NATION-BUILDING

The Inescapable Responsibility of the World’s Only Superpower
—By James Dobbins

Burden of Victory: The Painful Arithmetic of Stability Operations
—By James T. Quinlivan
Message from the Editor

In the 1919 Treaty of Versailles, we Americans and our allies, who had won the war in Europe, imposed harsh penalties on the vanquished Germany. Among other painful terms of the treaty, it obligated Germany to pay a huge sum of money in reparations—a sum well beyond its means—for the damage done by the war. Resentment grew steadily in Germany, and we ultimately had to go back and fight all over again about 20 years later.

In 1945, we and our allies won the war against Germany and Japan but made fundamentally different choices. Instead of punishing the defeated adversaries, we embarked on an unprecedented project of nation-building. We invested heavily to steer the conquered lands toward democracy, and we have not had to go back and fight since.

At present, it is unclear whether we in America in 2003 are repeating the history of 1919 or of 1945. We have won two recent wars in Afghanistan and Iraq. We have not levied draconian postwar penalties against either country as in 1919, but neither have we invested nearly as generously as in the years following 1945. Meanwhile, Afghanistan’s reconstruction is faltering, and a tide of resentment seems to be growing in Iraq. Our rebuilding efforts in these countries beg the troubling question: Have we forgotten some of the most important lessons of the 20th century?

As former ambassador James Dobbins delineates in his cover story, American efforts in Afghanistan and Iraq have yet to reflect some of the hard-learned lessons from either the 1940s or the more recent—and, in some respects, more relevant—nation-building experiences of the 1990s. In his accompanying essay, James Quinlivan underscores that we have yet to provide the levels of troops historically required for stabilizing war-torn countries, completely aside from building them into vibrant democracies.

Together, the Dobbins and Quinlivan essays enumerate what has succeeded in the past, what has failed, and what is needed now. The authors provide illuminating comparisons of the levels of troops, money, and time that America and its allies have devoted to the most instructive cases of nation-building over the past 60 years.

In a separate essay, Jennifer Brower and Peter Chalk argue that the transnational threat of infectious diseases deserves more attention from national governments than it has received thus far. The authors propose several steps that the U.S. government can take to help protect the American people from such diseases at home and abroad.

In California, the workers’ compensation courts have served as the foundation of a vital social contract between employers and employees for 90 years. Today, however, the vitality of the court system is in doubt. Nicholas Pace and Robert Reville explain what the state can do to help ensure that the courts continue to perform their vital role.

—John Godges
News

Crisis Seen as Catalysts for NATO and EU

NATO and the European Union (EU) have certainly endured crises in the last year, but such conflicts will ultimately lead to stronger, more unified organizations, according to France’s Ambassador to the United States Jean-David Levitte, who spoke recently at RAND.

The ambassador acknowledged that the U.S.-led war on Iraq had shaken NATO but said that the organization has since recovered. NATO enlargement also signals the beginning of a new era, he said. “We are transforming NATO into a completely different organization,” said Levitte. “The Soviet Union has disappeared, and the threat now is terrorism.”

Similarly, Levitte noted that although the EU has suffered from dissension, it is also on the road to reform. In fact, past experience has demonstrated that a European crisis is sometimes the catalyst for progress. “It’s when we have a challenge, when something goes wrong, that we say ‘let’s do it better next time.’”

Levitte reminded the audience that the European Constitution is now being prepared. “If all goes well, in a few months, Europeans will have a president—a man, a voice, a face for the European Union.”

However, Levitte emphasized that the goal of creating a constitutionally unified Europe is not to build a counterweight to U.S. power. Developing a common defense and foreign policy will help create “a common force strong enough to take care of crises at our own doors,” he said, referring to the past Balkan crises.

Hispanic Immigrants Show Familiar Progress

Hispanic immigrants to the United States advance socially and economically from generation to generation as quickly as European immigrants did decades earlier, according to a RAND study published in the American Economic Review.

“Based upon our experience with history, the children and grandchildren of Hispanic immigrants progress up the educational and income ladder in the same way as immigrants who came here from European countries,” said James Smith, RAND economist.

The advancement leaves third-generation Hispanic descendants only about 10 percent behind their white counterparts in relative incomes. The generation-to-generation educational gains made by Hispanic men are greater than those seen among native-born white and African-American men. However, by the third generation, the educational gains appear to drop off as the statistics for Hispanics begin to resemble those of the remaining U.S. population.

“A lot of the success we have seen from immigrant groups is because of the strong American school system,” said Smith. “If the schools fail to deliver, then we have a problem. While history provides an optimistic lesson, there is no guarantee that new immigrants will keep moving upward unless we continue to have a sound educational system.”

Disparity Found Among California Charter Schools

California’s charter schools produce substantial dissimilarity in student performance at different types of charter schools, according to a new RAND study.

Charter schools are designed, in part, to compete with conventional schools. At least 38 states allow charter schools, with nearly 2,700 of them enrolling more than 600,000 students. California has more than 400 publicly funded charter schools enrolling about 150,000 children.

“Charter schools differ markedly from each other, and consequently there is no single charter school effect on student achievement,” said Ron Zimmer, lead author. “From campus to campus, charter schools are so diverse it is impossible to paint a single picture of them. To precisely evaluate performance, you need to consider the type of charter school and the characteristics of the specific charter.”

The report recommends that the state create a system of tracking student academic advancement over time and also require that fiscal information from charter schools be monitored by state departments of education, county offices of education, and local school districts. The report further calls for additional research on charter schools that provide a significant amount of instruction outside the classroom.

America Scores Low on Quality of Health Care

Adults in the United States receive, on average, just over half of the health care recommended for a variety of common ailments, according to a study published in the New England Journal of Medicine.

The national study, the largest and most comprehensive ever conducted on health care quality, found that such deficiencies of care pose “serious threats to the health of the American public” and may contribute to thousands of preventable deaths every year.

“Most of us take health care quality for granted. This study shows that we can’t,” said RAND’s Elizabeth McGlynn, who led the study. “There is a tremendous gap between what we know works and what patients are actually getting.”

Among the findings, based on interviews and on reviews of medical records:

Alcohol-dependent adults receive only 11 percent of recommended care for that condition (see figure).

Pneumonia patients receive just 39 percent of recommended care. Nearly 10,000 deaths from pneumonia could be prevented annually through vaccinations.

Diabetics receive only 45 percent of the care they need overall. Even worse, less than 25 percent of diabetics have their blood sugar levels measured regularly. Poor control of blood sugar can lead to kidney failure, blindness, and amputation of limbs.

High blood pressure patients receive less than 65 percent of recommended care. Poor blood pressure control increases the risks of heart disease and stroke and contributes to more than 68,000 preventable deaths annually.

Heart disease patients receive 68 percent of recommended care.

Overall, patients failed to gain access to proper medical care about 46 percent of the time.

“What’s needed are information systems that can measure care routinely and be linked to systematic efforts to improve quality,” said co-author Steven Asch.

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Adherence to Quality Indicators, by Condition

Researchers interviewed nearly 7,000 adults in 12 metropolitan areas about selected health care experiences for 30 acute and chronic conditions, as well as preventive care. Below are scores for 25 of the conditions (those for which sufficient numbers of people were available for analysis).


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Vectors Without Borders
The Spread of Global Pathogens Can Imperil Us All

By Jennifer Brower and Peter Chalk

Jennifer Brower is a science and technology policy analyst. Peter Chalk is a political scientist.

