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"Low-Cost Trigger-Pullers"

The Politics of Policing in the Context of Contemporary 'State Building' and Counterinsurgency

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The Politics of Policing in the Context of Contemporary 'State Building' and Counterinsurgency

William Rosenau

Abstract: *The ongoing counterinsurgency campaigns in Iraq and Afghanistan have alerted US policymakers and practitioners to the importance of civilian police in countering insurgent movements. Although the role of the police in counterinsurgency is receiving greater attention, there are at least three critical shortcomings in the understanding of the role of the police forces to the current practice of counterinsurgency and 'state building' or nation building. First, counterinsurgents have failed to appreciate the fundamentally political nature of external assistance to 'host nation' police forces. Second, counterinsurgents have allowed, and at times encouraged, embattled governments to misuse civilian police forces, with serious negative consequences. Finally, a state-centric view of the overall approach to counterinsurgency has resulted in ignoring, or at best minimising, the withering of the 'state'. This has, in turn, ensured that that the important role that 'non-statutory' structures could play in providing the public safety services necessary has not even begun to be considered with any degree of seriousness.*

There is a broad consensus that police forces have important roles to play in counterinsurgency. But relatively little attention has been given to what their roles should be, or how to organise, train, equip, and deploy them. This paper will not attempt to address all these issues in a comprehensive way. After providing an overview of both the canonical and current writing on counterinsurgency doctrine, the paper will consider a set of formidable challenges surrounding efforts of "outsiders" to create, rebuild and reform police forces to perform counterinsurgency roles and missions.

Threatened regimes typically employ civilian police as auxiliaries (or to put it more graphically, as low-cost "trigger-

pullers") to the armed forces, which I will argue is ultimately self-defeating with respect to counterinsurgency. Employing the police in this fashion leads inexorably to the neglect of what should be the primary police mission: the protection of the public from serious crime. This paper will also argue that decisionmakers, analysts, and practitioners have underestimated the difficulty of inducing embattled governments to undertake the measures required to establish genuinely public-service oriented police institutions. Exporting police reform is a formidable and challenging project, particularly when the recipient state is embroiled in an internal war. Iraq and Afghanistan provide classic contemporary examples of these problems and they are the focus of what follows. However, it should be noted that it is beyond the scope of a paper such as this to provide an across-the-board assessment of policing and counterinsurgency in Iraq and Afghanistan.

Finally, this paper will explore a major development in international politics that US counterinsurgency policies and strategies have so far failed to address. In most of what is still described as the "developing world"—that part of the planet where insurgencies are most likely to occur—the state is in full-blown retreat. American policy and strategy has long been premised on the notion that state-building is central to success in counterinsurgency. But what should the approach be when the state is hopelessly enfeebled and beyond repair? Under such conditions, people typically look beyond the state for security, and have found it in a rich assortment of private, corporate,

ethnic, and community-based institutions. Unfortunately, US counterinsurgency remains wedded to a narrow, state-building agenda that regularly misuses state-organised policing organisations and completely ignores the potential contribution of non-state policing structures. Successful state-building means moving well beyond the organisation and use of "low cost trigger-pullers."

In the Shadow of the Malayan Emergency: Counterinsurgency theory and doctrine, past and present

An earlier generation of writers, who were at the peak of their influence and prestige in the 1960s, considered policing an indispensable component of counterinsurgency. Without a doubt with the British campaign in Malaya (1948-1960), was and is still frequently cited as the outstanding example of how police should be used against armed rebels.[1] For Americans struggling to defeat an elusive and wily guerrilla adversary in South Vietnam, and eager to find non-military responses that were both cheaper and more effective, civilian police offered a potential solution. Why was the police contribution in Malaya and elsewhere deemed to be so valuable? Two leading theorist-practitioners, Robert Thompson and Robert Komer, saw one feature as particularly salient: the routine contact of the police with the civilian population. Thompson, who was a senior civil servant during the campaign against the Malayan Communist Party, and went on to serve in the

[1] See for example D Blaufarb, *The Counterinsurgency Era: US Doctrine and Performance, 1950 to the Present*, New York and London: The Free Press, 1977, p. 43; and JA Nagl, *Learning to Eat Soup With a Knife: Counterinsurgency*

1960s as Britain's chief military adviser in South Vietnam, noted that the police force "is a static organization reaching out into every corner of the country and will have had long experience of close contact with the population."[2] Komer, a forceful former Central Intelligence Agency (CIA) analyst and a National Security Council (NSC) staff member who later served as the chief civilian pacification official in Vietnam, argued in a May 1962 paper that the police were closest to the "nests of discontent" among the population, and were therefore in an ideal position to detect and root out communist subversion, particularly in its earliest manifestations.[3] For Komer, the police offered an important additional benefit, namely, the ability to suppress civil disorder with a minimum of force compared to the military—an important consideration in any "hearts and minds" strategy.[4] Thompson identified a second advantage the police had over the military: their relatively low cost. In Thompson's estimate, policemen were "at least one and a half times" cheaper to train, equip, and maintain.[5]

Writers during counterinsurgency's golden age also stressed the importance of the police intelligence role—specifically, that of police special branch. In Thompson's view, special branch was

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Lessons from Malaya and Vietnam, Chicago and London: University of Chicago Press, 2005, pp. 91-93.

