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Elections and Conflict

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Religion: Spark or Solution for Conflict?
Controversy over Contractor Legal Codes
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The Journal of International Peace Operations welcomes submissions from our readers.

LETTERS TO THE EDITOR must be no more than 200 words, and must be accompanied by the writer's full name, address, e-mail and telephone number. Only the writer's name and city will be printed if the letter is published.

ARTICLES must be the original work of the author and no more than 800 words. Articles must be accompanied by a photograph and a short biography of the author. All submissions should be sent to the address above, submitted electronically at www.peaceops.com/writeforus or e-mailed to jmessner@ipoaonline.org.

IPOA PRESIDENT'S MESSAGE

4 President's Message
Doug Brooks

IPOA MEMBER PROFILE

5 TOIFOR
A Market Leader in Mobile Camp Services

THE IPOA LION

6 IPOA Holds Capitol Hill MEJA-UCMJ Roundtable
Iveta Cherneva

7 IPOA President Testifies Before UN
Denitza Mantcheva

7 Three Companies Join IPOA
Derek Wright

COVER STORY: ELECTIONS AND CONFLICT

9 The Emergence of African Democracy
Derek Wright

10 Post-Conflict Elections as a Measure of Success
Christopher Rochester

11 Government by the people?
Vandy Kanyako

13 Supporting Elections in Iraq
Patrick McDonald

14 D.R. Congo in the Aftermath of Elections
Laura Engelbrecht

16 Elections in Bosnia-Herzegovina
Kurt Bassuener

THE SITUATION IN IRAQ

18 New Congress Heralds a New Iraq Plan
Iveta Cherneva

19 The Need for a Robust Security Strategy in Iraq
Michael Shank

KOSOVO

20 Years of Struggle and Foreign Intervention
Denitza Mantcheva

21 Contractors Promoting Peace in Kosovo
Audrey Roberts

GOVERNMENT AFFAIRS

23 A New Controversy Over Contractor Laws
Fiona Mangan

23 U.S. Proposes New Civilian Reserve Corps
Patricia D'Costa

24 DoD Directive 3000.05 One Year On
Patricia D'Costa

GLOBAL ATTITUDES SERIES

25 Private Security in Sweden
Commander Marcus Mohlin

STUDY OF PEACE OPERATIONS

26 Religion: Spark or Solution for Conflict?
Kyle Ballard

COLUMNISTS

27 The U.S. Military's New Africa Command
Ambassador Herman Cohen

28 UN Peacekeeping: Where is the West?
J. J. Messner

NGO PROFILE

29 Genocide Intervention Network
Building the Permanent Anti-Genocide Constituency

PEACE OPERATIONS EQUIPMENT PROFILE

29 Unmanned Aerial Vehicles
Helene Viel

PEACEKEEPING OPERATION PROFILE

30 UNMIS in Sudan
Boshen Jia



Photo: Tech. Sgt. Cherie A. Thurby/USAF
COVER PHOTO: A voter in the Iraqi elections displays the indelible blue ink marking his right index finger, which is intended to prevent double voting.



Photo: UNMIK/DPI
REMEMBERING KOSOVO: The Secretary-General's Special Envoy for Kosovo's future status process, Martti Ahtisaari, is a key figure in mapping out Kosovo's future. Page 21.



Photo: Frederic Noy/UNMIS
UNMIS: The *Journal's* latest regular profile of an international peacekeeping mission. Page 30.

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In Search of Adequate Legal and Regulatory Frameworks

IPOA Seeks Robust and Reasonable Accountability and Oversight Mechanisms Worldwide



DOUG BROOKS

HERE IS AN ingrained belief among many critics of the peace and stability industry that the industry actually profits from inadequate accountability, a belief based on emotional assumptions, not logical thought. This common misconception was raised at the Congressional hearings in Washington, DC held in early February. As an industry, we must be clear: whether we are talking about companies or individual contractors, effective accountability benefits the industry – and especially so for industry leaders such as IPOA members. From the beginning, IPOA members providing services in Iraq have been calling for improved oversight and accountability. IPOA testified to that effect in the June Congressional hearings last year. Thankfully, there are many in Congress interested in not just highlighting problems, but devising solutions as well.

Weak oversight means that less reputable companies are able to cut corners, underbid more ethical companies and win away contracts. Principled companies that are determined to follow contractual terms and government regulations have everything to gain from ensuring that competitors follow the rules as well. For governments, this means having enough oversight capacity and having rules that everyone can follow. Those who claim this is a 'completely unregulated industry' might enjoy the light reading found in the tens of thousands of pages of the FAR – U.S. Federal Acquisition Regulations. Companies can and are held accountable for their operations in Iraq and other complex contingency operations. The Iraq conflict

created a huge need for Contract Officers and their representatives to deploy quickly and oversee the billions of dollars of contracts for supporting the military effort and reconstructing the country. The strain on the oversight community was clear to all, though we are happy to report that the situation has improved somewhat since 2003.

In terms of holding individual contractors accountable, ethical firms already vet their employees. If there is a problem in the field companies act swiftly to fire and remove an individual from the area of operations. They also work with

Christopher Shays of Connecticut. Both of these Congressmen have shown an informed understanding of the issues and have worked with us in the past to enhance value for taxpayers while ensuring a desirable level of transparency and accountability.

As a trade association, we are able to do significant self regulation, but courtroom trials are clearly the role of governments. As we have often said, our industry has a critical role in peace and stability operations and as such the key problems need to be addressed. IPOA is keen to work with governments and international organizations to help ensure that we have effective oversight and accountability, while at the same time ensuring that our industry can be safely utilized to provide substantial and essential support services to critical peace and stability operations.

On the 22nd of February, IPOA was kindly provided the opportunity to consult with the "UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination." This meeting was at the request of IPOA and in our presentation we made the point that our industry is useful, legal, ethical and essential to numerous peace and stability operations. We emphasized that we fully support the Working Group's mandate of protecting human rights and the right to self-determination, however we emphasized that the title of the Working Group is obsolete and derogatory. The 'mercenary' term is inadequate, ill-defined and has no useful legal meaning – as we often quip, the real meaning of the term is "foreigners and businesspeople we don't like."

Our industry would be delighted to work with the Working Group in the future to address issues related to peace and stability industry operations in conflict and post-conflict environments. But to enable this level of constructive interaction, the name of the Group simply will have to be updated. We had a good exchange of views after the presentation and we are optimistic. In light of the enormous value that our industry brings to international peace and stability operations, we believe this kind of cooperation is essential for the future.



Photos: U.S. House of Representatives
Rep. David Price (D-N.C.), left, and Rep. Christopher Shays (R-Conn.), right, have been two of the most active Congressmen in efforts to find a reasonable solution to issues of contractor accountability.

appropriate authorities to support investigative efforts. When asked, individual contractors will emphasize that they have no problem with legal accountability, but it is important they be ensured a fair and lawful hearing. More often than not the conflict and post-conflict countries in which our industry operates do not have the capacity to ensure foreign nationals can be protected while incarcerated, much less receive an internationally recognized and fair legal trial. Thus the onus of ensuring a fair and impartial trial is with the governments contracting the services.

The two legal arrangements the United States has to hold individual contractors accountable are the Military Extraterritoriality Jurisdiction Act (MEJA) and the Uniform Code of Military Justice (UCMJ). These were compared and discussed in the last issue of our Journal and there are clearly complications related to the use of both MEJA and UCMJ. IPOA is proud to have been the sponsor of a roundtable designed to suggest ways to improve accountability and find solutions along with two forward-thinking members of Congress, David Price of North Carolina and



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Doug Brooks

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Photo: TOIFOR

TOIFOR are active in Europe and the Middle East.

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IPOA Holds Capitol Hill Event on UCMJ-MEJA Debate

Congressmen, Military and Civilian Lawyers Tackle the Legal Challenges of Contractor Law



IVETA CHERNEVA

ON FEBRUARY 27th, IPOA organized a roundtable in Longworth House Office Building in Washington, D.C., in conjunction with the offices of Rep. David Price (D-N.C.), Rep. Christopher Shays (R-Conn.), to discuss the legal debate concerning the application of the Universal Code of Military Justice or the Military Extraterritorial Jurisdiction Act to private contractors.

Speaking at the event were Rep. Price; Rep. Shays; Doug Brooks, President of IPOA; Kathleen Duignan, Executive Director of the National Institute of Military Justice; Karri Garrett, of the law firm McKenna, Long & Aldridge LLP; Scott Greathead, a partner at the law firm Wiggin and Dana LLP and CEO of World Monitors; Michael Love, Assistant General Counsel with Computer Sciences Corporation; and Brigadier-General Charles E. Tucker, Chief of Staff of the Joint Force Headquarters (Air) Wisconsin National Guard. The event was well attended by representatives of IPOA member companies, the military, media, NGOs and academia.

Rep. Price began by defining the four key points in the expanded role of contractors as acquisition, transparency, coordination and accountability. The debate focused on the accountability point, as Rep. Price underlined the threefold need of clear rules and regulations pertaining to contractors, an adequate legal framework and enforcement. He supported MEJA in his newly introduced bill, as he considers a civilian system the best to regulate contractors. But in order for MEJA to be successful in bringing about accountability, Rep. Price argued that MEJA needs to be properly enforced and expanded in scope to cover all contractors. Until now, he argued, the Bush Administration and the Department of Justice have not been serious



Photo: J. J. Messner/IPOA

From left to right, Rep. Christopher Shays (R-Conn.), Rep. David Price (D-N.C.), Brig. Gen. Charles E. Tucker, Jr. and Doug Brooks formed the "Identifying Issues" panel of the IPOA Capitol Hill Roundtable.



Photo: J. J. Messner/IPOA

From left to right, Scott Greathead, Kathleen Duignan, Karri Garrett and Michael Love formed the "Identifying Solutions" panel of the IPOA Capitol Hill Roundtable.



Photo: J. J. Messner/IPOA

IPOA Director of Development Derek Wright challenges the lack of oversight responsibility demonstrated by the Department of Justice.



Photo: J. J. Messner/IPOA

The Roundtable also gave representatives from IPOA member companies an opportunity to meet with the Congressmen.

about Iraq cases prosecutions.