This year’s outbreak of severe acute respiratory syndrome (SARS) in Beijing, Hong Kong, Taipei, and Toronto is only one of the more recent examples of the challenge posed by infectious diseases. Highly resilient varieties of age-old ailments—as well as virulent emerging pathogens—are now prevalent throughout the world. These illnesses include cholera, pneumonia, malaria, and dysentery in the former case and Legionnaires’ disease, acquired immune deficiency syndrome (AIDS), Ebola, and SARS in the latter. In the United States, West Nile virus entered New York in 2000 and then spread to 44 states by 2002, and monkeypox struck the Midwest this June.

In the latter half of the 20th century, almost 30 new human diseases were identified. The spread of several of them has been expedited by the growth of antibiotic and drug resistance. Globalization, modern medical practices, urbanization, climate change, sexual promiscuity, intravenous drug use, and acts of bioterrorism further increase the likelihood that people will come into contact with potentially fatal diseases.

The transnational threat of infectious disease deserves more attention from national governments than it has received thus far. Beyond impairing the health of individuals, the spread of disease can damage the economy, weaken public confidence in government, undermine social order, catalyze regional instability, and intensify the threat posed by bioterrorism or biowarfare.

Currently, the United States is managing the infectious disease threat; however, there are many indications that, if left unchecked, pathogens could present a serious hazard to the smooth functioning of the country. In the face of the microbial threat, the federal government could take several actions to defend the American people. Federal initiatives such as those listed below should be considered to address the vulnerabilities in the U.S. public health, medical, pharmaceutical, and biotechnological infrastructure:

• Coordinate public health authorities at all levels of government for greater interaction across state borders and local boundaries.
• Integrate private research, development, and manufacturing of vaccines and antibiotics into overall public health efforts.
• Undertake a large-scale education and information campaign highlighting disease prevention.
• Augment the supply of health care workers.
• Mobilize hospitals and emergency health facilities
to develop appropriate emergency plans to respond to new diseases and large patient influxes.
• Invest more resources in foreign governments to help them enhance their internal disease prevention efforts.

Beyond these health-oriented initiatives, the United States also needs to rethink how it protects the American people from external dangers. Increased cooperation among agencies and departments that have historically had little to do with one another—including those involved with defense, justice, intelligence, public health, agriculture, and the environment—will be required, as will new executive actions to coordinate such multidimensional policy efforts.

How Disease Can Cripple a Country
The AIDS crisis in South Africa provides a disturbing example of how a pervasive infectious pathogenic organism can affect a nation at the individual, local, and national levels and even disrupt its regional and international affairs. About one-quarter of the adult population in South Africa tests positive for the human immunodeficiency virus (HIV), the virus that causes AIDS, with a disproportionate burden falling on the most productive age group in society. The full impact of the epidemic is yet to be felt. Deaths from full-blown AIDS are not projected to peak until the period between 2009 and 2012, and the number of HIV infections is still rising.

The disease is responsible for undermining social and economic stability, weakening military preparedness, contributing to increases in crime (and the lack of a capability to respond to it), weakening regional stability, and limiting South Africa’s ability to participate in international peacekeeping missions. More than two million South Africans under the age of 15 will have lost their parents to AIDS by 2010 (see Figure 1), adding to the social instability. The disease is expected to remove about $22 billion from South Africa’s economy through the year 2015.

Many factors have played a role in the development of the crisis, including promiscuous heterosexual sex, the low status of women, prostitution, sexual abuse and violence, a popular attitude that dismisses risk, and the failure to acknowledge the magnitude of the problem in the early and middle stages of the epidemic. Thus far, the South African government has made only a small effort to curb the epidemic, due in large part to President Thabo Mbeki’s ongoing questioning of the link between HIV and AIDS and his skepticism of the benefits of western-developed antiretroviral treatments.

This policy orientation has had devastating results, something that has been acknowledged by the United States, independent nongovernmental organizations, and the international health community. The South African example serves as a pertinent lesson to other nations: If unaddressed, infectious disease can overwhelm the capabilities of a country to respond and, in so doing, detrimentally affect its future socioeconomic and human development. Indeed, HIV has already weakened the militaries and internal security structures of several sub-Saharan African nations (see Figure 2).

How Americans Are at Risk
Many of the global factors that serve to increase the threat from pathogenic microbes are particularly relevant for the United States. As American citizens con-

The South African example serves as a pertinent lesson to other nations:
If unaddressed, infectious disease can overwhelm the capabilities of a country to respond.
The public health and medical infrastructure across the United States remains variable and in many cases inadequate to deal with outbreaks of infectious disease. Although resources have been infused into the public health system in the two years since the anthrax attacks of 2001, the public health and medical infrastructure across the United States remains variable today and inadequate in many cases to deal with naturally occurring or man-made outbreaks of infectious disease. This infrastructure includes hospitals, clinics, public health laboratories, vaccine production, veterinarians, universities, and research groups. Resources and responsibilities for responding to outbreaks lie mainly with the states, further contributing to the variability. The Centers for Disease Control and Prevention acts as the lead federal entity for public health threats, with the exception of bioterrorism, which falls under the jurisdiction of the U.S. Department of Homeland Security.

Certainly, the anthrax attacks have focused attention on the need for a strong public health infrastructure. Policymakers have begun to make funds available to address some of the shortcomings. However, this investment must be sustained, and there is considerable work to do in enhancing overall policy coordination, management, and development.

The U.S. federal government should consider playing a more concerted role in providing resources and instituting uniform standards for the national defense against infectious diseases, while allowing state and local authorities flexibility in meeting these standards. Increased federal investment could provide the basis from which to develop a functional, coherent national policy for combating infectious diseases. We elaborate here on the six kinds of initiatives mentioned previously that federal officials could pursue.

First, coordination among public health authorities at all levels of government needs to be enhanced substantially to allow for greater interaction across state borders and local boundaries. Progress in this area should proceed in conjunction with steps to improve the integration of surveillance systems and data formats and to expand research capabilities for detecting and identifying infectious diseases.

Second, the private sector needs to be integrated into overall public health efforts, particularly in relation to the research, development, and manufacture of vaccines and antibiotics and the development of microbial surveillance technology. The federal government might wish to subsidize the market for new products by agreeing to guarantee minimum purchasing contracts.

Third, a large-scale education and information campaign should be undertaken, explaining the need for regular vaccination and highlighting the dangers of unprotected sex, needle-sharing by drug users, and excessive antibiotic use. These programs must be conceived in such a way that their meaning is not lost on
the layperson (as has occurred with an AIDS publicity campaign in South Africa).

**Fourth, efforts should be made to augment the supply of health care workers currently available in the country.** One way to achieve this would be to create a dedicated public health service reserve that could be activated in case of an emergency. This force could be trained for duties such as administering drugs and vaccinations and trained on a schedule similar to that of military reservists—one weekend a month and two weeks a year. Over the longer term, money will be needed to support public health education components at universities and to facilitate ongoing professional training. Some progress has been made in this area, including the Nurse Reinvestment Act of 2002.

**Fifth, hospitals and emergency health facilities need to develop appropriate emergency plans to respond to new diseases and large patient influxes, such as those that might occur in the aftermath of a bioterrorist attack or the introduction of a serious infectious agent—for instance, the Ebola virus—through airplane travel.** Medical receiving facilities should be able to provide surge capacity in hospital beds and have auxiliary communication systems and power networks in place.