[2] R Thompson, *Defeating Communist Insurgency: Experiences from Malaya and Vietnam*, Studies in International Security: 10, London: Chatto & Windus, 1967, p. 85.

[3] Quoted in W Rosenau, *US Internal Security Assistance to South Vietnam: Insurgency, Subversion, and Public Order*, London and New York: Routledge, 2005, p. 91.

[4] *Ibid.*, p. 91.

[5] Thompson, *Defeating Communist Insurgency*, p. 109.

in essence an intelligence organization, albeit one with arrest or "executive" powers, capable of operating in concert with national-level intelligence organizations (e.g., Britain's Security Service, or 'MI5'), and able to draw on the resources of the conventional police deployed around the country.[6] Indeed, in the view of some contemporaneous analysts, the police should have the primary responsibility for gathering human intelligence (HUMINT) during counterinsurgency campaigns, as it is only the police who have the organization, presence, and contacts with the population to collect such intelligence.[7]

Additionally, police were expected to contribute to the modernization process, the "nation-building" of its age. In the view of counterinsurgency theorists, insurgency was in part a by-product what was termed "underadministration."'[8] Weak governments, unable to broadcast power across their entire national territories, allowed insurgents space (political, economic, and even physical) in which to operate. Therefore, *more* government, and *better* government—modelled on progressive, mid-twentieth century, American lines—were needed to extend the states presence into the hinterlands, provide essential services, and counteract the insurgents' attempts to meet the "revolution of rising expectations."[9]

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[6] *Ibid.*, p. 85.
[7] See for example J J McCuen, *The Art of Counter-Revolutionary War: The Strategy of Counter-Insurgency*, London: Faber and Faber, 1966, p. 114.
[8] See for example D Galula, *Counterinsurgency Warfare: Theory and Practice*, New York and London: Frederick A. Praeger, Publisher, 1964, p. 30.
[9] DM Shafer, *Deadly Paradigms: The Failure of US Counterinsurgency Policy*, Princeton, NJ: Princeton University Press, 1988, p. 117. For more on modernization theory and US foreign and security policy, see N Gilman,

Contemporary writing builds on 1960s-era analysis, most notably in its discussion of the role of police and intelligence gathering, police presence, and the linkages between effective policing and building support for the "host nation," i.e., the recipient of US counterinsurgency assistance. Steven Metz and Raymond Millen highlight the utility of the police in terms of gathering "actionable" intelligence on the insurgent underground.[10] In his comparative study of the training of indigenous forces for counterinsurgency in Malaya and Cyprus, James S. Corum similarly stresses the HUMINT-gathering capabilities of the police, particularly relative to those of the armed forces.[11] Current Army and Marine Corps doctrine, in addition to underscoring police HUMINT capabilities, calls attention to the underadministration component of earlier writings on counterinsurgency. According to FM-24/MCWP 3-33.5 *Counterinsurgency*, enabling local institutions is counterinsurgency support's primary objective, and as a result, "supporting the police is essential." Effective counterinsurgency, according to this doctrine, requires a visible, round-the-clock police presence in communities, since the host nation will not gain legitimacy if the populace believes

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Mandarins of the Future: Modernization Theory in Cold War America, Baltimore: Johns Hopkins University Press, 2007.

[10] S Metz and R Millen, *Insurgency and Counterinsurgency in the 21st Century: Reconceptualizing Threat and Response*, Carlisle, PA: US Army War College [USAWC] Strategic Studies Institute, November 2004, pp. 29-30. See also Dj Clark, "The Vital Role of Intelligence in Counterinsurgency Operations," USAWC Strategy Research Project, 15 March 2005, pp. 15-17.

[11] JS Corum, *Training Indigenous Forces in Counterinsurgency: A Tale of Two Insurgencies*, Carlisle, PA: USAWC Strategic Studies Institute, March 2006, p. 36.

that insurgents and criminals control the streets.[12] Current doctrine also underscores the necessity of ensuring rule of law, to include legal codes, the judiciary, and prison systems; the need for policing by popular consent; and the heterodox nature of policing structures around the world.[13] This view is reflected in statement by the Multi-National Force-Iraq (MNF-I) issued early in 2007, which concluded that "no task is more critical than developing a modern, professional police force that enjoys the confidence of all Iraqi peoples . . . .No tool is more important to a burgeoning democracy than a well trained police force capable of establishing the rule of law in Iraq and protecting the Iraqi people."[14]

None of the notions presented in current writing on the subject is demonstrably false or particularly objectionable. Certainly, "de-militarizing" counterinsurgency by encouraging a greater police role makes sense. It is no doubt true that in internal conflict environments, the civilian police, relative to the army or national intelligence services, are likely to have more access to civilian populations. Police presence is certainly a good thing. And no one could reasonably object to privileging the rule of law and conceptualizing the police as part of a necessary broader set of judicial, prosecutorial, and penal

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[12] FM 3-24/MCWP 3-33.5, *Counterinsurgency*, Washington: Headquarters, Department of the Army, and Headquarters, United States Marine Corps, 15 December 2006, p. 6-20.
[13] *Ibid.*, p. 6-19; and British Army, Army Field Manual, Vol. I: *Combined Arms Operations*, Part 10: *Counter Insurgency Operations (Strategic and Operational Guidelines)*, n.p., July 2001, p. B-7-1, B-7-2.
[14] Quoted in "Iraqi Police Well Trained, Committed," Combined Press Information Center, MNF-I, 7 February 2007, http://www.mnf-

structures. The problem is that none of the current or earlier writing adequately considers the extraordinary the scale of the challenge counterinsurgents and their international patrons face. Two major shortfalls in our current approach are considered below.