The different culture of private contractors was often contrasted to military culture, this questioning the applicability of UCMJ to civilian contractors in favor of MEJA. Gen. Tucker underlined that there is a general cultural difference, as the military operates under ethics that rely strongly on informal mechanisms, such as peer pressure and soldier justice, which would not be appropriate for contractors. In addition, administrative measures are also inapplicable to civilians. Furthermore, expecting the military to monitor and investigate all civilians in the field would put

an additional burden on them. On this note, Scott Greathead addressed predictability under UCMJ. He stated that cases under UCMJ would invite constitutional challenges and that it would take 10-15 years for a definitive decision from the Supreme Court. Furthermore, UCMJ sets a different standard with regard to nature of evidence, burden of proof, and command influence. All of these elements cannot easily apply to private contractors.

Another difference raised by Karri Garrett was that elements of the military code, such as desertion and greeting a superior, cannot apply to civilians, as well. Kathleen Duignan added to this that many private contractors are, in fact, not U.S. citizens and trying them under U.S. military code of justice would be a problem. Furthermore, internationally, there is an opposition against trying civilians under Court Marshall.

It was argued that the reason MEJA is not currently effective is not due to the legal framework itself, but rather insufficient resources on the enforcement side. Speakers at the roundtable encouraged the Department of Justice (DoJ) to assign greater resources for prosecuting cases under

MEJA. Congress' role was seen in terms of raising public debate, educating the public and appropriations power. Congress has a key role in increasing enforcement of MEJA by the DoJ by establishing conditions on spending, thus creating a separate bureau to deal exclusively with cases under MEJA.

The roundtable provided a constructive environment for discussing the many key issues pertinent to the debate. While UCMJ's role in the contractor legal framework was not rejected, much of the argument highlighted the need for more effective use of MEJA, and the potential legal minefield inherent in relying on UCMJ.

The author is a senior associate at IPOA.

IPOA Testifies Before UN Working Group on Mercenaries

President Doug Brooks Presents Industry Perspective to Working Group Meeting in Geneva



DENITZA MANTCHEVA

ON FEBRUARY 22, 2007, the IPOA President Doug Brooks gave a thorough presentation of the private security sector's role in peacekeeping and the possibilities that the industry has to offer, to a meeting with the UN Working Group on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Rights of Peoples to Self-determination. The meeting took place in UN's offices in Geneva, Switzerland.

Among the numerous points raised, were concerns about the legal accountability of private contractors and the leading role that governments and international organizations ought to take in this direction; the currently existing laws that apply to companies operating in conflict zones; the questions of ethics and quality versus lower price services; as well as a suggested change in the name of the UN Special Group to represent more accurately the nature and activities of the private security sector.

The meeting marked the latest event in a long-standing relationship between IPOA and the Working Group. The presentation was welcomed for his positive stance and the IPOA was recognized for its readiness for future contribution to the work of the Working Group.

The author is a research associate at IPOA, and attended the UN Working Group session in Geneva with IPOA President Doug Brooks.

ABOUT THE UN WORKING GROUP



The Working Group on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Rights of Peoples to Self-determination was established in July 2005 pursuant to Commission on Human Rights resolution 2005/2. It succeeded the mandate of the Special Rapporteur on the use of mercenaries, which had been in existence since 1987 and was serviced by Mr. Enrique Bernales Ballesteros (Peru) from 1987 to 2004 and Ms. Shaista Shameem (Fiji) from 2004 to 2005.

In paragraph 12 of resolution 2005/2, the Commission requested the Working Group:

- To elaborate and present concrete proposals on possible new standards, general guidelines or basic principles encouraging the further protection of human rights, in particular the right of peoples to self-determination, while facing current and emergent threats posed by mercenaries or mercenary-related activities;
- To seek opinions and contributions from Governments and intergovernmental and non-governmental organizations on questions relating to its mandate;
- To monitor mercenaries and mercenary-related activities in all their forms and manifestations in different parts of the world;
- To study and identify emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination;
- To monitor and study the effects of the activities of private companies offering military assistance, consultancy and security services on the international market on the enjoyment of human rights, particularly the right of peoples to self-determination, and to prepare draft international basic principles that encourage respect for human rights on the part of those companies in their activities.

The Working Group is composed of Ms. Najat Al-Hajjaji (Libyan Arab Jamahiriya), Ms. Amada Benavides (Colombia), Mr. José Luis Gómez del Prado (Spain), Mr. Alexander Nikitin (Russian Federation), and Ms. Shaista Shameem (Fiji). The Chairperson-Rapporteur is Ms. Bena.

Courtesy the UN Working Group Web Site, <http://www.ohchr.org/english/issues/mercenaries/index.htm>

IPOA Gains Three New Members

Membership Rises to 32 with New Members from Sweden, U.S.



DEREK WRIGHT

IPOA is proud to welcome three new member companies to our Association: DFS Logistics, Dynsec Group AB, and the Global Operational Resources Group (GOR Group).

DFS Logistics provides critical services and base life support solutions, transportation and aviation support, and construction and communications services to the U.S. and

The author is Director of Development at IPOA.



other governments, humanitarian NGOs, and commercial organizations and business that specialize in operating in hostile, austere and remote locations.

Dynsec Group AB is a Swedish-based company whose core services include security and defense training courses, risk management and private security services.

The GOR Group specializes at providing remote and hostile area medical services, training and consulting to security companies, humanitarian NGOs and

governments around the world.

These three new member companies bring IPOA's total membership to 32, and help to further cement IPOA as the world's leading trade association of private sector service providers in the peace and stability operations industry. IPOA is growing at a remarkable pace, and expects to continue doing so well into the future.

The peace and stability operations industry is helping to bring stability and growth to conflict and post-conflict environments throughout the world, and IPOA is pleased to be a force for change. IPOA members are the 'gold standard' within the industry, and are proving that professionalism, responsibility and reliability can carry the day.



FORCE PREPARATION: COMBAT AND MISSION READINESS

Preparing and Training Military, Civilian and Police Personnel for Successful Deployment in Peacekeeping Operations in Africa

18-20 June 2007

Gallagher Estate, Johannesburg, South Africa

"As we consolidate our role of peacekeepers, we need to hone our range of skills to meet the requirements of developmental peace missions".

Minister Lekota, January 2007



It is well known that the **3000** SA troops serving in peacekeeping missions on the African continent is severely overextended and under too much pressure.

In Sept 2006 the 'SA Soldier' spoke to soldiers about deployment and discovered what challenges they were facing: **"You do not know what to expect, even though they have given us a briefing what to expect"**.

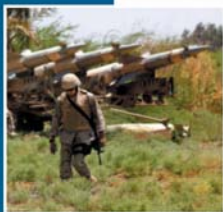
On the 31st of Jan 2007 'The STAR' reported that SANDF faces hundreds of serious criminal cases and civil claims. Could the reason be a **lack of discipline**? The essential characteristics of a good combat force are that it must be well-trained and disciplined.

The question remains whether soldiers are adequately prepared, skilled and trained?

IQPC's conference will address these challenges and concerns faced by many African countries.

SOME OF THE ORGANISATIONS WHO WILL DISCUSS THESE CHALLENGES AND CONCERNS:

- UNITED NATIONS MISSION IN SUDAN (UNMIS)
- UNITED NATIONS MISSION IN LIBERIA (UNMIL)
- KOFI ANNAN INTERNATIONAL PEACEKEEPING TRAINING CENTRE (KAIPTC)
- BOTSWANA DEFENCE FORCE
- NIGERIAN DEFENCE FORCE
- SOUTH AFRICAN NATIONAL DEFENCE FORCE (SANDF)
- SOUTH AFRICAN MEDICAL HEALTH SERVICES (SAMHS)
- CANADIAN DEFENCE ACADEMY
- INTERNATIONAL PEACE OPERATIONS ASSOCIATION (IPOA)
- PAN AFRICAN STRATEGIC AND POLICY RESEARCH GROUP
- INSTITUTE OF SECURITY STUDIES (ISS)
- SOUTHERN AFRICAN CENTRE FOR THE CONSTRUCTIVE RESOLUTION OF DISPUTES (SACCOR)



Some of the key issues that will be discussed include:

1. Challenges of Force Preparation and External Deployment for Africa
2. The Preparation of Civilian Police
3. Defence Capabilities and Force Preparation Strategy
4. Preparing Reserve Forces To Supplement Force Strengths
5. Training, Exercises and Mission Readiness Programmes
6. Structuring The SADC Peacekeeping Brigade
7. Civil Military Coordination and Relations into Missions
8. Cultural Background Briefings And Cultural Awareness-Raising
9. Preparing Troops to Understand the Historical and Political Background of Conflict
10. Discipline and Training for Deployment
11. Leadership in External Operations and Missions
12. Force Preparation for Emergency Response and Disaster Relief

**Please feel free to contact me with any queries you may have regarding this event on the following number:
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Regards

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The Emergence of African Democracy

A Study of Business Ethics in the Realm of Peace and Stability Operations



DEREK WRIGHT

IT IS UNFORTUNATE that much of the news we hear about Africa, when news is published at all, tends to focus on the continent's many malaises, such as war, drought, floods, disease, famine, and corruption. In reality, it is not all bad news for Africa all of the time. Despite the many obstacles faced by African states and their citizens, many are beginning to show significant political and economic improvement, with several nascent democracies preparing to hold their second or even third set of internationally observed elections. Generally these have been regarded as free and fair, with each successive election considered to be better than its predecessor.