**Sixth, more resources need to be invested in foreign governments to help them increase the effectiveness of their internal disease prevention efforts.** There could be mutual aid agreements for the sharing of biological intelligence, research, diagnostics, personnel, vaccines, antibiotics, medical devices, and treatment and prevention techniques. The United States could help to create dedicated regional health surveillance networks, to promote sustainable urban development schemes, and to focus efforts against disease-promoting catalysts, such as unprotected sex.

**How the Field of Public Health Can Play a Larger Role**

Beyond these specific recommendations, general assessments and forecasts of emerging biological dangers need to be strengthened. Analyses that inform government decisionmaking should be more thoroughly grounded on scientifically formulated models that integrate epidemiological literature with medical research on new and reemerging diseases. Overseas monitoring activities should also be expanded to include such things as the effectiveness of national medical screening systems; the geopolitical, social, economic, and environmental conditions that affect disease incidence; and a state’s compliance with international health conventions and agreements.

Given the influence that the United States retains in a variety of international organizations, Washington could play a leading role in adapting them for a global health role. In this regard, the United States could capitalize on efforts that have already been established within some of these institutions to perform collective political, military, and humanitarian missions around the world.

**The United States could help to create dedicated regional health surveillance networks, to promote sustainable urban development schemes, and to focus efforts against disease-promoting catalysts, such as unprotected sex.**

*The RAND Review*
Measures such as these will require political leadership and sustained financial commitment. Considerable attention and resources are now flowing to build defenses against the unlikely scenario of a large-scale bioterrorist attack. Yet responses to more commonly occurring and currently more taxing natural outbreaks of disease remain relatively underfunded.

This policy lacuna is worrisome. Not only have deadly and previously unimagined illnesses emerged in recent years, but established diseases that were thought to have been tamed just a few decades ago are also returning, many in virulent, drug-resistant varieties (see Figure 3).

State-centric efforts to safeguard citizens are clearly unable to deal with influences such as infectious diseases, the effects of which transcend international boundaries to affect the security and welfare of people worldwide. The unique challenges posed by microbial threats cannot be territorially bounded. They need to be understood and addressed in a larger global context.

**Related Reading**

Injured on the Job
California Seeks to Rehabilitate a Social Contract

By Nicholas M. Pace and Robert T. Reville

Nicholas Pace is a legal researcher with expertise in the areas of dispute resolution and workers’ compensation. Robert Reville is director of the RAND Institute for Civil Justice.

For the past 90 years, the California workers’ compensation system has striven to uphold an important social contract by which injured workers give up their rights to seek damages in a civil court of law in exchange for compensation that is both swift and certain. In theory, workers injured on the job can simply file a claim that triggers a no-fault, administrative process designed to provide a comprehensive package of benefits, including medical care, replacement of lost wages, and vocational rehabilitation. In cases where the worker and the employer disagree about the legitimacy, adequacy, or timing of such benefits, a system of workers’ compensation courts exists to resolve any disputes as inexpensively, rapidly, and fairly as possible. Today, however, the swiftness and certitude of the dispute resolution process are in doubt, which thereby erodes a key element of this vital social contract.

About 20 percent of all workers’ compensation claims filed in California end up in the workers’ compensation courts in some way. Many of these cases are quickly resolved, either by settlement or by formal hearing, to the satisfaction of the parties involved and with minimal transaction costs. But in other instances, cases can sometimes plod through the system for years, require costly repeat appearances by legal counsel, and result in unpredictable outcomes. Legislators and others have repeatedly criticized this system for being ponderously slow, onerously expensive, and plagued by inconsistency.

We at the RAND Corporation conducted a top-to-bottom review of the California workers’ compensation courts to gain a better understanding of the causes of delay, the reasons for the high costs, and the sources of procedural inconsistencies. Although we identified numerous sources of these problems, we found that many of them ultimately stem from decades of under-funding in the areas of staffing and technological improvements.

Staff shortages impede every aspect of court operations and every part of the litigation process. An outmoded computer system exacerbates these problems by requiring enormous duplication of data entry and offering very limited capacity for caseload management or effective calendaring. These problems lead to delays, increase the private costs of litigation, and create obstacles to reforming the contradictory rules that guide the courts across the state.

In addition to a large number of specific recommendations on policies and procedures, our study team has proposed three main recommendations:

• Provide realistic funding to fill every staff position authorized in 2001, assuming that demands on the
The average time that it takes to get to conferences and trials continues to be much longer than allowed by law.

workers’ compensation system remain similar to 2001 levels.

• Implement a complete overhaul of the courts’ technological infrastructure without reducing short-term staffing levels.

• Conduct a comprehensive review, refinement, and coordination of all procedural rules governing the workers’ compensation dispute resolution process.

A Distinctive System of Justice

The process of delivering workers’ compensation benefits—including medical care, replacement of lost wages, and vocational rehabilitation services—is usually automatic. In a minority of instances, though, disputes arise over issues such as whether an injury in fact occurred at work, whether medical treatment is necessary, and the extent to which an injury creates a long-term disability. All such disputes are resolved in a single forum: the Workers’ Compensation Appeals Board (WCAB). Of the one million workers’ compensation claims filed in California every year, roughly 200,000 end up at the WCAB.

About 180 trial judges across the state are at the heart of the dispute resolution system. The judges of the WCAB are actually employees of the state Division of Workers’ Compensation (DWC), along with the clerks, secretaries, hearing reporters, and other support staff in the 25 local offices operated by the DWC.

Taken together, the WCAB and DWC are sometimes referred to as “The People’s Court” because the litigant pool is so diverse and because the courts’ procedures are so informal that workers often represent themselves. It is a distinctive system for dispute resolution: a high-volume tribunal that never uses juries, that operates under relatively relaxed rules of evidence, that requires judges to review and approve all proposed settlements, and that has exclusive jurisdiction over most work injury disputes in the state.

If a dispute cannot be resolved through negotiation, either party in the dispute can file a Declaration of Readiness to request a trial. Two events then occur, both of which have become fraught with delays. The first is the Mandatory Settlement Conference (MSC), which is designed to promote a settlement with judicial assistance. If a settlement cannot be reached at the MSC, a trial date must be set. State law requires the courts to hold the MSC within 30 days of the filing of a Declaration of Readiness and to hold any subsequent trial within 75 days of that same filing.

Figure 1 shows the average amount of time that cases have taken to get to conference and trial. Although the averages have improved over the past few years, the reason is primarily the decline in the number of cases from the peak numbers in the early 1990s. Even with such improvements, however, the average time that it takes to get to conferences and trials continues to be much longer than allowed by law.

Two Very Different Types of Delay

We found understaffing to be the most important factor behind the delays for conferences. Most key positions in the court system have been severely understaffed for years; but clerks, in particular, are in very short supply. Overall, DWC offices staff only about 70 percent of the authorized clerical-support positions because of insufficient funds for hiring, noncompetitive salaries, and high turnover rates (see Figure 2). Some offices have only half the authorized number of clerks on duty at any one time.

A chronic shortage of clerks creates a serious bottleneck in the system, because clerks are responsible for managing the physical casefile, for scheduling trials and other court events, for customer service support duties, and for data entry of information vital to managing the operations of the courts. Without adequate clerical support, an office cannot process the paperwork required for an MSC in a timely manner.