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iraq.com/index.php?option=com_content&task=view&id=9761&Itemid=46, accessed 13 September 2007.

"Cannon Fodder" and "Canaries in the Coal Mine": The contemporary misuse of police forces

As Thompson observed more than 40 years ago, policemen are relatively cheap when compared with soldiers—and they are probably even less expensive today. For any embattled regime, which is already likely to be cash-strapped, if not outright bankrupt, the nearly irresistible temptation will be to see the police not as public servants devoted to protecting the population from violent criminal predators, but as a low-rent light infantry ideal for regime defense. The misuse of the police is evident today in America's two major counterinsurgency campaigns. In Afghanistan, the Afghan National Police (ANP) is being used as "cannon fodder" in the words of one analyst.[15] Indeed, according to one Canadian police officer in the country's southern Kandahar province, the police "are being used as a military force, a sort of "canary in the coal mine" or tripwire to flush out the Taliban." [16] The Afghan ministry of the interior (MOI), under whose authority the ANP falls, announced proudly in January 2007 that the police were "continuing to be major participant[s] in counter-insurgency activities, counter-terrorism, [and] counter-narcotics."[17] Insurgents attack police posts and other police-related targets much more often than they

[15] A Wilder, "Cops or Robbers? The Struggle to Reform the Afghan National Police," Issue Paper Series, Afghanistan Research and Evaluation Unit, Kabul, July 2007, p. 46.
[16] Quoted in *ibid.*, p. 46.
[17] Islamic Republic of Afghanistan, Ministry of Interior, "Progress Report on Ministry of Interior (MoI) Reforms," Kabul, 30-31 January 2007, p. 15.

attack military targets.[18] Statistics generated by the Combined Security Transition Command-Afghanistan (CSTC-A) for a two-month period in 2007 (admittedly, a snapshot) highlights the lethal nature of police work in Afghanistan (see Table 1 below).[19]

Table 1—Afghan National Police (ANP) and Afghan National Army (ANA) Casualties, May-June 2007

	ANP	ANA
Killed in Action	473	181
Wounded in Action	807	671

Source: ICG, 'Reforming Afghanistan's Police', p. 14.

This emphasis on training and employing the police in offensive counterinsurgency roles reflects the institutional preferences of the US Department of Defense (DoD), which has primary responsibility for American police assistance in Afghanistan. According to a senior Pentagon official, "[t]he ANP's first mission was to conduct democratic and community policing at an international standard. Currently [October 2006], the ANP is viewed as a key player in the overall counterinsurgency mission."[20] Policing has been subordinated to

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[18] T Murray, "Police-Building in Afghanistan: A Case Study of Civil Security Reform," *International Peacekeeping*, 14 (1), January 2007, p. 118.

[19] According to the US Congressional Research Service (CRS), as of June 2007, 70,000 ANP officers were on duty; the current level of the ANA is 36,000. This ANP figures do not include force levels for the recently established Afghan police militia, the Afghan National Auxiliary Police (ANAP). K Katzman, "Afghanistan: Post-War Governance, Security, and US Policy," *CRS Report to Congress*, updated 21 June 2007, p. 33. Given widespread corruption, including the unknown numbers of "ghost" policemen and soldiers, and the lack of a personnel accounting system, these numbers should be treated with caution.

[20] Quoted in Inspectors General, US Department of State [DOS] and US Department of Defense [DOD], *Interagency Assessment of Afghanistan Police Training and Readiness*, Washington: DOS and DOD, November 2006, p. 93.

counterinsurgency, and to quote one Canadian adviser serving in Afghanistan's restive south, "[c]ivilan policing as you and I know it does not exist."[21][22]

The situation in Iraq is similar. DOD, again in charge of civilian policing training, has stressed a paramilitary role for both the local- and regional level Iraqi Police Service (IPS), and the national-level Iraqi National Police (INP).[23] The former, according to a recent congressionally mandated study on Iraq's security forces, "is incapable today of providing security at a level sufficient to protect Iraqi neighborhoods from *insurgents* and *sectarian violence*" (emphasis added).[24] One can reasonably infer that protection from other serious crimes, like murder, rape, and robbery, is also beyond the abilities of the IPS as presently constituted, particularly since the service lacks any meaningful investigative or forensic capabilities.[25] Iraq's extreme violence, which has included attacks on the IPS by insurgents and militia members armed with rocket-propelled grenades and mortars, prompted the creation of the INP, a so-called "heavy police unit" designed to reinforce the IPS.[26] The

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22 Wilder, "Cops or Robbers?, p. 45.