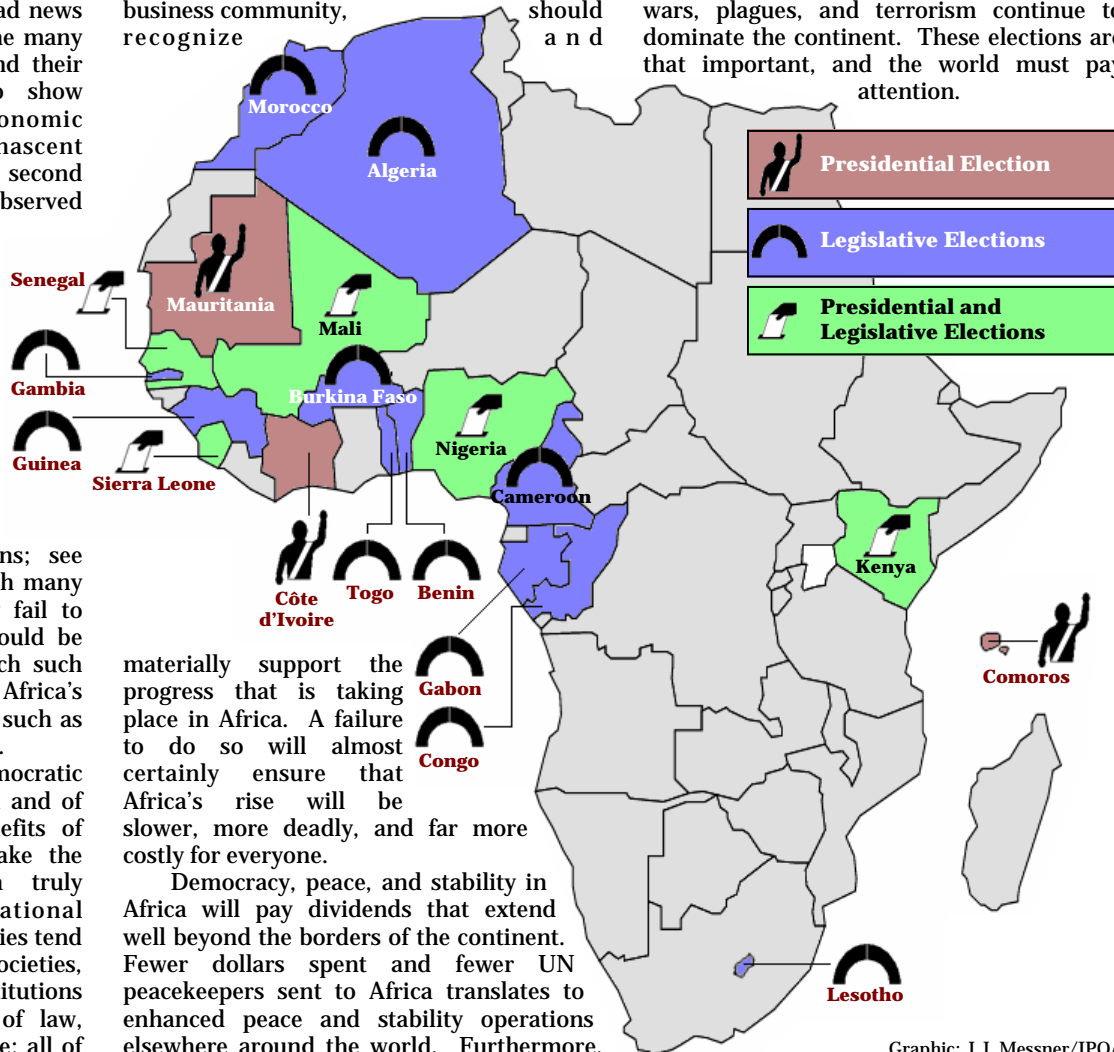
This calendar year, in fact, will mark a watershed for African democracies, with fifteen countries holding legislative elections and eight holding presidential elections (five countries are holding both legislative and presidential elections; see map and chart for details). Although many of these elections will undoubtedly fail to meet international standards, it should be noted that many will likely approach such standards. These include some of Africa's most populous and wealthy nations, such as Algeria, Kenya, Morocco, and Nigeria.

Although the holding of democratic elections in Africa is newsworthy in and of itself, it is the accompanying benefits of freely elected democracies that make the 2007 elections cycle in Africa truly noteworthy from an international perspective. Freely elected democracies tend to correlate very strongly with open societies, freedom of the press, effective institutions and organizations, enhanced rule of law, higher security, and good governance; all of which help to ensure more robust economic development and greater interaction with the global economy. These indicators are mutually reinforcing, and signal that several states in Africa may be further down the path towards democracy, peace, and stability than many skeptics believe.

Despite the positive implications of the legislative and presidential elections in these 18 countries, the international community must remain aware that the steps being taken toward democracy in Africa can be stopped or even reversed if international

support and awareness are absent. The very fact that little to no international press coverage has been given to the 2007 African elections cycle attests to the international community's general ambivalence when it comes to African affairs. Whatever the reason for this apathy, the international community, especially the international business community, should recognize a n d

continent's future is on display. If this year's election cycle goes well, especially for regional leaders, such as Algeria, Kenya, and Nigeria, we can expect to see an Africa that is wealthier and more stable than ever before in its modern history. If, however, too many of the elections are viewed as overly corrupted and opaque, we should be prepared to see wars, plagues, and terrorism continue to dominate the continent. These elections are that important, and the world must pay attention.



materially support the progress that is taking place in Africa. A failure to do so will almost certainly ensure that Africa's rise will be slower, more deadly, and far more costly for everyone.

Democracy, peace, and stability in Africa will pay dividends that extend well beyond the borders of the continent. Fewer dollars spent and fewer UN peacekeepers sent to Africa translates to enhanced peace and stability operations elsewhere around the world. Furthermore, the entrenchment of democracies and free market economies in place of corrupt regimes and state-centric, resource dependent economies will lessen the likelihood that extremist ideologies will develop or take root in Africa. If America and its coalition allies are searching for ways to win the war on terror, they will surely help their cause by helping African countries develop into truly free and functional states capable of contributing to international peace and stability instead of taking away from it.

The eyes of the developed world should be trained on Africa during 2007, as the

Graphic: J.J. Messner/IPOA

| ELECTIONS IN AFRICA 2007 | | |
|--------------------------|------------|--------------|
| Presidential | | |
| Comoros | Mali | Nigeria |
| Côte d'Ivoire | Mauritania | Senegal |
| Kenya | Mauritius | Sierra Leone |
| Legislative | | |
| Algeria | Gambia | Morocco |
| Benin | Guinea | Nigeria |
| Burkina Faso | Kenya | Senegal |
| Cameroon | Lesotho | Sierra Leone |
| Congo | Mali | Togo |

The author is Director of Development at IPOA.

Post-Conflict Elections as a Measure of Success

Elections are Important in Ending Conflict, but Are Not the Only Consideration



CHRISTOPHER ROCHESTER

MONTESQUIEU ONCE famously observed that "... [i]n most things, success depends on knowing how long it takes to succeed." While somewhat paradoxical, this quote does distill the key quality needed for success: patience. Unfortunately, patience is something that is in precious little supply in today's political arena governed by the 24-hour news cycle and perpetual campaign. The pressure to deliver tangible results on a compressed political timescale has led to the promotion of elections as the pinnacle of post-conflict reconciliation and the undeniable embodiment of democracy. Popular elections are a necessary component in any democratic system, but without the supporting institutions they achieve little beyond the illusion of participatory government.

Post-conflict environments present unique challenges to the electoral process. Too often, elections are conducted before rival factions have been disarmed, demobilized, and reintegrated. Instead, former military structures continue to exist under the guise of political parties. Accelerated transitions also increase the threat of war criminals gaining positions of influence in the newly formed government.

Charles Taylor won an overwhelming majority in the Liberian elections of 1997 because adequate time and energy had not been dedicated to cultivating opposition parties. Taylor's militia, the NPFL, simply switched names and used its superior organizational resources and intimidation techniques to mount a massively successful campaign.

A compressed timeline between a ceasefire, peace agreement, and elections often leaves little time for disarmament, demobilization, and reintegration (DDR). Failing to break the cycle of violence by not properly conducting DDR before elections occur endangers whatever delicate arrangement might emerge. A successful DDR program not only creates a less hostile environment for democracy to take root, but also grants the demobilized factions a stake in the emerging government. Without weapons and warm bodies, the option of renewing hostilities in the event of an unfavorable electoral result becomes less likely.

In Angola, UNITA's blatant disregard of

the DDR requirements outlined in the Bicesse Accords made the decision to return to war an easy one for Jonas Savimbi when his defeat at the polls became imminent. The problem is not raising international awareness of DDR importance, but rather of increasing appreciation for the time such complex and risky operations take to conduct properly.

Post-conflict societies present invariably difficult environments to operate in. Conducting rudimentary business is challenging, let alone coordinating the complex efforts of voter registration, democracy education and electoral instruction. Yet the ability of the private sector to overcome inhospitable conditions and complete the technical prerequisites

ramifications of becoming entrenched in the Balkans. This desire to quickly withdraw troops from the area prompted the elections of 1996, held barely a year after the Dayton Accords brought a tenuous peace to the region. Only now, twelve years after the Dayton Accords, has Bosnia created a unified military command and intelligence service.

In addition to prematurely conducting elections, the electoral framework must consider post-war realities. Societies emerging from years of violence, distrust, and fear are particularly vulnerable to majoritarian democracy. Instead, consensus democracy offers the best opportunity to ameliorate post-conflict tensions. The Angolan elections of 1992 failed in large part because there were inadequate power-sharing provisions. In Afghanistan and Iraq, the respective constitutions stipulated that 25% of parliamentary seats were reserved for women. This prescient caveat acknowledged that majoritarian democracy is inherently undemocratic.

Dr. Margaret Smith, a professor at American University, describes such coalition governance as "affirmative action" democracy. For women in politics, a critical mass of around 25 percent is needed in an elected body to begin influencing the tone of politics. Lessons learned from incorporating gender protections into consensus governing structures must be applied to post-conflict election negotiations. Failure to adequately protect minority or opposition interests can lead to a dangerous polarization of power.

The current situation in Lebanon reinforces the danger of disturbing the balance of power in fragile consensus governing arrangements. Hezbollah, empowered after the inconclusive Israeli summer offensive, is demanding power and representation that exceeds the party's traditional influence. This change to the traditional power distribution is threatening the governing coalition and destabilizing the entire country.

A proper transition from conflict to peace and eventually democracy takes significant time and commitment from rival internal factions and the international community. The level of trust and cooperation that is needed to achieve solid results is developed over time, and does not materialize from a cease-fire, peace agreement, or election. If an election is intended to deliver democratization and lasting peace, then ample time must be allocated for the difficult negotiations that form the basis of democratic compromise.



Photo: Martine Perrett/ONUB

Elections, like these in Burundi, have become a cornerstone of UN missions.

necessary for elections is impressive. In Angola, the international community overcame daunting odds to ready the war-torn country for the 1992 elections in only five months. Unfortunately, the successes these private companies enjoy can instill a false sense of feasibility in the international political actors pushing for an election. Private companies and NGOs can deliver commendable technical results, but not political solutions.