Therefore, we recommend that DWC administrators give top priority to hiring, training, and retaining clerks. Pay for clerks should be increased slightly to make it comparable with staff pay at other administrative law courts in the state. We also recommend that pay for the sole supervising clerk at each office be increased to match that of judges’ secretaries, because lead clerks tend to leave their positions as soon as they find an opportunity for an intra-office promotion.

We found the actions of judges to be the most important factor behind the delays for trials. Although many trials may require only an hour or two of court
testimony from witnesses, WCAB judges have to spend a considerable amount of additional time outside the courtroom reviewing medical reports and other evidence in the case, writing a detailed summary of the evidence, reaching a decision, writing an opinion to support the decision, and responding to any appeal (see Figure 3). Because each trial places great demands on a judge’s time, the natural inclination is to avoid trials whenever possible.

To minimize the workload, a few judges either schedule their trial calendars too conservatively or grant continuances (rescheduled trial dates) too liberally. The bad habits of a few judges can clog the entire trial calendar for all other judges in any given office, because the other judges must shoulder the increased workload. With fewer scheduled trial dates, the parties who need someone to decide their competing claims must wait far longer than the 75 days allowed by law.

One way to get a case to trial faster would be to assign the trial to whichever judge has the earliest available trial date. At the moment, some offices lock in trial judge assignments the moment a Declaration of Readiness is filed, which reduces scheduling flexibility. Additionally, the responsibility for determining trial dates should rest with clerks, not judges. Local DWC offices should also overbook a limited number of extra trials for each judge, because many cases are settled before they reach trial. In the event of any conflicting demands on a judge’s time, a “rollover” policy would allow overbooked trials to be quickly reassigned to an available judge on the scheduled day.

State law requires that a decision in each case be issued within 30 days of a trial, but some judges occasionally take as long as three months. Even among judges in the same office with similar workloads, there have been wide disparities in the time taken to render these decisions. Interviews with secretaries and hearing reporters who work with judges have suggested that some judges simply lack the organizational and time-management skills necessary for turning out a decision in a timely manner.

One of our most important recommendations is that judges need more training in how to perform their tasks. Although well-versed in case law, new judges often have little experience in efficient note-taking during testimony, promoting settlements between contentious parties, managing a crowded conference calendar, issuing decisions quickly and competently, and writing a well-reasoned opinion. WCAB judges

Local offices should overbook a limited number of extra trials for each judge, because many cases are settled before they reach trial.
Preparing summary of evidence
Preparing opinion and orders
Preparing report and recommendations

Average additional minutes spent per each hour in trial

Figure 3—For Each Hour Spent in Trial, Judges Spend More Than Four Additional Hours on Related Tasks


*Excludes time required for pre-trial preparation.

need to be shown better ways to manage their caseloads and to execute their other responsibilities. We further suggest that the presiding judge at each local DWC office spend more time mentoring other judges, make greater efforts to monitor judicial performance, and look for good case-management skills among judicial candidates.

Unnecessary Litigation Costs
The permissive attitude of some judges in granting last-minute continuances or even removing a case from the trial calendar altogether not only delays the overall process toward resolution but also results in unnecessary court appearances. Each additional court date is costly for defendants (who pay their attorneys for each appearance), for workers’ attorneys (who have limited time to devote to each case), and for workers (who must spend time away from their jobs whenever they appear in court).

Many of the additional appearances appear to be the result of parties arriving at the MSC unprepared to discuss the issues in the case in a meaningful way. This can often occur because there is no penalty for failing to review the casefile until the day of the conference and because last-minute postponements are easily obtained upon an oral motion made during the conference.

To combat this problem, requests for continuances and other postponements (other than those related to illnesses and emergencies) should be considered at the MSC only if such requests are formally made in writing and submitted in advance. This important change would force the parties to review the file and to jointly address potential roadblocks to resolution prior to the court appearance.

Inevitably, some continuances and postponements will be required, but no such requests should be granted without conditions. The parties should be given a specific date to return, the judge should detail the reasons for granting the request, and orders should be issued as to what must be done to get the case back on track. Judges should also stop granting requests for postponements on the day of trial in all but the most extraordinary circumstances.

Inconsistent Procedures
Inconsistent court practices across the state are not surprising given that the rules and procedures are derived from a variety of sources, including the California Labor Code (developed by the state legislature) and separate sets of regulations developed by the WCAB and DWC. Because the rules are sometimes outdated, contradictory, vague, confusing, or convoluted, many local offices and judges invent their own procedures, creating a hodgepodge of largely unwritten local practices across the state.

The trial phase has numerous built-in safeguards that encourage uniformity in decisionmaking. But we found wide variation in judicial behavior prior to trial, including how judges handle continuances and postponements, what standards judges use to decide if proposed settlements comply with the law, and what criteria judges use to approve attorney fees. In most instances, the variation in behavior appears to stem from a lack of clear and unambiguous guidance in the rules that apply to these pre-trial actions.

In this regard, we recommend a coordinated effort by the WCAB and DWC to review the sources of the procedural rules; to eliminate or correct language that is irrelevant, vague, or confusing; to highlight the rules that are clear and straightforward; to provide supplemental commentary as guideposts in making decisions; and to revise the procedures accordingly. This review
should also involve judges and attorneys to make sure that the new rules will work in practice.

**Conclusions**

Our study team investigated a wide variety of WCAB and DWC operations. The final report contains more than 100 recommendations covering calendaring, case management practices, staffing, technology, judicial assignment and training, continuances, settlements, and other critical stages in the process. But the main factor behind the problems of the so-called People’s Court appears to be the chronic funding shortage that has hampered hiring, training, and technological improvements for decades.

Although funding shortages are certainly not the only underlying cause of dissatisfaction with the workers’ compensation courts, year after year of scrambling to provide local offices with the bare minimum of staff has prevented the DWC administration from addressing long-term needs, most notably the long-overdue upgrade of the courts’ information technology infrastructure. Conversely, the courts’ computer system has made the staff shortages even more acute, because the outmoded system requires a great deal of duplicate data entry, is not suited for the most efficient scheduling of conferences and trials, and is so old that it offers little help as a management tool to allocate judicial resources more efficiently. Yet replacing the system has been impossible given the gaping holes in office staffing.

The staffing shortages have also made procedural uniformity more difficult to achieve. Some local offices, for example, have dispensed with any review of newly filed Declarations of Readiness. The purpose of these legally required reviews is to make sure that the case is indeed ready for an MSC. Some local offices, however, have come to believe that these procedures consume unjustifiable amounts of staff resources. In addition, plans for uniform training manuals have been on the back burner for years, because lead clerks and lead secretaries cannot be spared to draft the documents. Likewise, the current fiscal environment has made it extremely difficult to assign judges and administrators to the much-needed task of reviewing conflicting or ambiguous regulations.

Worst of all, insufficient staffing levels can diminish the quality of justice. Judges with heavy workloads may prefer to grant requests for continuances, however questionable they may be, rather than to move toward a trial that would require considerable expenditures of their time. When trials do take place, a careful and deliberate judicial review may not be possible because of other equally pressing demands. Meanwhile, presiding judges cannot supervise the work of their trial judges closely, because the presiding judges must handle a nearly equal share of the caseload. Staffing and funding shortages have precluded the training of trial judges as well. The end result is that there is sometimes great disparity in the knowledge and abilities of those who have been appointed to be the final arbiters in this system.