23 The IPS has approximately 135,000 personnel, and the INP roughly 25,000. As with the Afghan police, these numbers should be treated with caution. The Iraq army has about 140,000 troops. Iraq is a lethal environment for police, 12,000 of whom have been killed since March 2003. U.S. Congress, House, Committee on Armed Services [HASC], Subcommittee on Oversight and Investigations *Stand Up and Be Counted: The Continuing Challenge of Building the Iraqi Security Forces*, Washington: HASC, 2007, p. 58.

24 *The Report of the Independent Commission on Security Forces of Iraq* ['Jones Commission'] n.p. [Washington], 6 September 2007, p. 18.

25 *Ibid.*, p. 105.

26 RM Perito, "US Police in Peace and Stability Operations," United States Institute of Peace Special Report 191, August 2007, p. 11.

INP is in fact so "heavy" as to make it virtually indistinguishable from a military force. The Iraqi government is reportedly considering a variety of future roles and missions for the INP, including what it refers to (ominously, given Iraq's history) as "preventing rebellions."[27] In the meantime, the INP, which is 85 percent Shi'a, has earned an unenviable reputation for violent sectarianism, including death-squad operations against Sunni Muslims.

The use of the police in offensive counterinsurgency operations in Afghanistan and Iraq highlights a deep official misunderstanding about the nature of security and what is required to bring it about. On the one hand, US doctrine insists that the promotion of host-nation legitimacy, brought about in part by the establishment of a capable civilian police service, is a central goal of American counterinsurgency support. At the same time, in both Afghanistan and Iraq, regime protection, counterinsurgency, and counterterrorism are taking precedence over protection of the public, presumably in the expectation that as the security situation becomes more stable, the police will be able to return to their "conventional" roles. The operating assumption appears to be that 'security' should be defined only in terms of neutralizing armed groups, a condition that can be obtained only through military means.[28] But for most residents of Afghanistan and Iraq, as for most people in the world, security is a much more personal concern; state security is of (a best)

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[27] *Ibid.*, p. 113.
[28] Murray, "Police-Building in Afghanistan," p. 118.

secondary importance when compared with daily peril of violent crime. This was well understood by the British in Malaya, the canonical example of a counterinsurgency success. Although the police carried out military-like operations, with the army supplying manpower in a supporting role, the primary focus of the police by 1952 was on providing routine law enforcement services, which were intended to bolster public support for the authorities.[29] The neglect of public-safety responsibilities can have dangerous consequences for any incumbent, since few people are likely to "buy in" to a state that is unable or unwilling to provide personal security. Murder and intimidation of civilians by armed groups is certainly a threat to both personal and national security. However, only the police can provide public-safety services; combating insurgents and militia members should be a military responsibility.

Moreover, there is little evidence that policymakers understand that service-oriented, community policing, intended to protect the public from serious crime, can *itself* be a powerful counterinsurgency tool by fostering a climate in which the public freely provides the police with information about security threats. Indeed, the ability of the police to obtain information from the public (in a non-coercive way, presumably) is stressed in the literature and doctrine as a critical counterinsurgency asset. This is clearly impossible if police are deployed in quasi-military operations, where their contact with the public is

[29] Corum, *Training Indigenous Forces*, p. 40.

confined to midnight raids, cordon and search operations, and mounted patrolling.

A Hundred Years of naïveté about police reform

Like the character in Molière's *Le Bourgeois Gentilhomme* who suddenly recognizes that he had been speaking prose for more than 40 years without knowing it, policymakers, analysts and journalists periodically discover the fact that the United States has for a century provided police and other internal security assistance to friendly governments. Washington has done so after US military operations (e.g., Cuba after the Spanish-American War), during armed conflicts (e.g., to Iranian rural security forces during the Second World War, and to South Vietnam throughout its brief existence), and to governments threatened by subversion and insurgency (to dozens of countries during the Cold War, including Brazil, Thailand, and even little Iceland).[30] During the 1990s, national security officials, non-governmental organizations, and international institutions including the United Nations increasingly saw the rebuilding and reform of the police and broader justice sector as critical to peace operations and post-conflict reconstruction and development.[31] Today, as a consequence of US operations in Iraq and Afghanistan, the policy

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[30] For an interesting if tendentious account of US overseas police assistance before and during the Cold War, see MK Huggins, *Political Policing: The United States and Latin America*, Durham, NC and London: Duke University Press, 1998.
[31] See for example DOS, *White Paper: The Clinton Administration's Policy on Strengthening Criminal Justice Agencies in Support of Peace Operations*, Washington: DOS, 2000; RB Oakley, MJ Dziedzic, and EM Goldberg (eds), *Policing the New World Disorder: Peace Operations and Public Security*, Washington: National Defense University Press, 1998; and O Marenin, 'United States Police Assistance in Emerging Democracies', *Policing and Society*, 8(2), 1998.

community has come to recognize the importance of civilian police, both in terms of counterinsurgency and with respect to broader efforts to bring long-term peace, stability, and development to these societies.

However, as in earlier periods of enthusiasm for foreign internal security assistance, policymakers, military officers, and civilian analysts have failed to appreciate the full scope of the challenges they face with respect to reconstructing police forces abroad. Creating paramilitary police forces is relatively straightforward endeavor, as it requires little or no culturally specific instruction, and can be carried out by rapidly deployable military advisors. Establishing professional, accountable, public-safety oriented police is another matter altogether. Fashioning such forces poses formidable challenges, even in peaceful, stable environments, particularly if the intent is to more than create legions of uniformed goons. Democratic policing may be an ideal, but it is difficult to imagine that US policy would encourage anything else, except perhaps in extreme environments like Iraq or Afghanistan, but even there, as indicated above, it is accepted that police forces must be something more than auxiliaries to the armed forces—at least eventually.

