the investment will be the opening of a new coalmine and the building of a power plant to provide electricity to the expanded mining industry. Ten years ago, Niger could not give away its uranium for free. Now, thanks to Chinese and other demands, uranium fetches a high price.

These patterns are being repeated all over the African continent. How does this surge of Chinese investments in infrastructure and commodities extraction affect American interests? I tend to agree with Department of State that says the United States has nothing to fear from China's activities in Africa. Anything that enhances opportunities for African nations to grow their economies through private sector investments, both foreign and domestic, is a good thing.

■ But there are drawbacks from both the African and American perspectives.

The Africans need to defend themselves against Chinese exploitation. African governments should place limits on the number of Chinese laborers who are brought in to execute Chinese projects or work in Chinese enterprises. African workers should be given priority. Africans with education should also be given opportunities to advance to management levels in Chinese enterprises.

Finally, there is no reason that small Chinese traders should be allowed to settle in African countries to open up shops in cities to the detriment of African business people. The Chinese

economic policy sector, the western donor countries have worked for decades to alleviate Africa's crushing debt burden. There has been considerable progress in debt relief and debt forgiveness, with saved revenues going to education, health and social welfare improvements. Now, the Chinese come along and pile on new debt for infrastructure. There is a definite disconnect. In the political sector, the Western donor countries use economic leverage to try and prod egregious African human rights violators to behave. The best example right now is Darfur, where the Sudanese government is engaged in atrocious violations against indigenous ethnic groups.

The Chinese are producing crude oil in Sudan, but they are oblivious to

Overall, American strategic interests in Africa are not threatened by China. There is absolutely no interference from China against American-African cooperation in counterterrorism, money laundering, narcotics trafficking and other perils. China is also starting to contribute to U.N. peacekeeping operations in Africa. The United States, of course, has neither desire nor capability to interfere with China's activities in Africa. For example, some human rights advocates in the Barack Obama camp have called for the United States to blockade Port Sudan to prevent Sudanese oil from being shipped out. Since most of this oil goes to China, I don't think the United States would want to try that.

The key aspect of China in Africa

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The United States has nothing to fear from China's activities in Africa.

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traders bring in cheap Chinese goods that undermine local production. The decline of industry in northern Nigeria is a case in point.

African governments are reacting slowly but surely to protests by their own citizens against Chinese business and economic exploitation. In the calls from the U.N. and elsewhere to put pressure on the Sudanese government to stop its atrocities in Darfur. As far as China is concerned, the Sudanese government is behaving correctly in its commercial relations. All other "internal" Sudanese issues are of no interest.

right now is the responsibility of African governments to understand and protect their own interests. More often than not, African governments are supinely accepting whatever China is throwing at them, with little thought to the welfare of the African person on the street or in the village.

Who is Really Burdening the Military?

14 ■ evolving risk levels and address political complexities. Just as importantly, companies carefully following the thousands of rules and regulations, putting money and effort into compliance, and ensuring that they are accomplishing their tasks as required deserve credit. Those companies which fail to follow the rules must be identified and sanctioned. Steve Schooner of the George Washington University Law School has been a vocal proponent of

reforming oversight, and the recent U.S. Army report produced by the Gansler Commission has made numerous practical suggestions on how contracting oversight must be improved. This improvement will not be instantaneous or perfect, but the process should not be allowed to distract from the phenomenal value of the basic model of private support for international polices.

We should not be harking back to the

19th century; we should not be trying to burden already overtaxed soldiers with work that the private sector can accomplish better and more cost-effectively. The 21st century promises more peace and stability operations in more places and we will need professional militaries more than ever. Tradition has its place, but let's not undermine vital military effectiveness with quaint concepts from the past.

Conspiracy Theories Aside...

J. J. Messner

Looking at the Industry by the Numbers



1,500,000,000 of these in contracts. Photo: Stock Phot

N a recent article for Forbes, perennial critic of private contractors, P.W. Singer, launches another broadside at the industry (just as Jeremy Scahill re-releases his exposé of the industry and, in particular, Blackwater). And unfortunately for the industry, as has been pointed out time and time again, "the big lie" gets a whole lot more airtime than "the big truth." Hence, it is ironic that Mr. Singer would begin his latest piece with "Conspiracy theories aside..."

Admittedly, there is much about this industry that, on paper, gives its critics plenty of ammunition to attack. The truth often sits just below the surface, but rarely is there much digging to get to that truth. Numbers are particularly popular in discourse about this industry: \$150 billion in contracts; 180,000 contractors in Iraq; \$10 billion missing and unaccounted for. These numbers sound large and clearly serious enough to fuel book sales or justify research grants. But if these numbers are seriously examined

the picture becomes a little more ... well, boring.

If I were to purchase a plane ticket back home to Australia, it could cost me upwards of \$2,000. Multiply that by 300 passengers on a plane in coach and that comes to \$600,000. Add in first and business class passengers and freight and we're getting close to a million dollars a flight. Times that by, say, 10 flights a week, and we're approaching half a billion dollars a year, just for one route. These airlines are clearly making out like bandits. But wait – those planes cost millions of dollars to buy. And fuel is expensive nowadays. Plus, you've got to pay the pilots and the flight attendants, not to mention the engineers, mechanics, ground staff, caterers, reservation agents and managers. Plus, there are air traffic control fees, landing fees, taxes... the list goes on. So in reality, the amount of profit an airline may make is likely to be marginal, if at all. The same is true for private contractors. \$150 billion sounds like a lot of money. But

it is not \$150 billion in profit. It is simply how much the military has spent over a decade in procuring logistical services to support the largest military on earth. Plus, it may have cost the military more to provide those services itself.