The WCAB has become a focus of attention for those who feel that the entire California workers’ compensation system has strayed from its original purpose of delivering swift and certain benefits through a user-friendly dispute resolution system that serves the interests of injured workers, employers, and other litigants. If the courts continue to be plagued by unnecessary delays that frustrate injured workers and their employers, by unreasonable private and public litigation costs, and by unexpected outcomes due to idiosyncratic procedures, then the California workers’ compensation system is in fact failing to serve its statutory and historical mandate. Our team’s recommendations offer a blueprint for judicial and administrative reform that can help the system fulfill its mandate.

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**Related Reading**


NATION-BUILDING
The Inescapable Responsibility of the World’s Only Superpower

By James Dobbins

James Dobbins served as U.S. special envoy for Somalia, Haiti, Bosnia, Kosovo, and Afghanistan. He now directs the International Security and Defense Policy Center at RAND.

We at the RAND Corporation have compiled what we have found to be the most important lessons learned by the United States in its nation-building efforts since World War II. Not all these hard-won lessons have yet been fully applied to America’s most recent nation-building efforts in Afghanistan and Iraq.

We define nation-building as “the use of armed force in the aftermath of a conflict to underpin an enduring transition to democracy.” We have compared the levels of progress toward this goal among seven historical cases: Germany, Japan, Somalia, Haiti, Bosnia, Kosovo, and Afghanistan. These are the most important instances in which American military power has been used in the aftermath of a conflict to underpin democratization elsewhere around the world since World War II.

From our review of the historical cases, we at RAND have derived a number of overarching conclusions:

• Many factors—such as prior democratic experience, level of economic development, and social homogeneity—can influence the ease or difficulty of nation-building, but the single most important controllable determinant seems to be the level of effort, as measured in troops, money, and time.
• Multilateral nation-building is more complex and time-consuming than a unilateral approach. But the multilateral approach is considerably less expensive for individual participants.
• Multilateral nation-building can produce more thorough transformations and greater regional reconciliation than can unilateral efforts.
• Unity of command is as essential in peace operations as it is in war. This unity of command can be achieved even in operations with broad multilateral participation when the major participants share a common vision and tailor the response of international institutions accordingly.
• There appears to be an inverse correlation between the size of the military stabilization force and the level of casualties. The higher the proportion of troops relative to the resident population, the lower the number of casualties suffered and inflicted. Indeed, most of the post-conflict operations that were generously manned suffered no casualties at all.
• Neighboring states can exert significant influence, for good or bad. It is nearly impossible to put together a fragmented nation if its neighbors try to tear it apart. Every effort should be made to secure their support.
• Accountability for past injustices can be a powerful component of democratization. Such accountability can be among the most difficult and controversial aspects of any nation-building endeavor, however, and therefore should be attempted only if there is a deep and long-term commitment to the overall operation.
• There is no quick fix for nation-building. None of our cases was successfully completed in less than seven years.

These lessons are drawn from the “best practices” of nation-building over the past 60 years. We explain...
A German schoolgirl writes on the blackboard during an English lesson at her school in Berlin, Germany, on Sept. 29, 1945, at one of more than 200 schools that were maintained by the allied occupational government in the American sector of the divided German capital.

The lessons in greater detail below and then suggest how they might be applied to future operations and, in particular, to Iraq. Although the combat phase of the war against Iraq went very well and the regime collapsed much faster than many had expected, the United States has been left with the unenviable task of seeking to build a democratic, economically vibrant Iraqi nation.

From Germany to Afghanistan
The cases of Germany and Japan set a standard for post-conflict nation-building that has not been matched since. Both were comprehensive efforts at social, political, and economic reconstruction. These successes demonstrated that democracy was transferable, that societies could be encouraged to transform themselves, and that major transformations could endure.

For the next 40 years, there were few attempts to replicate these early successes. During the cold war with the Soviet Union, America employed its military power to preserve the status quo, not to alter it; to manage crises, not to resolve the underlying problems; to overthrow unfriendly regimes and reinstall friendly ones, not to bring about fundamental societal change.

After 1989, a policy of global containment of the Soviet Union no longer impelled the United States to preserve the status quo. Washington was now free to overlook regional instability in places like Yugoslavia and Afghanistan as long as the instability did not directly threaten American interests. At the same time, though, the United States had the unprecedented opportunity of using its unrivaled power to resolve, not
just to manage or to contain, international problems of strategic importance. In addition, the United States could secure broader international support for such efforts than ever before.

Throughout the 1990s, each successive post–cold war effort became wider in scope and more ambitious in intent than its predecessor had been. In Somalia, the original objective was purely humanitarian but was subsequently expanded to democratization. In Haiti, the objective was to reinstall a president and to conduct elections according to an existing constitution. In Bosnia, the objective was to create a multiethnic state out of a former Yugoslav republic. In Kosovo, the objective was to establish a democratic polity and market economy virtually from scratch.

From Somalia in 1992 to Kosovo in 1999, each nation-building effort was somewhat better managed than the previous one (see table). Somalia was the nadir. Everything that could go wrong did. The operation culminated in the withdrawal of U.S. troops in 1994 after a sharp tactical setback that had resulted in 18 American deaths in October 1993. This reverse, which became memorialized in the book and film “Black Hawk Down,” was largely the result of an unnecessarily complicated U.S. and United Nations command structure that had three distinct forces operating with three distinct chains of command. Despite its failure, the Somalia mission taught America crucial lessons for the future. One was the importance of unity
<table>
<thead>
<tr>
<th>Country or Territory</th>
<th>Years</th>
<th>Peak U.S. Troops</th>
<th>International Cooperation</th>
<th>Assessment</th>
<th>Lessons Learned</th>
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<tr>
<td>West Germany</td>
<td>1945–1952</td>
<td>1.6 million</td>
<td>Joint project with Britain and France, eventually NATO.</td>
<td>Very successful. Within 10 years an economically stable democracy and NATO member.</td>
<td>Democracy can be transferred. Military forces can underpin democratic transformation.</td>
</tr>
<tr>
<td>Japan</td>
<td>1945–1952</td>
<td>350,000</td>
<td>None.</td>
<td>Very successful. Economically stable democracy and regional security anchor within a decade.</td>
<td>Democracy can be exported to non-Western societies. Unilateral nation-building can be simpler (but more expensive) than multilateral.</td>
</tr>
<tr>
<td>Somalia</td>
<td>1992–1994</td>
<td>28,000</td>
<td>United Nations (U.N.) humanitarian oversight.</td>
<td>Not successful. Little accomplished other than some humanitarian aid delivered in Mogadishu and other cities.</td>
<td>Unity of command can be as essential in peace as in combat operations. Nation-building objectives need to be scaled to available resources. Police may need to be deployed alongside military forces.</td>
</tr>
<tr>
<td>Haiti</td>
<td>1994–1996</td>
<td>21,000 (plus 1,000 international police)</td>
<td>U.N. help in policing.</td>
<td>Not successful. U.S. forces restored democratically elected president but left before democratic institutions took hold.</td>
<td>Exit deadlines can be counterproductive. Need time to build competent administrations and democratic institutions.</td>
</tr>
<tr>
<td>Bosnia</td>
<td>1995–present</td>
<td>20,000</td>
<td>Joint effort by NATO, U.N., and Organization for Security and Cooperation in Europe.</td>
<td>Mixed success. Democratic elections within two years, but government is constitutionally weak.</td>
<td>Unity of command is required on both military and civil sides. Nexus between organized crime and political extremism can be serious challenge to enduring democratic reforms.</td>
</tr>
<tr>
<td>Kosovo</td>
<td>1999–present</td>
<td>15,000 (plus 4,600 international police)</td>
<td>NATO military action and U.N. support.</td>
<td>Modest success. Elections within 3 years and strong economic growth. But no final resolution of Kosovo's status.</td>
<td>Broad participation and extensive burden-sharing can be compatible with unity of command and American leadership.</td>
</tr>
</tbody>
</table>
of command in peace operations as well as in war. Second was the need to scale mission objectives to available resources in troops, money, and staying power. A third lesson was the importance of deploying significant numbers of international police alongside international military forces to places where the local law enforcement institutions had disappeared or become illegitimate.