All peacekeeping missions rely on funding and force contributions from the international community. Domestic pressure within these contributing countries can force peacekeeping mandates to adjust to artificial and externally imposed timescales. IFOR, the NATO-led multinational peacekeeping force charged with maintaining the tenuous peace in Bosnia, was only given a one year mandate. Though the force continued under SFOR, IFOR's successor, after the original mandate expired in December 1996, the initial commitment was so short because NATO countries were fearful of the domestic

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Government by the People?

The Challenges of Staging Elections in West Africa



VANDY KANYAKO

SINCE THE END of the Cold War, West Africa's political systems have undergone both rapid and momentous changes. A region that once accounted for more than 70 percent of all military coups in Africa is now on a seemingly unstoppable march towards pluralistic forms of governance. Without a doubt, competitive general elections — often conducted under the scrutiny of the international community — have played a pivotal role in this seismic political shift.

More West African governments today have been chosen through free and fair elections than at any other time in the region's history. In 2005, Burkina Faso, Côte d'Ivoire, Liberia, Guinea Bissau, Togo, and Cape Verde all conducted parliamentary and/ or presidential elections. Eight more elections are scheduled in 2007 in Benin, Burkina Faso, Gambia, Sierra Leone, Nigeria, Guinea, Senegal, and Mali.

In conflict-racked West Africa, elections are much more than just a means of choosing public officials and changing governments. Due to the symbiotic relationship between poor governance and instability, elections have also come to be viewed as a means of conflict management. In both Sierra Leone and Liberia, free and fair elections, in 2002 and 2006 respectively, conferred legitimacy upon the political order and helped consolidate the fragile peace that both countries are now enjoying.

Even where elections are deemed free and fair, West African politics is by and large, still a zero sum game. Political parties are more often than not predatory networks through which ambitious individuals strive to maximize their access to state resources and to reward cronies. Under this climate of 'winner takes all' it is not surprising that instead of unifying a nation, poorly-timed elections can also contain the seeds of discord and anarchy. In polls that were said to be one of the most honest in the country's history war-weary Liberians overwhelmingly voted for Charles Taylor in the 1997 elections even though he had terrorized the country for close to a decade. "He killed my father, he killed my mother — still I voted for him" was the slogan of many voters. Without doubt the voters were fully aware that should Taylor loose, he will re-start the war. He won the elections but the war continued.

In the vast majority of the few elections conducted in West Africa since

independence, the incumbent has almost always won. In the 1997 elections in Liberia, Charles Taylor garnered 75.3 percent of the vote, while his nearest competitor, Ellen Johnson-Sirleaf, received a mere 9.6 percent. President Ahmad Kabba won the 2002 Presidential elections in Sierra Leone by over 70 percent. In the Nigerian Presidential elections in 2003, President Obasanjo was re-elected by nearly 62 percent. The reason for this seemingly unassailable lead is simple: there is a huge gulf in resources available to the incumbent. Apart from controlling the nation's resources, the officeholder often controls the media and other state apparatuses, such as the army and police.

In West African elections, ballots are often cast along predictable ethnic, clan, regional, or religious lines as these are the most easily mobilized sources of political support. In many cases, political parties merely mirror this cleavage, in the process exposing deep social divisions. Cote d'Ivoire plunged into civil war when the northern-based politician Alassane Outarra was barred from standing in the 2000 presidential election on the grounds that his parents were not born in the country. The conflict now pits his largely northern supporters against Laurent Gbagbo's mainly southern Bete tribe.

Power is often vested in the hands of a few powerful individuals. When General Sani Abacha agreed to hand over power to civilians in 1993 he decreed that only two officially-authorized national organizations should contest the elections. But the military leader refused to hand over power when the outcome was not what was

expected. With the swift stroke of the pen he nullified Nigeria's elections and set the country's democratic clock several years back. In Cote d'Ivoire, junta leader Robert Guei blatantly rigged that country's elections held in late 2000 and declared himself the winner.

West Africa is a bad neighborhood. Liberia's descent into civil war in late 1989 plunged most of subregion into chaos. The conflict created a disastrous domino effect in Sierra Leone, Guinea, and, eventually, Cote d'Ivoire. Apart from the logistical challenges of conducting elections in countries with damaged infrastructure, the process can also open old wounds and undermine the fragile peace.

For most of the 1990s West Africa was held to ransom by a few strongmen, who between them scuttled several peace processes. Sierra Leone's Sam Bockarie and Foday Sankoh, Liberia's Charles Taylor, and Cote d'Ivoire's General Robert Guie all

SEE West Africa, Page 12

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West Africa: Elections in a Bad Neighborhood

FROM West Africa, page 11
VANDY KANYAKO

played the role of spoilers. The semblance of peace that now prevails in the subregion is partly due to the fact that most of these extremists have either been captured and incarcerated or killed.

Civil society is still relatively weak and divided in post-conflict West Africa. As ruling parties continue to embark on a monopolistic style of rule, they have deliberately weakened the opposition and other pressure groups. Such groups that should act as checks of power abuse have not proved strong enough to enforce the accountability and transparency needed for democratic governance.

The tendency of the international community to push for quick and early elections can sometimes undermine a country's fragile peace process. Early elections in 1997 only exacerbated Liberia's problems. Advocates of early elections are not always sufficiently cognizant of the dangers in pushing for elections, particularly in countries which have recently emerged

from civil conflict.

The democratization of West Africa has come a long way. From military dictatorships to one party politics, the subregion has made immense strides in establishing broad-based participatory governments. In spite of this progress, there is the realization that elections alone, no matter how free and fair, will not solve West Africa's myriad socio-economic and political problems. The key challenge is to go beyond regular elections to instill and consolidate those democratic values that decentralizes and devolves political power, tackles corruption, promotes human rights and the rule of law, create credible judiciaries, fosters independent mass media, empowers civil society, and, perhaps most importantly, isolates the spoilers. Without these wide-ranging measures the few democratic gains that have been recorded can be quickly reversed in a region circumscribed by fractured polities,



Photo: Evan Schneider/UN



Photo: Special Court for Sierra Leone

Liberia's presidential elections brought Ellen Johnson-Sirleaf (left) to power after the end of the Charles Taylor (right) regime.

moribund institutions, damaged economies, and divided societies.

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Elections in the Most Dangerous Country on Earth

Supporting Combat Elections in Iraq's Emerging Democracy



PATRICK McDONALD

IMPLEMENTING democracy in a war zone has its own set of challenges and Iraq posed its own special set of circumstances to this process. In order to implement democracy, you must set up elections that will in turn bring those to office who will wield the power and authority that comes with Civil Government.

Before the Coalition's entry into Iraq in March 2003, Iraqis saw five different referendums called to "validate" Saddam Hussein's grip on power. The citizens were given a choice to support or oppose Saddam Hussein's continuation as their country's leader. A month before the election, Iraqi citizens were bombarded with TV and radio messages in support of the "Struggler-Leader-President" and calling all patriotic Iraqis to vote and "vote the right way!" On Election Day all citizens were required to vote and they did so in full view of Saddam's Baath party officials. There were no voting booths and no privacy. If you voted yes you were hailed as a true patriot of Iraq. If you voted no, as some did in protest, you and your family paid with their lives.

With the overthrow of Saddam in March 2003 and the creation of the Coalition Provisional Authority under Paul Bremer, there was a new law governing Iraq, the Transitional Administrative Law (TAL). Section 53 of the TAL laid the groundwork for the electoral process that was to lead to a formal Iraqi sovereign government in 2006. The timeline called for elections of a Transitional National Assembly (TNA) in January 2005 to write a constitution and present it to the Iraqi electorate by August 1, 2005. The referendum on the constitution was held on October 15, 2005 and passed overwhelmingly, providing the groundwork for the election of a Council of Representatives on December 15, 2005. After much negotiation between the winning factions in the new Council of Representatives, the Iraqi government was inaugurated in April 2006.

The administration and oversight of the election process was the sole mission of the newly formed Independent Electoral Commission of Iraq (IECI). Set up by the

Coalition Provisional Authority (CPA) in May 2004, the IECI was designated the authority responsible for the certification of political parties, associations, groups, and political entities. The IECI is also the arbiter of electoral disputes and has the ability to impose penalties for electoral violations.

Assisting the IECI, the United Nations (UN), who provided the technical, administrative, logistical, and financial support. The UN was not responsible for supervising the election or determining key



Photo: Lance Cpl. Shane S. Keller / USMC
An Iraqi voter casts her ballot.

decisions, which remained with the IECI. The UN employed up to 56 electoral experts at any given time during the three 2005 elections.

With control of the "battle space," Multi-National Force Iraq (MNF-I) was left with two of the most challenging parts of the electoral process: logistics and security.

As a military organization assisting with the set up and administration of three elections and a massive voter registration drive that took place in September 2005, MNF-I had to work out clear objectives and guidelines in order to maintain its military mission of stabilization and force projection while supporting a civilian led process. To say the least, this was not an easy task.

There were a number of challenges facing MNF-I beyond the most obvious security and threat issues. What is the role of a military force in civilian elections? How could the election be administered without the process and outcome being controlled, or appearing to be controlled by MNF-I? How could the challenges of implementing elections in a land where the idea of a transparent yet private vote had not happened in the memory of the most Iraqis be addressed?

To respond to these challenges, MNF-I set up in its Civil Military Operations Branch an elections section: CMO Elections. The primary duty of the section was to assist with the coordination of logistics and security between the IECI, UN, and MNF-I forces,

both at the headquarters in Baghdad and throughout Iraq. Drawn from the ranks of Citizen-Soldiers from throughout the U.S. Army Civil Affairs Units and supplemented with logistical and security specialists from other coalition partners, the Elections Branch was an eclectic mix of lawyers and U.S. state and local government employees who came together to help manage the massive electoral process.

Personnel were assigned from MNF-I CMO-Elections to act as liaisons to the IECI and to assist with the setup of joint committees staffed with IECI, UN, MNF-I military personnel, and other interested parties. Committees on security, communications and logistics began meeting as early as September 2004 to prepare for the 2005 elections. General George Casey, Jr., as commanding officer of MNF-I, made it clear that the number one operation for his forces will be supporting the electoral process from the January through December 2005 elections.

The planning process was staggering. Over 150,000 coalition troops from 27 countries, 200,000 newly trained Iraqi military and police units, 6,000 polling sites (including 75 in 14 different countries for the January and December elections), 7,000 candidates from 320 political parties (some formed into 21 coalitions), 30,000 poll workers and, by the October vote, over 15.6 million registered voters in a nation not familiar with free and fair elections and dealing with a large armed insurgency and the ravages of war.