Unfortunately, our record in this regard has not been an impressive one. David H. Bayley puts the matter bluntly: "American foreign assistance has not been shown to contribute significantly or consistently to reforming police institutions abroad, still less to the creation and stabilization of

democratic governments."[32] Why is this challenge such an intractable one? Explanations can be grouped into two broad categories, the bureaucratic-organizational, and, for lack of a better term, the political. From the Eisenhower administration onward, decisionmakers have decried the fragmentary, inefficient, and overly complex US government structures for planning and conducting police assistance activities abroad. During the Kennedy administration, NSC officials debated moving the US police assistance program from the supposedly lackadaisical Agency for International Development (AID) to DoD or even the CIA. The intelligence service blanched at the thought of running an overt program. The Pentagon, meanwhile, eager for the mission, was deemed an unacceptable institutional home for police training by Komer, who persuaded his superiors that "we don't want a bunch of colonels running programs in which they have no expertise."[33] Officials decided to keep the program where it was. More recently, critics have decried the muddled institutional arrangements surrounding police assistance programs; the low standing police assistance programs have traditionally had within the US government; the lack of rapidly deployable civilian police trainers; and an over-reliance on contracting out training duties to private companies like Dyncorp International.[34] A

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[32] DH Bayley, *Changing the Guard: Developing Democratic Police Abroad*, Oxford and New York: Oxford University Press, 2006, p. 109.
[33] Quoted in Rosenau, *US Internal Security Assistance to South Vietnam*, pp. 93-94.
[34] See for example R Perito, M Dziedzic, and B Cole, "Options for Police in a U.S. Civilian Reserve Corps," *USIPeace Briefing*, May 2007, http://www.usip.org/pubs/usipeace_briefings/2007/0514_police_reserve_corps.html, accessed 6 July 2007; M Deflem and S Sutphin, "Policing Post-War Iraq:

comprehensive assessment of the strengths and weaknesses of the American structures of planning and implementing foreign police assistance abroad is beyond the scope of this paper. That said, there is little disagreement inside or outside the government that the system is dysfunctional, and systemic reforms are long overdue.

Of greater significance are the political challenges associated with training police forces abroad. The lure of new organizational and institutional arrangements as the solution to pressing problems is virtually irresistible within US policy circles. But in the case of foreign police assistance, the more fundamental—and frankly, more interesting—issues involve questions of the ultimate capacity of the United States to transform law-enforcement institutions abroad, particularly in highly unstable and insecure environments. Official and policy-oriented writing on police and counterinsurgency presupposes a role for the police based on an idealized conception that contrasts sharply with the way law enforcement personnel operate and are perceived in most of the world. In many places, police are *themselves* sources of insecurity.[35] Outside of the Organization of Economic Cooperation and Development (OECD) countries, members of the public typically seek to avoid any contact with the police, rightly fearing that such an encounter

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Insurgency, Civilian Police, and the Reconstruction of Society," *Sociological Focus*, 39(4) November 2006, http://www.cas.sc.edu/socy/faculty/deflem/zpoliraq.html, accessed 2 September 2007; and Bayley, *Changing the Guard*, 128-133.

[35] M Brzoska, "Development Donors and the Concept of Security Sector Reform," Occasional Paper N°4, Geneva Centre for the Democratic Control of the Armed Forces [DCAF], November 2003, p. 30.

will result in a shakedown, physical abuse, or a trip to the police station. In Afghanistan, for example, police demands for drugs and bribes, and looting by officers, is routine behavior.[36] In the words of one Afghan trucker, "[f]orget about the Taliban, our biggest problems are with the police."[37]

Early investment in police as a prophylaxis against insurgency makes sense, at least in theory, and may in some cases produce significant returns. But it is important to remember that in any society, policing is a political activity. The police, as Alice Hills reminds us, "are not neutral arbitrators but agents of the state,"[38] enforcing the "decisions taken (or allowed) by political authorities, acting in support of specific regime concerns, such as survival."[39] Policing is among the most sensitive internal issues facing any government, and so it follows that there will be limits to what it will allow the United States or any other outsiders to reorganize, rearrange, or reform, particularly if those changes threaten existing distributions of power. In South Vietnam during the late 1950s and early 1960s, President Ngo Dinh Diem's ability to defy American attempts to reform his police and paramilitary forces led the Vietnamese communists to pay him a back-handed compliment by nicknaming him 'the puppet who pulls his own strings'.

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[36] International Crisis Group [ICG], "Reforming Afghanistan's Police," Asia Report N°138, 30 August 2007, p. 16.
[37] Quoted in C Sands, "Bring Back Taliban to End Police Corruption, Say Afghan Truckers," *The Independent* (London), 10 May 2007, http://news.independent.co.uk/world/asia/article2527708.ece, accessed 1 August 2007.
[38] A Hills, *Policing Africa: Internal Security and the Limits of Liberalization*, Boulder, CO and London: Lynne Rienner Publishers, 2000, p. 12.