America applied these lessons to Haiti in the mid-1990s. We had unity of command throughout the operation. We did not have parallel American and allied forces. We had a single force under a single command with a clear hierarchy of decisionmaking. We deployed a large number of police within weeks of the military deployment, and the police were armed with both weapons and arrest authority. Unfortunately, we were obsessed with exit strategies and exit deadlines in the wake of the Somalia debacle. So we pulled out of Haiti with the job at best half done.

The Bosnia experience of the late 1990s was more successful. We set an exit deadline but wisely ignored it when the time came. On the negative side, there was a lack of coordination between the military stabilization efforts of NATO and those organizations responsible for civilian reconstruction. Consequently, the authority for implementing the civilian reconstruction projects became fragmented among numerous competing institutions. To complicate the situation further, the international police who had been deployed were armed with neither weapons nor arrest authority.

By the time of the Kosovo conflict in 1999, we and our allies had absorbed most of these lessons. We then made smarter choices in Kosovo. We achieved unity of command on both the civil and military sides. As in Bosnia, NATO was responsible for military operations. On the civil side, we established a clear hierarchical structure under a United Nations representative. Leadership was shared effectively between Europe and the United States. Working together, we deployed nearly 5,000 well-armed police alongside military peacekeepers. Although far from perfect, the arrangement was more successful than it had been in Bosnia.

During his presidential campaign in 2000, George W. Bush criticized the Clinton administration for this expansive nation-building agenda. As president, Bush adopted a more modest set of objectives when faced with a comparable challenge in Afghanistan. Nevertheless, the attempt to reverse the trend toward ever larger
Nation-building is not principally about economic reconstruction, but rather about political transformation.

and more ambitious U.S.-led nation-building operations has proven short-lived. In Iraq, the United States has taken on a task comparable in its vast scope to the transformational efforts still under way in Bosnia and Kosovo and comparable in its enormous scale to the earlier American occupations of Germany and Japan. Nation-building, it appears, is the inescapable responsibility of the world’s only superpower.

Quantitative Comparisons of Cases
For each of the seven historical cases of nation-building, we at RAND compared quantitative data on the “inputs” (troops, money, and time) and “outputs.” The outputs included casualties (or lack thereof), democratic elections, and increases in per capita gross domestic product (GDP).

Troop levels varied widely across the cases. The levels ranged from 1.6 million U.S. troops in the American sector in Germany at the end of World War II to 14,000 U.S. and international troops currently in Afghanistan. Gross numbers, however, are not the most useful numbers for comparison, because the size and populations of the nations being built have been so disparate. We chose instead to compare the numbers of U.S. and foreign soldiers per thousand inhabitants in each occupied territory. We then compared the proportional force levels at specified times after the conflict ended (or after the U.S. rebuilding efforts began).

Figure 1 shows the number of international troops (or in the German and Japanese cases, U.S. troops) per thousand inhabitants in each territory at the outset of the intervention and at various intervals thereafter. As the data illustrate, even the proportional force levels vary immensely across the operations. (The levels vary so tremendously that they require a logarithmic, or exponential, scale for manageable illustration.)

Bosnia, Kosovo, and particularly the U.S.-occupied sector of Germany started with substantial proportions of military forces, whereas the initial levels in Japan,
Somalia, Haiti, and especially Afghanistan were much more modest. The levels generally decreased over time. In Germany, the level then rose again for reasons having to do with the cold war. Overall, the differences in force levels across the cases had significant implications for other aspects of the operations.

Figure 2 compares the amount of foreign economic aid per capita (in constant 2001 U.S. dollars) provided to six of the territories during the first two years. Although Germany received the most aid in raw dollar terms ($12 billion), the country did not rank high on a per capita basis. Per capita assistance there ran a little over $200. Kosovo, which ranked fourth in terms of total assistance, received over $800 per resident. With the second-highest level of economic assistance per capita, Kosovo enjoyed the most rapid recovery in levels of per capita GDP. In contrast, Haiti, which received much less per capita than Kosovo, has experienced little growth in per capita GDP.

Germany and Japan both stand out as unequaled success stories. One of the most important questions is why both operations fared so well compared with the others. The easiest answer is that Germany and Japan were already highly developed and economically advanced societies. This certainly explains why it was easier to reconstruct their economies than it was to reconstruct those in the other territories. But economics is not a sufficient answer to explain the transition to democracy. The spread of democracy to poor countries in Latin America, Asia, and parts of Africa suggests that this form of government is not unique to advanced industrial economies. Indeed, democracy can take root in countries where neither Western culture nor significant economic development exists. Nation-building is not principally about economic reconstruction, but rather about political transformation.

Because Germany and Japan were also ethnically homogeneous societies, some people might argue that homogeneity is the key to success. We believe that homogeneity helps greatly but that it is not essential, either. It is true that Somalia, Haiti, and Afghanistan are divided ethnically, socioeconomically, or tribally in ways that Germany and Japan were not. However, the kinds of communal hatred that mark Somalia, Haiti, and Afghanistan are even more pronounced in Bosnia and Kosovo, where the process of democratization has nevertheless made some progress.

What principally distinguishes Germany, Japan, Bosnia, and Kosovo from Somalia, Haiti, and Afghanistan is not their levels of Western culture, democratic history, economic development, or ethnic homogeneity. Rather, the principal distinction is the level of effort that the United States and the international community have put into the democratic transformations. Among the recent operations, the United States and its allies have put 25 times more money and 50 times more troops on a per capita basis into post-conflict Kosovo than into post-conflict Afghanistan. These higher levels of input account in significant measure for the higher levels of output in terms of democratic institution-building and economic growth.
Japan, one of the two undoubted successes, fully meets the criterion regarding the duration of time devoted to its transformation. In the first two years, Japan received considerably less external economic assistance per capita than did Germany, Bosnia, or Kosovo, indeed less than Haiti and about the same amount as Afghanistan. Japan’s correspondingly low post-conflict economic growth rates reflect this fact. Japan’s subsequent growth of the 1950s, spurred by American spending linked to the Korean War, helped to consolidate public support for the democratic reforms that had been put in place in the immediate postwar years. As with the German economic miracle of the 1950s, the experience in Japan suggests that rising economic prosperity is not so much a necessary precursor to political reform as a highly desirable successor and legitimizing factor.

In proportion to its population, Japan also had a smaller military stabilization force (or, as it was then termed, occupation force) than did Germany, Bosnia, or Kosovo, although the force was larger than those in Haiti and Afghanistan. The ability to secure Japan with a comparatively small force relates to both the willing collaboration of the Japanese power structures and the homogeneity of the population. A third important factor was the unprecedented scale of Japan’s defeat—the devastation and consequent intimidation wrought by years of total war, culminating in the fire bombing of its cities and finally two nuclear attacks. In situations where the conflict has been terminated less conclusively and destructively (or not terminated at all), such as Somalia, Afghanistan, and most recently Iraq, we have seen more difficult post-conflict security challenges. Indeed, it seems that the more swift and bloodless the military victory, the more difficult can be the task of post-conflict stabilization.