By no means should \$150 billion of tax-payers money be understated or trivialized. Mr. Singer writes that Congress has identified "\$10 billion in unsupported or questionable costs from battlefield contractors." Of course this is bad and should be thoroughly investigated. But, the reality is that this money is not being spent at a department store with receipts and a return policy. When dealing with nascent local Iraqi firms, proper documentation often isn't an option. Plus, when operating in the chaos of a warzone, sometimes invoices and receipts may misplaced. Essentially, we dropping a highly organized and rigorous administrative system into a blender and adding conflict, weak institutions and medieval

⊲ accounting systems and expecting a
 perfect result. And with the rapid
 turnover of government staff charged
 with contract oversight, losing track
 of these figures is hardly outside the
 realm of possibility. Unacceptable?
 Yes. Malevolent? No. Sometimes
 things don't add up; but it doesn't
 mean that there is a grand conspiracy
 behind it all.

Another common number that crops up when talking about private contractors is the number of them operating in Iraq. It has been said often that there are 180,000 contractors in Iraq. Of course, the Scahill approach is to say that there are 180,000 contractors in Iraq, some

contractors provide security, some of it armed, some of it provided by Blackwater, some employees of which are American, therefore implying that there are 180,000 heavily-armed American Blackwater operatives patrolling the streets of Baghdad. Regardless of how many contractors are in Iraq, it must be noted that the vast majority of these are local Iraqis engaged generally in logistics and engineering tasks. Indeed, many estimates point to there being less than 50,000 non-Iraqi contractors, many of whom are from developing countries such as Bangladesh, India or Uganda and remarkably few who are westerners, let alone Americans. The money paid to these Iraqi contractors

is feeding back into the Iraqi economy and is expanding skilled capacity within the Iraqi workforce.

Private contractors are not policy or decision makers. Contractors are not proxies for U.S. policies. Contractors are providing valuable services, not least in the reconstruction of Iraq's shattered society. Post-conflict accounting can be as ugly as the conflict itself. Though tax-payers should demand accountability in the spending of their money - and an expectation that the authorities go after corruption and fraud wherever it is found - there should equally be the realization that rebuilding an entire nation is neither cheap nor tidy.

66

Tax-payers should demand accountability and expect that the authorities go after corruption and fraud wherever it is found. But there should equally be the realization that rebuilding an entire nation is neither cheap nor tidy.



South Africa and Nepal Tighten Laws



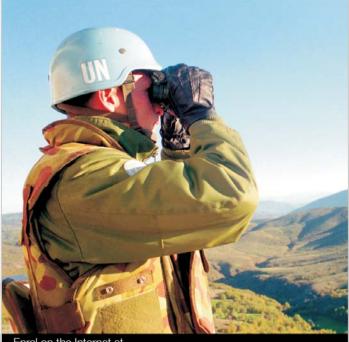
25 ■ parts of Africa. To be sure, there is no shortage of former soldiers on the continent from which to draw. However, if private security firms recruit men whose military experience was neither in a truly professional military nor in one that abided by the Law of War and international humanitarian law, there is serious danger in compromising the standards of the industry.

In the South African case — if not the Nepalese one, which appears to be motivated by ideology more than anything else — some of the reasons for the parliament's discomfort with South African citizens serving abroad are clear, and can be addressed. As the country continues the process of addressing its sometimes-troublesome past, it is not surprising that questions have come up regarding the activities of some of its former service members.

In that respect, at least, there are steps the industry can take to alleviate those fears and encourage a more balanced approach. Certainly, accepting some degree of government oversight and regulation, as well as developing and adhering to a set of good practices such as those outlined in the 2008 Swiss Initiative on Private Military and Security Companies would go some way toward convincing skeptics in the South African parliament that today's private security industry bears little resemblance to that of the 1970s.

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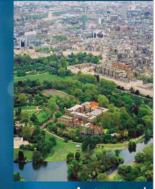
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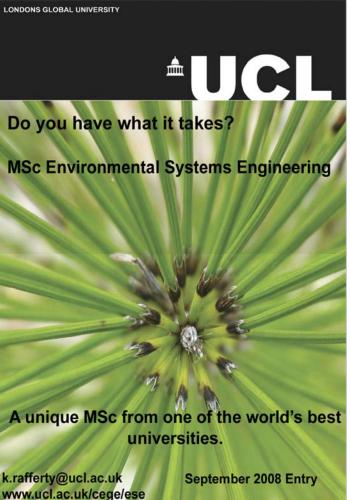
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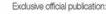


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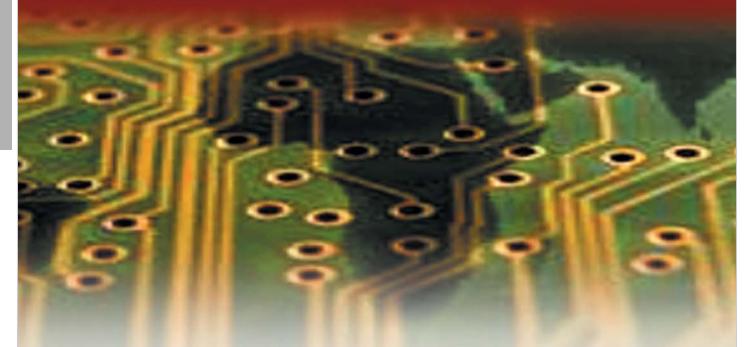


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