As a number of scholars and analysts have observed, US leverage over a client government typically decreases as the perceived American commitment increases, as the United States discovered in South Vietnam, El Salvador and now, in Iraq and Afghanistan.[40] American bolstering is seldom unconditional, and typically comes with demands for reform.[41] Reforms intended to put cops on the street with a professional commitment to protecting and serving the public are typically viewed by embattled regimes as at best irrelevant and at worst potentially suicidal. The tendency to conceptualize policing in apolitical terms, and to see policing as a set of technical problems to be solved, often blinds US decisionmakers to the local political implications embedded in the solutions on offer. Technical assistance and capacity-building are readily accepted by recipient countries, as these measures pose little threat to governing elites. On the other hand, reforms aimed at what Bayley terms the "purpose, functions, control, and accountability of the police," such as civilian oversight, political surveillance, and command and control arrangements involving the military and the police are by far more difficult for the United States to export.[42] Reinforcing existing police behavior, culture, and

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[39] *Ibid.*, p. 8.

[40] See for example B Schwarz, *American Counterinsurgency Doctrine and El Salvador: The Frustrations of Reform and the Illusions of Nation Building*, R-4042-USDP, Santa Monica, CA: RAND Corporation, 2001.

[41] DJ Macdonald, *Adventures in Chaos: American Intervention for Reform in the Third World*, Cambridge, MA and London: Harvard University Press, 1992,, pp. 253-258.

[42] DH Bayley, "Who Are We Kidding? Or Developing Democracy Through Police Reform," in *Policing in Emerging Democracies: Workshop Papers and Highlights*, Washington: US Department of Justice, 14-15 December 1995, p. 62.

norms is a far simpler task than changing them.[43] In sum, we need to be alert to the possibility that police reform in some circumstances is impossible, or not worth the investment, despite our commitment to the notion that effective counterinsurgency requires democratic, or at least responsive and accountable, law enforcement institutions.

Moreover, we need to begin thinking, at least in a preliminary way, about how groups *outside* the state can be engaged to help insure popular public security. Part of this is a practical matter. The state is in retreat across the developing world. The state's coercive monopoly—the heart of the Weberian definition of sovereignty—has been eroded dramatically. Across the global south, many states are states in name only, mere juridical fictions that the international community continues to entertain. Challenged from above by globalization (to include structural adjustment programs mandated by international financial institutions), and from below (by non-state forces), the state is finding itself increasingly hollowed out and stripped of its functions. These polities have transferred some of their sovereignty upward, to supranational bodies and downward, to non-public entities, including private military companies and civil society organizations.[44] When the state fails to provide public goods, self-help structures, including churches

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[43] RH Bruce, "US Training of International Security Forces and Claim of Reform: Lessons From the Past," *Les Cahiers de l'O.R.I.H.S.* [*Observatoire des Relations Internationale dans l'Hémisphère Sud*], Cahier N°2, http://espace-europe.upmf-grenoble.fr/orihs/cahiers/2/, accessed 28 August 2001.
[44] H Wulf, "Good Governance Beyond Borders: Creating a Multi-Level Public Monopoly of Legitimate Force," Occasional Paper N°10, DCAF, April 2006, p. 34.

and religious sodalities, armed groups, and the informal economy fill the gap.[45] State weakness creates negative feedback loops. Feebleness allows armed groups to materialize and operate, further challenging and eroding the state's power; the state's unwillingness or inability to secure the public's life and limb leads people to seek and sometimes find personal security outside of state structures, thereby undercutting further the state's claims to legitimacy.[46]

The withering of the state is of more than theoretical interest. It has direct implications for police and counterinsurgency, since US counterinsurgency assistance is directed almost exclusively at official security institutions. States facing serious insurgencies are by definition failed or failing states. Unless we are prepared to redouble our efforts and commit ourselves to rebuilding these polities to meet Weberian standards,[47] we should consider how our counterinsurgency strategies and policies might include non-state groups in a civilian policing role. Scholars and analysts have observed that "third forces"—militias, private military companies, and even criminal organizations—can sometimes be co-

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[45] J Bayart, S Ellis, and B Hibou, "From Kleptocracy to the Felonious State?" in j Bayart, S Ellis, and B Hibou (eds), *The Criminalization of the State in Africa*, Oxford: James Currey, Ltd., and Bloomington and Indianapolis: Indiana University Press, 1999, p. 21.

[46] C Ero, "Vigilantes, Civil Defence Forces and Militia Groups: The Other Side of the Privatisation of Security in Africa," *Conflict Trends*, 1 (2000), p. 26.

[47] P Policzer, "Neither Terrorists Nor Freedom Fighters," paper presented at the International Studies Association Conference, Honolulu, 3-5 March 2005, p. 4.

opted to play useful counterinsurgency roles.[48] These irregular forces might also be induced to provide police-like protection to civilian populations. In some cases, notes Pablo Policzer, "nonstate groups look and behave like would-be states, with administrations that provide services and public goods to populations under their *de facto* control."[49] In Africa, a rich array of "alternative policing agencies," including militias associated with political parties and ethnic groups, state-sanctioned citizens groups, customary courts, and religious police, have always existed, a reflection that the state can no longer guarantee security—if it ever could.[50] Indeed, such structures are the norm across the global South.