The seven historical cases have differed in terms of duration. The record suggests that although staying long does not guarantee success, leaving early assures failure. To date, no effort at enforced democratization has been brought to a successful conclusion in less than seven years.

**Unity of Command**

Throughout the 1990s, the United States wrestled with the challenge of gaining wider participation in its nation-building endeavors while also preserving adequate unity of command. In Somalia and Haiti, the United States experimented with sequential arrangements in which it initially managed and funded the operations but then quickly turned responsibility over to the United Nations. In Bosnia, the United States succeeded in achieving both broad participation and unity of command on the military side of the operation through NATO. But in Bosnia the United States resisted the logic of achieving a comparable and cohesive arrangement on the civil side. In Kosovo, the United States achieved broad participation and unity of command on both the military and civil sides by working through NATO and the United Nations.

None of these models proved entirely satisfactory. However, the arrangements in Kosovo seem to have provided the best amalgam to date of American leadership, European and other participation, financial burden-sharing, and unity of command. Every international official in Kosovo works ultimately for either the NATO commander or the Special Representative of the U.N. Secretary General. Neither of these is an American. But by virtue of America’s credibility in the region and America’s influence in NATO and on the U.N. Security Council, the United States has been able to maintain a satisfactory leadership role while fielding only 16 percent of the peacekeeping troops and paying only 16 percent of the reconstruction costs.

The efficacy of the Bosnia and Kosovo models has depended on the ability of the United States and its principal allies to attain a common vision of the objec-
tives and then to coordinate the relevant institutions—principally NATO, the Organization for Security and Cooperation in Europe, the European Union, and the United Nations—to meet the objectives. These two models offer a viable fusion of burden-sharing and unity of command.

In Afghanistan, in contrast, the United States opted for parallel arrangements on the military side and even greater divergence on the civil side. An international force—with no U.S. participation—operates in the capital of Kabul, while a national and mostly U.S. force operates everywhere else. The United Nations has responsibility for promoting political transformation, while individual donors coordinate economic reconstruction—or, more often, fail to do so.

The arrangement in Afghanistan is a marginal improvement over that in Somalia, because the separate U.S. and international forces are at least not operating in the same physical space. But the arrangement represents a clear regression from what we achieved in Haiti, Bosnia, or, in particular, Kosovo. It is therefore not surprising that the overall results achieved to date in Afghanistan are better than in Somalia, not yet better than in Haiti, and not as good as in Bosnia or Kosovo. The operation in Afghanistan, though, is a good deal less expensive than those in Bosnia or Kosovo.

Applying the Lessons to Iraq

The challenges facing the United States in Iraq today are formidable. Still, it is possible to draw valuable lessons from America’s previous experiences with nation-building. There are four main lessons to be learned for Iraq.

The first lesson is that democratic nation-building can work given sufficient inputs of resources. These inputs, however, can be very high. Regarding military forces, Figure 3 takes the numbers of troops used in the previous cases of nation-building and projects, for each, a proportionally equivalent force for the Iraqi population over the next decade. For example, if Kosovo levels of troop commitments were deployed to Iraq, the number would be some 500,000 U.S. and coalition troops through 2005. (There are roughly 150,000 coalition troops stationed in Iraq today.) To provide troop coverage at Bosnia levels, the requisite troop figures would be 460,000 initially, falling to 258,000 by 2005 and 145,000 by 2008.

In addition to military forces, it is often important to deploy a significant number of international civil police. To achieve a level comparable to the nearly 5,000 police deployed in Kosovo, Iraq would need an infusion of 53,000 international civil police officers through 2005 (in addition to the forces represented in Figure 3).

It is too early to predict with accuracy the required levels of foreign aid, but we can draw comparisons with the previous historical cases. Figure 4 takes the amount of foreign aid provided in six of the seven previous cases of nation-building and projects proportionally equivalent figures for the Iraqi population over the next two years. If Bosnia levels of foreign aid per capita were provided to Iraq, the country would require some $36 bil-

Figure 3—Based on Kosovo Standards, Iraq Would Need 526,000 Foreign Troops Through 2005


Figure 4—Based on Bosnia Standards, Iraq Would Need $36 Billion in Foreign Aid Through 2005

The stabilization and reconstruction of Iraq have not gone as smoothly as might be expected, given abundant, recent, and relevant American experience.

Unidentified delegates to the loya jirga, or grand council, discuss the formation of a new legislative body for Afghanistan on June 16, 2002. The loya jirga was convened as part of a U.N.-guided process to move Afghanistan toward democracy after a generation of war.

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mounted in eleven years, and the fifth in a Muslim nation or province.

Many of the initial difficulties in Iraq have been encountered elsewhere. Somalia, Haiti, Kosovo, and Afghanistan also experienced the rapid and utter collapse of their prior regimes. In each of those instances, the local police, courts, penal services, and militaries were destroyed, disrupted, disbanded, and/or discredited. They were consequently unavailable to fill the post-conflict security gap. In Somalia, Bosnia, Kosovo, and Afghanistan, extremist elements emerged to fill the resultant vacuum of power. In all five cases, organized crime quickly developed into a major challenge to the occupying authority.

In Bosnia and Kosovo, the external stabilization forces ultimately proved adequate to surmount these challenges. In Somalia and Afghanistan, they did not or have not yet, respectively.

Throughout the 1990s, the management of each major stabilization and reconstruction mission represented a marginal advance over its predecessor, but in the past several years this modestly positive learning curve has not been sustained. The Afghan mission cannot yet be deemed more successful than the one in Haiti. It is certainly too early to evaluate the success of the Iraqi nation-building mission, but its first few months do not raise it above those in Bosnia and Kosovo at a similar stage.

Over the past decade, the United States has made major investments in the combat efficiency of its forces. The return on investment has been evident in the dramatic improvements demonstrated from one campaign to the next, from Desert Storm to the Kosovo air campaign to Operation Iraqi Freedom. But there has been no comparable increase in the capacity of U.S. armed forces, or of U.S. civilian agencies for that matter, to conduct post-combat stabilization and reconstruction operations.

Nation-building has been a controversial mission over the past decade, and the extent of this controversy has undoubtedly curtailed the investments needed to do these tasks better. So has institutional resistance in both the state and defense departments, neither of which regards nation-building among its core missions. As a result, successive administrations tend to treat each new such mission as if it were the first and, more importantly, the last.

This expectation is unlikely to be realized any time soon. In the 1990s, the Clinton administration conduced a major nation-building intervention, on the average, every two years. The current administration, despite a strong disinclination to engage American armed forces in these activities, has launched two major such enterprises in a period of eighteen months.

Post-conflict stabilization and reconstruction with the objective of promoting a transition to democracy appear to be the inescapable responsibility of the world’s only superpower. Therefore, in addition to securing the major resources that will be needed to carry through the current operation in Iraq to success, the United States ought to make the smaller long-term investments in its own institutional capacity to conduct such operations. In this way, the ongoing improvements in combat performance of American forces could be matched by improvements in the post-conflict performance of our government as a whole.