The lack of modern communication facilities and equipment, a fairly nascent police and military force and an IECI experiencing for the first time the intricacies of election administration all contributed to the challenges faced by all who took part in the electoral process.

In the end, through boycotts and gun battles, all three elections went off with little bloodshed. Participation from the January low of 58 percent (due to a Sunni boycott) to the December high of 72 percent was seen by the United Nations and other world bodies as free, fair and well run. The road for a future Iraqi democracy may be difficult and extremely challenging. The implementation of three fairly peaceful elections, a massive voter registration drive that brought the number of registered voters to 97% of the eligible population, and the seating of the Council of Representatives gives the Iraqi people and their leaders a good precedence on how the mechanisms of democracy can work – even in the most trying of circumstances.

The author is is Assistant to Washington's Secretary of State in Olympia, Washington. He is a member of the 448th Civil Affairs Battalion from Fort Lewis Washington and was called up for Active Duty in Iraq in April 2005. He was assigned to MNF-I Elections Branch and assisted with the implementation of the 2005 Iraqi Elections. He has also assisted with setting up elections in Bosnia and Croatia in mid 1990s.

Congo's Elections: The Aftermath

Winners and Losers from DRC's First Democratic Elections Since 1960



Laura Engelbrecht

ON NOVEMBER 15, 2006, the Democratic Republic of Congo (DRC) announced official election results, marking the end of a lengthy and complex electoral process which cost the international community over \$400 million. The presidential race was closer than originally anticipated, with former Mouvement de Libération du Congo (MLC) rebel leader Jean-Pierre Bemba initially winning the support of Western DRC and Kinshasa voters and sparking a second round of voting. However, on October 29, incumbent transition president Joseph Kabila prevailed as the war-torn country's first democratically elected President since 1960, capitalizing on nearly unanimous voter support from DRC's eastern war-torn provinces.

Independent observers declared DRC's elections to be free and fair, and Bemba accepted his defeat without resorting to violence after the Congolese Supreme Court rejected his appeal on November 29. The international press turned a brief eye to the country, hailing the elections as an important turning point ending an eight year conflict that killed over 4 million. International diplomats and UN workers greeted the apparent success of elections with relief and cautious optimism. Nevertheless, the question of "what's next for DRC?" looms large. Early 2007 will be characterized by many changes, as Kabila's nascent government struggles to consolidate power and gain momentum in reforming the army and establishing peace. On the peacekeeping front, the future of the UN Mission to DRC (MONUC) hangs in the balance, under close scrutiny by both the UN Budgetary Committee and the Security Council.

Mining activity and investment in DRC has been steadily increasing over the past six months. According to the Great Lakes Center for Strategic Studies (GLCSS), companies already in DRC, such as Anglo American and Anvil Mining, are increasing their stakes, while companies not yet invested are actively looking at the country. AngloGold Ashanti, one of Anglo American's subsidiaries, has established an office and country manager, with plans to identify 3 million ounces of gold resources within the year. The company has forecasted expensing \$30 million by 2008. Banro Corporation has raised \$50 million for gold exploration, while Anvil Mining has raised \$20 million, recently



Photo: UN



Photo: Mouvement de Libération du Congo

President Joseph Kabila defeated former rebel leader Jean-Pierre Bemba in a relatively orderly election.

commencing a \$35 million construction project at Kinsevere. Phelps Dodge has taken a majority stake in a £40 billion copper and cobalt project, the Tenke Fungurume project, with feasibility studies due to be completed this year.

Inside sources report that DRC's three main mining parastatals are discussing public offerings of their shares. MIBA, DRC's diamond mining parastatal, and OKIMO, DRC's gold mining parastatal may be up on the London Alternative Investment Market (AIM) soon. Victor Kasongo, recent Vice Minister of Mines nominee and CEO of OKIMO, stated that he plans to list OKIMO

Successful elections were a big step forward on DRC's path towards peace and stability, and it should come as no surprise that they were matched with increased activity on the private sector front. Despite the surge of optimism, a note of caution must follow. DRC is far from stable, and successful elections must be followed by successful reform of DRC's government bureaucracy and national army. In January 2007, newly-appointed UN Secretary General Ban Ki-Moon visited DRC for two days, after which he made a public statement saying that security in DRC continued to be a top priority, as a prerequisite for humanitarian and economic recovery.

The private peace and stability operations industry can play a positive role in the next stages of DRC's recovery, whether by providing security services to private companies or in presenting alternatives (in the form of unsolicited proposals) to multinational institutions and bilateral donors searching for success in security sector reform projects. The business world has not lost interest in DRC's immense potential as a source for natural resources, and the international community continues to drum up funding for major recovery projects in DRC. In this environment, IPOA member companies may find it worthwhile to take another look at emerging business opportunities in DRC, in both the public and private spheres.

To assist those who may not follow DRC on a daily basis, I have put together a brief guide to "who's in, who's out" in the rich cast of national and international players operating in DRC. Please note that an up or down arrow does not indicate my support or approval of the player, just their relative gain or loss in power since elections. Granted, by the time this is published, everything may have already changed. After all, it is still Congo...



Photo: Martine Perrett/MONUC

DRC Election workers explain the electoral process to voters.

on AIM in 2007. Likewise, Mwana Africa, a South African company with 20% interest in MIBA, has also announced that it is discussing proposals to list MIBA on AIM in the near future. Gecamines, DRC's copper/cobalt mining parastatal, is planning to review and renegotiate joint venture contracts with foreign investors. Gecamines has stated that it does not intend to cancel any contracts, although CEO Paul Fortin is considering both bankruptcy filing and an initial public offering as a means to reduce Gecamines' estimated \$2.4 million debt.

The author is an independent consultant and a specialist in African policy.

WHO'S IN & WHO'S OUT IN POST-ELECTIONS DRC

| | |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Joseph Kabila Avoided a coup or assassination - against all odds - during the transition government period. Declared the official winner of DRC's elections on November 15, 2006, making him the first democratically elected president since 1960 and the youngest president in the world. He will now have the pleasure of governing a war-traumatized country with a corrupt bureaucracy, a divided national army, very little infrastructure, and state coffers near empty. |
|  | Jean-Pierre Bemba MLC rebel leader turned transitional Vice-President, turned main presidential contender. Made a strong showing in Western DRC in the first round of elections, leading to a run-off with Kabila in October 2006. Ultimately lost the second round, due to a strong negative vote from the eastern Congo electorate. Though it may not console him for losing the presidency, Bemba won one of Kinshasa's eight Senate seats, and his coalition won the majority in 4 of 11 provincial assemblies. |
|  | AMP (Alliance for the Presidential Majority) Kabila's AMP coalition won 10 out of 11 elections races for provincial governors, held January 28, as well as the majority in 7 out of 11 provincial assemblies. Voting in the two Kasai provinces was delayed until February 15, due to a last minute challenge on the nationalities of the MLC candidates. The two candidates, who apparently have dual Belgian citizenship, were cleared to run by the Electoral Commission but ultimately lost to the AMP candidates. |
|  | Mining Industry Players Elections saw a rise in fortunes for key mining industry players. Businessman/diamond dealer Alphonse Kasanji Ngoy was elected Governor of Eastern Kasai, whose capital Mbuji-Mayi is the center of mining in DRC. Ngoy is president of the Federation of Congolese Diamond Merchants (FECODI); he allegedly sold a 265-carat diamond worth approximately \$20 million in 2000. At the national level, the outgoing CEO of DRC's gold parastatal OKIMO, Victor Kasongo, was nominated as Vice-Minister of Mines. |
|  | MONUC (UN Mission to the Congo) The most expensive UN mission in the world, with an annual budget of \$1.1 billion ('06-'07) and more than 17,000 military personnel from 58 countries. Future role is up for debate now that elections are over. Despite being plagued by scandals and accusations of ineffectiveness, joint operations in east DRC with the country's national army may be the only thing keeping all-out violence in check. On February 15, the Security Council renewed MONUC's mandate until April 15 (a technical rollover), with instructions to focus on reform of the national army and helping tighten legislation on business practices, particularly in the mining sector (on the basis that illegal mining funds armed conflict). The U.S. is the primary nay-sayer to renewing MONUC's mandate at current levels for the long term, due largely to the funding burden. |
|  | CIAT (International Committee to Accompany the Transition) An influential group composed of the Ambassadors from Angola, Belgium, China, France, Russia, South Africa, the U.K. and the U.S., created in 2002 to harmonize international political pressure on the Congolese transition government and keep the ball rolling towards elections. With that mission accomplished, CIAT dissolved itself formally. There is wide agreement that a successor body is needed during the early stages of the new DRC government. MONUC is angling to chair such a group, and SRSG William Swing recently convened a meeting of Ambassadors in Kinshasa. DRC's government wants a weaker committee to coordinate humanitarian aid, but not dish out political advice. |
|  | International Committee of the Wise The African counterpart to CIAT, composed of Joaquin Chissano, ex-President of Mozambique, Madior Boye, former Senegalese Prime Minister, and Judge Lewis Makame, President of the Independent Electoral Commission in Tanzania. The Committee held a final meeting in Kinshasa January 31, then dissolved. |
|  | Great Lakes Regional Security Pact The second Great Lakes summit took place December 14-15 in Nairobi, organized by the UN, African Union, and the international "Group of Friends" of the Great Lakes. DRC, Burundi, Rwanda, Uganda and Tanzania signed a pact on security, stability and development, including a plan to disarm militias and to "refrain from, prevent and punish" serious crimes. A new secretariat will be established in Burundi, headed by Ambassador Liberata Mulamula of Tanzania. The UN Security Council extended the mandate of Ibrahim Fall, the Special Representative of the Secretary General (SRSG) to the Great Lakes, for a final period until March 31 to transition smoothly to the new structure. |
|  | FARDC (Congolese National Army) The condition of the Congolese army remains dismal, with lack of training, irregular payment of salaries, and human rights abuses cited frequently as the biggest problems. FARDC troops rioted January 11 in Bunia after false reports that Kabila had promised them a New Year's bonus, with over 250 soldiers going on an armed rampage in which they reportedly raped women and looted shops and houses. The Republican Guard, an elite unit of soldiers answerable only to the President, has been described as "an independent army within an army" which abuses civilians with impunity. Serious human rights violators, such as Kyungu Mutanga (alias Gédéon), Peter Karim, and Matthieu Ngudjolo have been nominated for senior positions in the Congolese army. |
|  | EUSEC/Belgium/South Africa/Angola The international "coalition of the willing" for Security Sector Reform (SSR) in DRC. EUSEC is made up of a group of European military advisors funded by the EU to the tune of €2 million, currently focused on helping the Ministry of Defense improve military administration (such as new ID cards, a military census, improving regularity of salary payments, etc). EUSEC is also providing some troop training, together with Belgium, South Africa, and Angola. Given that a functional national army and police is essential for continued stability in DRC, and with the current dysfunctional state of FARDC, the importance of these players will continue to grow in the coming months. |
|  | MDRP (Multi-country Demobilization and Reintegration Program) A trust fund financed by the World Bank/IDA (\$200 million) and 11 donor countries (\$300 million) with the mission of funding projects to deal with ex-combatants. \$200 million already spent on projects implemented by international NGOs, UNICEF, and UNDP, leaving approximately \$300 million yet to be disbursed. A conference being held this month in Kinshasa, with the goal of coordinating Disarmament, Demobilization and Reintegration (DDR) spending, may shed more light. |
|  | La Commission Nationale de Désarmement, Démobilisation et Réinsertion (CONADER) Congolese government agency charged with the DDR of ex-combatants and child soldiers. Funded by the World Bank and MDRP, the agency has been universally criticized for mismanagement and has at present run out of funds mid-way through the effort. Follow-through on reintegration of ex-combatants and child soldiers has been particularly poor, leading many recipients to feel jaded and demand their weapons back from the program. |
|  | World Bank Planning is underway for an "Emergency Project" program in DRC worth \$140-180 million aimed at stabilizing the newly elected government. WB staff members are currently reviewing proposals for rapid impact projects that may include balance of payment support, debt repayment, trash removal, road work, and anti-malaria campaigns. |
|  | OCHA (Office for the Coordination of Humanitarian Affairs) On February 10, DRC was allocated \$36.6 million from the OCHA-managed Central Emergency Response Fund, the highest 2007 allotment in Africa or Asia. DRC received the most funding by a long shot - the runner-up was Burundi at \$8.5 million. The bad news is that getting the so much emergency humanitarian aid money from OCHA probably means you really need it. |
|  | UN Group of Experts on DRC Resource Exploitation Submitted their latest report to the UN Security Council on January 25, 2007, which called for wide-reaching sanctions on DRC government officials, other individuals, and specific companies. Most Council members did not support the recommendations, feeling the Group "did not consult sufficiently with the DRC Government and went beyond the Council's original request in Resolution 1698." The Group is down but not out - their mandate was extended until July 31, 2007 to "find feasible and effective measures" to prevent illegal exploitation of natural resources. |