Insurgents, too have often engaged in policing activities. From the Provisional Irish Republican Army to the Palestine Liberation Organization to the Sudan People's Liberation Army, guerrillas have exercised policing powers over civilian populations, both as a way of denying government authorities access to those populations, and as an instrument of social, political, and economic control.[51] Insurgent self-policing, like

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[48] S Metz, *Rethinking Insurgency*, Carlisle, PA: USAWC Strategic Studies Institute, June 2007, pp.. 15-37.

[49] P Policzer, "Human Rights Violations Beyond the State," *Journal of Human Rights*, 5 (2006), p. 216. For a discussion of warlord governance and administration, see P Jackson, "Warlords as Alternative Forms of Governance," *Small Wars and Insurgencies*, 14 (2), Summer 2003, pp. 131-150, and K Marten, "Warlordism in Comparative Perspective," *International Security*, 31(3), Winter 2006/07, pp. 41-73.

[50] B Baker, "The African Post-Conflict Policing Agenda in Sierra Leone," *Conflict, Security & Development*, 6(1), April 2006, pp. 38-39.

[51] R Monaghan, "The Return of "Captain Moonlight": Informal Justice in Northern Ireland," *Studies in Conflict & Terrorism* 25 (2002), p. 44; B Lia, *A Police Force Without a State: A History of the Palestinian Security Forces in the West Bank and Gaza*, Reading, UK: Ithaca Press, 2006; and DH Johnson, "The

the broader phenomenon of vigilantism, emerges to fill a law-enforcement vacuum. But in the case of insurgency, that vacuum is intensified, if not wholly created, by the insurgents themselves. The police and judicial services supplied by the insurgents are only nominally about policing and law enforcement as such. Insurgents typically devote considerable resources to the creation and maintenance of alternative criminal justice structures. The underlying reasons were fundamentally political, and they should be understood in the context of the broader insurgent struggle against the state. These parallel structures serve two purposes. First, they build popular support for the armed movement by punishing theft, rape, murder, and other 'civil' criminality, and in doing so, they help to delegitimize the incumbent regime by presenting a credible and effective alternative. Second, policing and judicial systems help the insurgency to build and maintain a control regime through systematic murder and intimidation that is among other things intended to deter popular opposition to the movement, and limit the access of the security forces to potential sources of information.

However, current US counterinsurgency policy fails to take account of the growing phenomenon of security provision outside the state. This is not surprising, as state building has long been central to Western ideologies of progress.[52] Just as the

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Sudanese People's Liberation Army and the Problem of Factionalism," in C Clapham (ed.), *African Guerrillas*, Oxford: James Currey Ltd, 1998.

[52] C Clapham, "The Challenge to the State in a Globalized World," *Development and Change*, 33(5), 2002, p. 780.

American response to the problem of failed states stresses the building of state capacity,[53] so too does the U.S. approach to counterinsurgency emphasize state building. While Francis Fukuyama may be correct in claiming that "[l]earning to do state-building better is . . .central to the future of world order,"[54] it seems unlikely that "lame leviathans,"[55] like the Democratic Republic of the Congo, or even smaller wards of the international community like Bosnia-Herzegovina can be transformed into functioning, modern states, at least not in any reasonable period of time, and a reasonable cost. The Kandahar police chief in August 2007 estimated that it would take 20 years to build a professional police force in his province, and according to a December 2007 US military estimate, the police were still two to three years away from being able to secure the route between Kabul and Kandahar, Afghanistan's main road.[56] Creating a police force capable of securing the route between Kabul and Kandahar, the country's main road, Liberia and Sierra Leone, according to the International Crisis Group, requires 15-25 years of *additional* engagement by the international community will be required to turn those countries into stable and functioning

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[53] See for example SD Krasner and C Pascual, "Addressing State Failure," *Foreign Affairs,* 84(4) pp. 153-163.
[54] F Fukuyama, *State-Building: Governance and World Order in the 21st Century*, Ithaca, NY: Cornell University Press, 2004, p. 120.
[55] Z Ergas, review of *Political Domination in Africa: Reflections on the Limits of Power*, by P Chabal, *The Journal of Modern African Studies*, 25(3), September 1987, p. 541.
[56] A Mayeda, "Chief Concedes Afghan Cops Need 20 Years to Pass Muster," *The Gazette* (Montreal), 10 August 2007, p. A13; and CJ Chivers, 'Insurgents and Corruption Threaten a Road Vital to Afghanistan's Future', *New York Times*, 3 December 2007, p. 14.

states.[57] For the United States, the national agony of Iraq is likely to suppress any lingering political enthusiasm for decades-long commitments to reconstituting dysfunctional states.