Related Reading

When external powers such as the United States act as “the world’s policeman” to stabilize countries such as Iraq, a good way to think about the force requirement is roughly similar to the way that one would think about policing a civil society. The objective is not to destroy an enemy but to provide security for residents so that they have enough confidence to manage their daily affairs and to support a government authority of their own.

It turns out that the number of “world policemen” required is roughly proportional to the size of the population being protected or controlled. At the low end of the scale is the proportion of police officers required for day-to-day law enforcement duties among generally peaceful populations such as those in the United States. Peaceful populations require force ratios of somewhere between one and four police officers per thousand residents. The United States as a whole has about 2.3 sworn police officers per thousand residents. Larger cities tend to have higher ratios of police to population.

For cases drastic enough to warrant outside intervention, the required force ratio is much higher. Although numbers alone do not constitute a security strategy, successful strategies for population security and control have required force ratios either as large as or larger than 20 security personnel (troops and police combined) per thousand inhabitants. This figure is roughly 10 times the ratio required for simple policing of a tranquil population.

The British are acknowledged as the most experienced practitioners of the stabilization art. To maintain stability in Northern Ireland, the British deployed a security force (consisting of British army troops plus police from the Royal Ulster Constabulary) at a ratio of about 20 per thousand inhabitants. This is about the same force ratio that the British deployed during the Malayan counterinsurgency in the middle of the 20th century.

More recently, successful multinational operations have used initial force ratios as large as the British examples or larger. In its initial entry into Bosnia in 1995,
the NATO Implementation Force brought in multinational forces corresponding to more than 20 soldiers per thousand inhabitants. After five years, the successor Stabilization Force finally fell below 10 per thousand. Operations in Kosovo during 2000 showed the same pattern; the initial forces were sized at somewhat above 20 per thousand.

These population-driven force ratios yield a number of daunting implications both for the size of the force itself and for the prospect of maintaining such a force over time. To begin with, stability operations usually take long periods of time to succeed. The proportionally large British forces operated for more than 25 years in Northern Ireland and for more than a decade in Malaysia (from 1948 to 1960). The operation in Bosnia is now in its eighth year.

The rotating deployments of troops over time cause complications across the military forces. In Northern Ireland, the British have limited the tour of duty for most troops to about six months. The six-month tour has become standard in most militaries for peacekeeping deployments to places like Bosnia, Kosovo, and the Sinai. The British have tried to keep the time between deployments at about 24 months or more. In professional militaries where soldiers remain in service for years at a time, therefore, five troops would be required for every one deployed at any given time. If a stabilization effort cannot adhere to this so-called “rule of five,” then either the deployment time must be longer than six months or the time between deployments must be shorter than 24 months.

The population of Iraq today is nearly 25 million. That population would require 500,000 foreign troops on the ground to meet a standard of 20 troops per thousand residents. This number is more than three times the number of foreign troops now deployed to Iraq (see figure). For a sustainable stabilization force on a 24-month rotation cycle, the international community would need to draw on a troop base of 2.5 million troops. Such numbers are clearly not feasible and emphasize the need for the rapid creation of indigenous security forces even while foreign troops continue to be deployed. The extremely low force ratio for Afghanistan, a country with a population even larger than that of Iraq, shows the implausibility of current stabilization efforts by external forces.

No one has discovered successful stabilization strategies that avoid large troop commitments while trying to bring order to large populations. Proposals have been made in a number of countries for personnel policies that seek to avoid the painful arithmetic of large deployments, lengthy tours of duty, and sustainable periods between deployments by using deployed forces built around short-service conscripts or volunteers. So far, however, all of the western countries have chosen to rely on their professional militaries.

\[\text{The population of Iraq today is nearly 25 million. That population would require 500,000 foreign troops on the ground to meet a standard of 20 troops per thousand residents.}\]

Related Reading


Another Kind of Safety Threat
The Health-Related Consequences of Releasing Prisoners

By Lois M. Davis
Lois Davis is a health policy researcher at RAND.

As states struggle to make budget ends meet in the current fiscal climate, many are considering the early release of state prisoners as one answer to the problem. When prisoners are released back into communities, some people worry about public safety, concerned primarily about becoming victims of crime. While these concerns are legitimate, another public safety threat is just as real, if not as obvious: the threat to people's health and to the public health system itself.

Research has shown that much disease goes undetected by the correctional health care system. Existing estimates of disease prevalence among the prison population have had to rely on multiple data sources outside of the system because of serious limitations in the data available from state prisons.

Our best estimates indicate that prisoners who are awaiting release tend, on average, to be sicker—in many cases, much sicker—than the population as a whole. This is true across the spectrum of disease categories. When it comes to the prevalence of infectious, or communicable, diseases, prison inmates are 4 times more likely to have active tuberculosis (TB), 9–10 times more likely to have hepatitis C, 5 times more likely to have AIDS, and 8–9 times more likely to have HIV infection.

Among chronic diseases, the prevalence of asthma is higher in prison inmates. Although the prevalences of diabetes and hypertension are lower than for the population as a whole, they are relatively high given that the prison population is generally younger. These conditions are typically associated with older people. The prison population is growing older, however, which means these prevalences are likely to increase over time.

Inmates also have higher prevalences of mental illness—they are 3–5 times more likely to have schizophrenia or other psychotic disorders and 1.5–3 times more likely to have bipolar disorder—and are more likely to suffer from substance abuse and dependence problems.

What can be done to reduce the potential risks to the health of the communities to which prisoners are returning? What can be done to reduce the potential strain on the public health system itself?

First, state prisons need to improve the data systems they use to track and assess the health status of prisoners. For example, we know little about the prevalence of co-occurring disorders (e.g., mental illness and substance abuse, HIV and hepatitis B or C), both because of inaccurate or missing data and because of variations in screening and discharge planning of soon-to-be-released offenders. This hinders our ability both to understand the true disease burden that prisoners will impose on the communities they are reentering and to decide how to ensure the continuity of their care upon release.

Second, there is a need for improved screening, prevention, and treatment programs for state prison inmates. Third, prisons could improve the discharge and transitional planning for ex-offenders with special health care needs. Such improvements can help protect the public's health, since without them, ex-offenders with unknown and untreated infections—TB, for example—may contribute to the spread of disease in a community and to the development of drug-resistant strains.

Finally, the system will need to address the structural problem of who pays for improved screening and more treatment. Improved screening could be expensive for prison systems, because it is likely to increase the number of inmates identified as requiring treatment services and whose care will need to be transferred to community health care providers upon release. Moreover, improved screening could lead to greater liability for the prison system. For example, screening could demonstrate that some inmates were infected with HIV while incarcerated and therefore might have been subjected to a cruel or unsafe environment.

There are no simple solutions to the problem, but the problem is pressing. Ex-offenders rely heavily on the public sector for health care services and will be returning to communities and neighborhoods with limited health care resources at a time when the public health system and America's “safety net” are severely strained. Unless we take actions now, we may be facing a looming health crisis just over the horizon.
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For more than two decades, the California workers’ compensation courts have been criticized for being slow, expensive, and procedurally inconsistent. In response to these concerns, the California Commission on Health and Safety and Workers’ Compensation engaged the RAND Institute for Civil Justice to conduct a top-to-bottom review of the courts. The research team found that the courts’ problems stem largely from severe understaffing, the failure to upgrade the management information system, and a lack of clear guidance and coordination in the governing rules and procedures.

This version is accompanied by a CD-ROM containing the full text of *Improving Dispute Resolution for California’s Injured Workers*.

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