Bosnia and Herzegovina Holds Successful Elections

But the Country Remains Dysfunctional Eleven Years After War's End



KURT BASSUENER

BOSNIA AND Herzegovina held its latest post-war general election on October 1, 2006. The elections were deemed to have met international democratic standards by the Organization for Security Cooperation in Europe, which fielded an observer mission throughout the country. Yet the country remains dysfunctional eleven years after the war, which ended with the signature of the Dayton Peace Accords in November 1995.

Indeed, the preceding election campaign was considerably nastier in tone than the last one in 2002, with rhetoric of ethnic division harking back to the immediate post-war period. There are many contributing factors that played into this equation, including the international community's very clear desire to divest itself of its executive role in Bosnia.

But the fundamental problem that has forced the international community to remain in Bosnia is a constitutional and electoral system that makes division among Bosnia's constituent peoples politically profitable, and biases the process against those who attempt to build cross-cutting constituencies. Without changing the political incentives yet changing the constitutional and electoral structure, Bosnia will remain dysfunctional. The international community will therefore need to remain deeply engaged. Eagerness for shortcuts has extended our stay considerably. The international community has been playing catch-up, trying to redress its original sins in Bosnia ever since. This, not coincidentally, is a syndrome that was contracted even more virulently in every successive subsequent operation in which the U.S. was engaged – Kosovo, Afghanistan, and Iraq.

A rush to hold democratic elections seems to be a motif of post-conflict engagement. Bosnia was the trendsetter in this regard, with general elections held in September 1996 that legitimized the wartime

nationalists – the only parties that stood a chance of mobilizing support in that time frame among an electorate understandably terrified of “the other.” Holding the elections was not a means to an end for the international community in Bosnia, but an end in itself. If anything, this tendency to produce “deliverables” carries more weight

more important are the electoral systems under which they are held, as these structural factors determine the incentives by which politicians – and citizens – operate.

This is not an observation endemic to Bosnia. Imagine America had a parliamentary system with pure proportional representation, like Israel's system for its

120-seat Knesset. In Congress you would have a strong isolationist libertarian bloc, a strong religious conservative bloc, an urban liberal bloc, a fringe radical left bloc... And to form executive power, one would have to come to terms with a critical mass of these disparate groups. This is the case in Israel today. Now let us flip the analogy upside down, and apply a first-past-the-post electoral system to Israel, which leads to the development of a two-party system, in which widely divergent interests are mediated within party tents. Israeli politics would certainly be more stable, and governments would be more likely to represent a shifting political center than a diffuse and incongruent grab-bag of interests. A two-state solution with the Palestinians would far more feasible for Israeli politicians to pursue were they not having to appease fringe parties for their crucial government-forming votes.

Bosnia's structural impediments to the creation of a political center – and therefore functionality – stem specifically from the 1992-1995 war and the agreement that ended it. With Dayton, the country had three presidents, and two entities in which one's ethnic identity was a determinant of what offices one could vote for. The entities – Republika Srpska and the Federation of Bosnia and Herzegovina – each held powers one would normally attribute to a state. The state parliament and government had circumscribed authority, and its functions were, and remain, parceled-out according to a de facto ethnic key. Counter-intuitively to most new observers, the ethno-nationalist parties governed together in coalitions, as they had after Bosnia's only pre-war free elections, in Fall 1990. The Dayton system helped lock-in this ethno-nationalist oligarchy. While some of the dominant parties have changed in the decade since, the operating system remains the same: most parties operate without coherent platforms,



Ballot counting in Bosnia and Herzegovina.

Photo: OSCE

in the missions that followed, given the deepening fetishism for metrics of how to define success. In Fall 1996, U.S. President Clinton was still adhering to the delusion that the U.S. could withdraw its troop contingent by the end of the year, and deep in the throes of a re-election campaign. The joke making the rounds in Bosnia at the time was that OSCE stood for “Organization to Secure Clinton's Election.”

Clinton was indeed soundly re-elected, and had to bow to reality in December 1997 that the U.S. would remain in Bosnia for the duration. But a lot of damage had been done by 1997. The nationalist elites had been firmly established as a political-criminal nexus by this time. Ethnic division actually increased in that time period, with persons living in territories where they were in the minority moving to “safer” areas. The ethnic cleansers were seeing their visions become reality, even with the international community on the ground. As a result, the international High Representative, the international civilian administrator in Bosnia, was given executive powers to remove officials who violate or threaten Dayton, and to impose laws needed for Dayton implementation.

Timing of elections matters. But even

The author is a founder of the newly formed policy research and advocacy group Democratization Policy Council and served as a strategy analyst at the Office of the High Representative in 2005 and 2006.

SEE *Bosnia*, Page 17

The Illusion of Panacea: Post-Conflict Elections in Bosnia

FROM *Bosnia*, page 16
KURT BASSUENER

essentially campaigning on fear – “we will protect you from them.”

It is hardly surprising that the signatories of the Dayton agreement should have co-designed (with the U.S. and other Contact Group members) a system in which they could continue to rule. The perversity of the system is that it generates new nationalist politicians. The victor of Republika Srpska's parliamentary election, and strongest political leader in Bosnia as a whole, Milorad Dodik, is the proof of this phenomenon. He took a strong populist/nationalist stance in the 2006 elections, and mooted a possible independence referendum for Republika Srpska.

His ideological foil, Bosniak (Bosnian Muslim) politician Haris Silajdzic, elected the Bosniak member of the Bosnian presidency, was a driving force in voting-down a package of constitutional changes championed by the U.S., which lobbied (embarrassingly) hard for its passage. Furthermore, Silajdzic campaigned to eliminate the Republika Srpska as a product of ethnic cleansing. His militancy helped drive the political discourse away from the goal of a civic state in Bosnia. Dodik and Silajdzic managed to get each other a great many votes by cranking-up the fear machine and homogenized their electorates – which seems to have been the point.

The international community in Bosnia is at an impasse, facing either having to admit that there is a lot more work to be done or to accept the inevitable failure that would result from avoiding the issue.

For Bosnia to function as a state, the playing field has to be leveled so that political actors have an incentive to build constituencies that incorporate more than their own constituent people. While it is certain that nationalist parties would remain a fixture on the Bosnian political landscape even under such a system, it is impossible at present to determine what one might call the background level of nationalism. But it is almost certainly lower than successive electoral results suggest.

There is no quick fix. Only the Bosnian parliament can amend the constitution. But the international community can clarify the terms of the debate and develop incentives to move the debate in that direction. Most important of these is for the European Union to be clear about what sort of changes it will require of Bosnia for its candidacy to the EU to be viable. Hitherto, the EU has been incredibly coy about this, and has been spineless about its application of conditionality for aid and progress in the EU



Photo: U.S. Department of State


Bosnian Croats wait in line to vote in frigid conditions.

accession process. In addition, the U.S. must remain heavily engaged in political developments. And deterrence in the form of an operationally credible EUFOR, the EU force in Bosnia, must remain until Bosnia proves itself capable of reforming itself without prodding.

The case of Bosnia proved a formative one for a great many of those who now find themselves working in other post-conflict

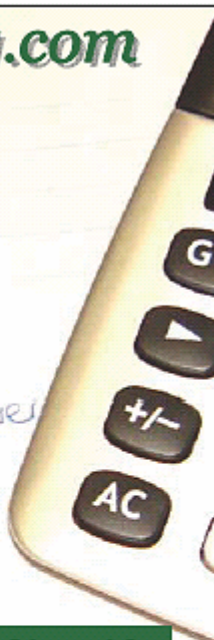
situations, which may help explain why mistakes first made in Bosnia keep being replicated. But some bottom lines regarding post-war electoral processes should be clear by now: elections are not a panacea - they do not create or sustain peace in their own right, and can even forestall stability. Constitutional and electoral systems help define politics and behavior. Their design cannot be an afterthought.