We may have come to expect too much of the state. The time has come to explore ways in which non-statutory armed groups could be engaged in counterinsurgency in roles other than as anti-insurgent militias and auxiliaries, namely, as public-service oriented policing agencies that could serve as invaluable sources of human intelligence. Clearly, criteria would have to be established to determine which alternative policing agencies were appropriate for engagement, and which should be shunned. Human-rights activists and a number of scholars have begun formulating principles for evaluating which armed groups might be usefully engaged for the purpose of protecting civilian populations in areas of violent conflict. Groups with very loose leadership tend to be less disciplined and more predatory in their behavior, and engaging such organizations would do little more than provide them with political legitimacy. Groups with leaders who treat their followers harshly are also poor candidates, as such entities are likely to abuse civilian communities under their jurisdiction.[58] Naturally, such criteria would require modification for use in the context of counterinsurgency-oriented

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[57] ICG, *Liberia and Sierra Leone: Rebuilding Failed States*, Dakar and Brussels: ICG, 8 December 2004, p. i.

[58] C Bruderlein, "The Role of Non-State Actors in Building Human Security: The Case of Armed Groups in Intra-State Wars," Human Security Network, updated 30 October 2006, http://www.humansecuritynetwork.org/docs/report_may2000_2-e.php, accessed 22 January 2007. For more on this topic, see C Holmqvist, "Engaging Non-State Actors in Post-Conflict Settings," in A Bryden and H Hänggi (eds), *Security Governance in Post-Conflict Peacebuilding*, Geneva: DCAF, 2005, pp. 45-59.

civilian policing, and would have to be applied with a comprehensive understanding of the political, cultural, economic, and social milieu in which a given non-state group operates.

Conclusion: "Little Soldiers" or State-Builders?

Since early in the Cold War, US policymakers and practitioners have struggled to transform foreign police forces into instruments capable of countering subversion, insurgency, and terrorism. Successes have been few. Bureaucratic and organizational problems have plagued US assistance programs, but the sources of the problem are far deeper. American foreign police aid, as with counterinsurgency support more generally, is seldom if ever given without at least some expectation of reform within the host nation. But thoroughgoing reform, particularly in a violently unstable environment, is seldom possible. Threatened regimes typically have narrow conceptions of their self-interest, which hardly ever extends beyond self-preservation. Although they may tell their American and other foreign patrons words they want to hear, leaders in threatened governments see the creation of a police service that enjoys popular confidence as an expensive irrelevance. Moreover, policing is a politically sensitive activity in any government, and regimes are unlikely to accept reforms that threaten existing power arrangements. Ironically, the absence of effective police services is often a contributing

factor to the insurgency's emergence in the first place.[59] A police service that lacks public trust and confidence has no chance of serving as a government's "eyes and ears," and is incapable of performing the intelligence-gathering function deemed so vital by counterinsurgency theorists and practitioners.

In addition, embattled incumbents frequently misuse the police by employing them in light-infantry roles as a relatively low-cost adjunct to the armed forces. A former police chief in southern Afghanistan got to the heart of the matter when he explained how his officers were expected to operate as "little soldiers . . . .We do extra work that is not police work. Firing rockets is not the job of police."[60] This misapplication of the police sometimes occurs with US consent. American civilian officials and military officers often define security exclusively in terms of defeating the guerrillas, and under this conception, the police are expected to function as war-fighting auxiliaries to the armed forces. Instead, police should be encouraged to get out on the street as quickly as possible and begin operations focused on protection of the public from violent predation. Of course, in extremely violent environments, the police must be protected from armed groups. Here, the military has a critical role to play as a platform from which conventional police activities can be launched. When necessary, combat forces should provide security so that the police can re-establish (or in some

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[59] JD Fearon and DD Laitin, "Neotrusteeship and the Problem of Weak States," *International Security*, 24(2), Spring 2004, pp. 36-37.

cases, establish for the first time) the relationships with the public that is essential to success in counterinsurgency.

American decisionmakers, both military and civilian, have also failed to adapt counterinsurgency strategies and policies to the changing nature of the international political environment. The waning of state legitimacy, presence, and sovereignty is a defining feature of the global South, and the trend seems irreversible. Ideally, the police, in providing local security, function as a bridge between state and human security.[61] With the state failing to provide public-safety services, populations have turned elsewhere—to ethnic militias, private security companies, community- and neighborhood based civilian patrols, and to customary courts. The state is not, and is unlikely to become, the sole provider of security, a reality that current US approaches to counterinsurgency do not recognize. Building state policing capacity as a means to create or strengthen popular support for a threatened regime is a component of current doctrine, but building such capacity, and doing so in a way that ensures the respect for the rule of law, may be beyond our capabilities. The immense difficulties associated with creating state law enforcement institutions, combined with the fact that much of the world is pursuing self-help strategies with respect to public safety, suggests that American policymakers should be

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[60] Quoted in ICG, "Reforming Afghanistan's Police." p. 15. See also CJ Chivers, "Lacking Sufficient Support, Afghan Police Struggle to Work a Beat in War," *New York Times*, 13 January 2008, p. 8.

[61] G Mills, T McNamee, M De Lorenzo, and M Uttley, "AFRICOM and African Security: The Globalisation of Security or the Militarisation of Globalisation," Brenthurst Discussion Paper 4/2007, Brenthurst Foundation, Johannesburg, p. 6.

looking beyond the state when devising approaches to counterinsurgency that include working with and through parallel policing and criminal justice structures. Such approaches might have state-weakening effects, of course, but if making states sufficiently strong is too difficult and too expensive, perhaps we need to consider other foundations on which to base our counterinsurgency doctrines and policy.