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New Democratic Congress Heralds a New Iraq Plan

Consequences for Private Post-Conflict Reconstruction Contractors



IVETA CHERNEVA

IN NOVEMBER 2006, the American people showed their dissatisfaction with the current Administration's Iraq policy, giving control of Congress to the Democrats. Allegations made towards the Administration and post-war reconstruction by private contractors in Iraq appeared to parallel this. Criticism tended to center around perceived lack of open competition in awarding federal contracts, "war-profiteering," and lack of transparency and accountability. Despite this, President's Bush new Iraq plan presented in his State of the Union address in January, suggested, along with a surge of 20,000 more U.S. troops, an increase of reconstruction assistance for civil society, infrastructure and capacity building of state institutions. Thus, the new Iraq strategy and the Democratic takeover of Congress reveal a few equivocal tendencies, which will have significant and also diverse consequences for private contractors in Iraq.

In his most recent State of the Union address on 29 January, President Bush urged Congress for a surge of 20,000 more U.S. troops to be sent to Iraq. The plan also reemphasizes building infrastructure, local institutions, creation of essential services, advance of rule of law and civil society. Besides the surge, the President proposed the establishment of a Civilian Reserve Corps where civilians are hired to complete tasks related to rebuilding and reconstruction, thus leaving the military free to perform its primary function, which is security.

The total appropriations request is for \$265 billion, which includes funding for reconstruction contracts. Fueled by the Iraq war, spending on federal contracts has increased significantly from \$207 billion in 2000, to \$400 billion in 2006. However, the plan has met strong opposition on the side of the Democratic majority in Congress, as well as by some on the Republican side. Depending on whether Congress approves, the new Iraq plan might expand contracting in Iraq.

Issues of legal accountability of private contractors have recently come to the fore with a series of congressional hearings in February focusing on private contracts in Iraq. The new Democratic Chairman of the House Committee on Oversight and Government Reform, Rep. Henry Waxman of California, and other Democratic Congress members have been particularly critical.

Congressman Kucinich (D-Ohio), a member of Waxman's Committee, presented his own Iraq plan which proposes a simultaneous withdrawal of U.S. contractors and a handover of all contracting work to the Iraqi government.¹ Kucinich alleges that the contracting process 'has been rife with world-class corruption, with contractors stealing from U.S. government and cheating the Iraqi people.'²



Photo: Rep. Henry Waxman
 Rep. Henry Waxman (D-Calif.) and Rep. Dennis Kucinich (D-Ohio) are two of the Democrats' chief critics of the Iraq war and private contractors.



army in Iraq needs contractors for reconstruction and troop support activities.

Some agencies and NGOs believe that they cannot effectively carry out their work in Iraq if the U.S. military provides visible security support due to its controversial image in the region. Private contractor engagement is, therefore, advantageous because it has a more neutral appeal.

Issues of legal accountability have also come to the fore. Allegations made during hearings of the Committee on Oversight and Government Reform claimed that private contractors conduct their work as they please without liability, accountability or oversight from the US Government. These claims were predicated on the belief that contractors fall outside of the military's chain of command. This is one side in the ongoing legal debate on the laws that must apply to private companies' employees in Iraq. Congress is faced with solving the legal debate between the Military Extraterritorial Jurisdiction Act applied to U.S. companies' personnel abroad, as opposed to putting private contractors under the U.S. military's Universal Code of Military Justice and treating them as military personnel. The legal outcome of this debate will have significant consequences for the private sector.

The Democratic takeover of Congress, combined with the President's new Iraq Plan have created a peculiar environment with equivocal consequences for the private sector. It is certain that Congress will exercise more oversight and will often put forward criticism – hopefully constructive – helping in the enhancement of professionalism, competition, transparency and accountability. Current contractors will most likely be required to demonstrate how well they abide by these principles. For the vast majority of operators, this will not prove to be a difficult proposition. On the other hand, depending on the approval of the new Iraq plan, new contracting opportunities may even be created. After investigations are carried out, some inadequately performing contractors may lose out. But more opportunities will arise for contractors who are willing and able to keep up with the high standards that responsible companies in the peace and stability industry are establishing.

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The Need for a Robust Security Strategy in Iraq

Some Solutions to Improve the Situation in Iraq



MICHAEL SHANK

THE 43rd MÜNICH Conference on Security Policy, an annual February forum discussing security and foreign policy challenges in European and American relations, brought the latest chastisement of United States security policy, this time by the Germans. The overwhelming feeling was that the U.S. focuses too heavily on the number of troops on the ground and is weak on reconstruction and economic development. Not only is Germany right, but more disturbing is that America's security modus operandi ironically spawns more insecurity than it eradicates, both at home and abroad.

Why is U.S. security policy so misaligned? Several reasons are worth mentioning but it begins with an insufficient interpretation of President Bush's three "Ds" of security — defense, development and diplomacy — as articulated in the 2006 National Security Strategy. In short, the Bush administration neglects the last two and favors both in funding and in favor the first. The 2008 defense budget requests nearly \$500 billion of public funding, not including the nearly \$200 billion required in supplemental bills, while the international affairs budget — which covers development and diplomacy — receives a meager \$35 billion.

What does this mean for security quagmires like Iraq? It means that three days of U.S. defense spending in Iraq, \$800 million, surpasses U.S. Agency for International Development's (USAID) entire annual operating budget, while three months of U.S. defense spending in Iraq, \$24 billion, dwarfs the entire reconstruction budget for a country with current electricity levels lower than pre-invasion. Given the paltry contribution, it is no wonder U.S. initiatives in development and diplomacy fail to effectively deliver a security strategy.

But it is not just a funding issue; it is also an operational issue. The development strategy, particularly in Iraq, is hogtied by military oversight and its affiliation with U.S. business. The former is problematic because antagonism towards U.S. troops automatically spoils potential reconstruction

efforts, which quickly become targets for the insurgency. The latter is problematic because, as Special Inspector General Stuart Bowen discovered, Iraq's top-down development strategy not only resulted in substantial unaccounted contractor spending but also prevented local ownership and the emergence of a sustainable economic infrastructure in Iraq.

Iraq's development failures are symptomatic of a general lack of State Department operational capacity and commitment. The department's single most

proficiency in Arabic, one wonders how diplomacy is even possible when so much is lost in translation. If the U.S. is serious about diplomacy as a security strategy, then it must invest in the expertise necessary to ensure proper usage, otherwise failure is likely a predictable outcome.

But it is not just an expertise issue; it is also a political issue.

Development and diplomacy are too frequently tied to a political agenda. Pakistan's development aid frequently depends on President Musharraf's willingness to engage in a defense strategy against assumed Waziri operatives. Diplomacy with Iran is dependent upon de-escalation in the defense arena, specifically in nuclear enrichment. Somalia received neither diplomacy nor development prior to a military invasion due to U.S. protocol of non-negotiation with supposed al-Qaeda or Taliban operatives.

The three Ds of a national security strategy must be equipped with the tools and mandates necessary to operate independently of each other. Development and diplomacy must be decoupled from the defense agenda so that separate tracks can be commissioned and coordinated concurrently. Had the U.S. engaged in a diplomatic surge in Somalia, for example, coupled with substantial

development aid to a deeply impoverished population, while maintaining defense as a last resort, Mogadishu could be witnessing a stabilization effort that enjoyed populist support and a strong likelihood of success. Current U.S.-Ethiopian efforts in Mogadishu, however, enjoy neither.

In the case of Iraq, the U.S. government continues to rely heavily on only one of three Ds: defense. The most recent example of this prioritization is the Bush administration's supplemental budget bill which allocates roughly one percent for reconstruction and economic development, while the remaining is funneled into defense. This tendency to under-fund, under-resource, and undermine development and diplomacy security strategies in Iraq and elsewhere neglects the real security needs of Iraqis, Iranians, and Somalis.

The Germans were right. No matter the number of troops on the ground, if the local population is unemployed, uninsured, lacking education, electricity, clean water and sanitation, chances of securing the region are unlikely if not impossible. A robust and sound security strategy understands that. So must the United States.



Photo: Sgt. Tierney Nowland/U.S. Army
Where to next? U.S. soldiers in Baghdad.

effective development strategy in Iraq, USAID's Community Action Program (CAP), received a fifty-percent cut in staffing and funding this year alone. CAP is now running at \$50 million annually, despite its proven successes in building local infrastructure throughout Iraq. Furthermore, the department's Office for the Coordinator of Reconstruction and Stabilization, propped up with a mere \$100 million in project funding, continues to serve as a Washington after-thought rather than a legitimate seat at the reconstruction table.

But it is not just an operational issue; it is also an expertise issue.

The diplomacy strategy at the State Department is hampered by a significant lack of religious, linguistic, and cultural expertise. Until recently, much of Washington was unable to distinguish between Sunni and Shi'a theology or identify the Islamic sect orientation of al Qaeda or the Taliban. One wonders how State can effectively use diplomacy as a security tool when the religious expertise to understand Salafism, Qutbism, or other, simply does not exist on the payroll. Moreover, when only eight State employees master a level-five language

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Centuries of Struggle and Years of Foreign Intervention

And Still Kosovo Remains in the Middle of Nowhere



DENITZA MANTCHEVA

KOSOVO (or Kosova) has been a subject to numerous contests and claims of ownership from neighboring countries. The composition of the region's inhabitants varied over the course of numerous wars. A crucial stage in Kosovo's history, came with the Ottoman rule and the resultant "Islamisation" of large numbers of the Albanian population. Centuries of Ottoman reign ultimately drove many Serbs out, while also eliminating some of the remaining Christian inhabitants.

In the 1912 Balkan wars, most of the territory became a Serbian possession, in turn chasing away some of the Albanian inhabitants. Struggles for domination over Kosovo persisted during the two World Wars, ultimately resulting in Yugoslavian possession of the region. During the process, Kosovar Albanians were persecuted for supporting Serbia's enemies in the two wars.

Kosovo was given considerable autonomy within communist Yugoslavia under the regime of Josip Tito. Occasional riots were put down in the ruthless manner of a communist command. Tensions escalated in the years following Tito's death, marking the emergence of the Kosovo Liberation Army (known to Kosovar Albanians as UÇK), and a declaration of independence by an unconstitutional Kosovo parliament on July 2, 1990. Hostilities on the part of both UÇK and the Serbian police forces occurred routinely. The exodus of Kosovar Albanians and severe human rights violations brought the international community into the conflict.

In 1998 NATO made clear its intention to "achieve a peaceful resolution to the crisis."¹ Despite the establishment of a Kosovo Verification Mission to monitor peacekeeping efforts, diplomacy failed. In March 1999, NATO launched a 78-day air campaign on Serbia. Eventually, Serbian President Slobodan Milosevic withdrew his military forces from the region.

UN Resolution 1244 provided a framework for the creation of the United Nations' Interim Administration Mission in Kosovo (UNMIK) and its agenda. A 4-pillar structure was adopted addressing humanitarian affairs, civil administration, democratization and institution building and economic reconstruction. In this way vital functions normally performed by a sovereign state were transferred to UNMIK. The right of UNMIK to govern Kosovo was implicitly accepted by the international community

despite legal indications that the province remained a part of Serbia. Furthermore, a NATO-led Kosovo Force (KFOR) was rapidly deployed in the province on June 12, 1999, bearing yet another state responsibility, namely maintaining security in Kosovo. KFOR was also to assist UNMIK in its mission and protect international and local residents.

A Kosovo Transitional Council (KTC) was created to involve local political leaders into UNMIK's decision-making. Yet, the actual participation of KTC into UNMIK's policy-making is highly debatable and some leaders quickly pulled out. Thus, a new entity was formed in December 1999, namely the Kosovo-UNMIK Joint Interim Administrative Structure (JIAS) to include representatives of all nationalities residing in Kosovo. However, minorities' participation in government affairs remains stronger on paper than in actuality. JIAS' authority has been repeatedly questioned by the locals, as this virtual governing body remained severely limited in its influence over policy-making and UNMIK's undertakings.

In light of Kosovo's unresolved status as either autonomous province of Serbia or independent country, the creation of strong state institutions seemed implausible. Thus, UNMIK adopted a bottom-up approach towards democracy and institution formation by building a structure of municipal authorities. The latter were deemed to better represent local needs, including those of minorities.

The first democratic elections, post foreign intervention, were municipal elections and took place in 2000. This was to avoid premature, and potentially destabilizing, national elections. Yet, the enthusiasm of Albanian Kosovars was evident in a relatively high voter turnout of 79 percent. Serbian minorities, on the other hand, boycotted the elections and the Democratic League of Kosovo (LDK) won the elections. LDK's victory came much as a relief to the international forces involved in Kosovo, as the party was led by Ibrahim Rugova – an Albanian politician supporting non-violent resolution to Kosovo's problems.

The actual power of local parties and political leaders remained significantly constrained by UNMIK. As a result Kosovars became largely disillusioned with politics and their involvement in the 2001 elections for Kosovo's Assembly dropped significantly. Moreover, the second municipal elections in 2002 were even less successful than the 2001 elections.

To make matters even more complicated, Kosovo's administrative

structure is showing some signs of chronic dysfunction. In the absence of a constitutional framework, the responsibilities of its 20 administrative departments seem far from clear. Moreover, in different municipalities, local Serb and Albanian authorities provide administrative services simultaneously, such as the registration of property, the provision of license plates, as well as documentation, to name a few. Moreover, mutual recognition of certificates and diplomas is not in place.² Yet, UNMIK has been clearly hesitant on this issue, as creating a constitution would have suggested a promise for future sovereignty of the region.

Disillusioned with the province's government, the local Albanian population took action against both international and Serb communities in a two-day riot in March 2004. These events gave boost to negotiations between Serbia and Kosovo but, to date, no agreement has been reached and the UN's special observer, Martti Ahtisaari, has recently expressed his growing skepticism that any settlement shall be achieved.

Finally, in line with other slow developments, the security reform in Kosovo has not been problem-free. While the UN renders the creation of Kosovo police as a success story, fear and uncertainty among local minorities persist. After demilitarizing UÇK, many of its former gorilla fighters were employed in the newly established Kosovo Protection Corps. While the Kosovo police was trained by UNMIK and were created to proportionally represent most minority groups in the region, neither UNMIK, KPS, nor even KFOR, has been successful in gaining the trust of local minorities or preventing ongoing low-intensity violence against them.

It seems, therefore, that multi-ethnic and peaceful Kosovo remains currently a chimera. Yet, while 16,000 KFOR peacekeepers, 3,752 UNMIK police personnel, and 5,653 KPS personnel have failed to prevent recent occasional attacks on minorities, their presence is vital to maintaining the fragile peace in the province. If there is one certainty, it is that international presence will remain critical for maintaining the current security status of Kosovo in the future.

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K O S O V O

For Better or for Worse

The Private Sector as 'Colleagues in Promoting Peace' in Kosovo

AUDREY ROBERTS

BEGINNING IN 1999, the international security forces who launched the intervention into the conflict in Kosovo would encounter what U.S. Marine Corp General C. Krulak might describe as the challenge of a “three block war”, in which they would be delivering humanitarian aid, conducting peacekeeping and active combat, all in the same strategic field.¹ I would argue that describing the Kosovo conflict as a “three block war” would be an understatement.

As is characteristic of many post-conflict operations, such as in Somalia, Iraq and Timor-Leste, so is Kosovo an example of interwoven complex political tensions in which culture, history, personality and demography are all unassailable factors. These factors should be taken into account when assessing the depth and scope of the challenge continuing to face the international security forces in Kosovo.

To ensure a rapid and effective response to the contingencies of the conflict and post-conflict situation, the Kosovo Force (KFOR) and United Nations Mission in Kosovo (UNMIK) utilized the services of both local and international firms. Indeed, private companies began operating in Kosovo shortly before UNMIK began its administration of the territory in 1999.

In response to the emergence of new firms, UNMIK introduced Regulation REG/2000/33 in May 2000, which regulated international companies active in Kosovo. Additional pertinent regulations were established by the UNMIK Customs and Services and the Customs Assistance Mission in Kosovo (CAM-K) KFOR shipments transported by private contractors.

International and national firms continue to perform an array of support roles, ranging from securing public events and providing static security for buildings and goods to institution building and providing humanitarian aid. Local contractors usually performed a public order role by helping to secure public events such as football matches, and offering static security for buildings and goods, for both public and private clients. With the rare exception of local private body guards, only international Private Security Companies (PSCs) could be licensed to be armed.

In Kosovo, the proportion of civilian contractors relative to the overall

peacekeeping force was a ratio of approximately 1 civilian contractor to 2 military personnel. At one point in time, in all of the Balkans, the ratio was nearly one and a half contractors for every soldier. That equals out to more than 12,000 contractors supporting more than 9,000 soldiers.

To frame the impact of the private sector in Kosovo a different way, in 1999 alone, a single contract for services in Kosovo reached almost \$1 billion. Remarkably, \$13.8



Photo: U.S. Army Corps of Engineers
Engineering support is just one of many functions carried out by private contractors in Kosovo.

billion was spent by the U.S. on peacekeeping operations in all of the Balkans from 1995-2000.

Prior to the 1999 NATO bombing, the military observers who made up the U.S. contingent of the international mission to verify the withdrawal of Serb forces from Kosovo were employees of a U.S.-based contractor. This group included weapons inspectors, verification experts, and drivers and technicians. During the bombing of Serbia and Serbian security forces in Kosovo, private contractors provided not only engineering support and logistics, but also valuable intelligence to peacekeepers.

The aid community lacked the resources and personnel for quick deployment, construction, and provisions to feed and house nearly 800,000 refugees uprooted from their homes due to the conflict. They asked NATO for assistance to build and maintain the massive camps needed to support the refugee population. NATO, maintaining the primacy of security but supporting the dire humanitarian imperative, contracted the job of constructing and operating temporary facilities for refugees to a private contractor.

As noted above, the U.S. military was outsourcing tasks to the private sector on a significant scale from the beginning of the conflict in Kosovo. The U.S. Military has significantly increased the dependence on PSCs for support in the past decade. Rather than calling up about 9,000 National Guard reservists, contractors provided upwards of 75 percent of support tasks for U.S. Army. One of the largest U.S. military bases built since Vietnam, Camp Bondsteel, was constructed and continues to be serviced by private contractors in Kosovo. Contractors also ran the supply system for U.S. Forces in the region, and maintained their vehicles and weapons systems. Further, a German-based contractor, provided waste management for KFOR; a Pristina-based PSC, escorted money to banks; and a Hungarian PSC provided security to international organizations.

In 1999, retired General Dennis Reimer, then the Chief of Staff of the U.S. Army, personally thanked the private companies that worked with the U.S. Army, saying that they played a key role in the peacekeeping mission's successes.²

Private contractors have also made more enduring contributions. They have participated in institution building – what has been called the pillars of a peaceful and modern democracy – efforts in Kosovo. For example, a U.S.-based firm helped to develop a strategy for administration of justice in Kosovo, including case and statistics tracking and public access. In a different domain, another U.S.-based firm assisted in the creation of the Ministry of Finance and the development of privatization guidelines across the region. They were also used by the UNMIK authorities to support the work of the Kosovo Police Service (KPS) by helping to maintain order and train resident police officers.

All in all, KFOR and UNMIK consider the private sector to be working in parallel ‘as colleagues in promoting peace.’³

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UCMJ and MEJA Challenge for Legal Supremacy



FIONA MANGAN

THE ISSUE OF contractor accountability has long been subject to a debate over the application of two legal codes – the Uniform Code of Military Justice (UCMJ) and the Military Extraterritorial Jurisdiction Act (MEJA). Recent expansion of the jurisdiction of UCMJ and a new bill offering renewed support for MEJA have drawn this debate to the fore once again, demanding re-examination of the two legal instruments and their appropriateness in addressing infractions committed by contractors accompanying U.S. missions overseas.

Senator Lindsey Graham (R-S.C.), a reserve Judge Advocate General (JAG), inserted a five-word modification to section 552 of the John Warner National Defense Authorization Act for the Fiscal Year 2007.¹ This resulted in the extension of jurisdiction of the UCMJ. In the past, UCMJ applied “in time of war, [to] persons serving with or accompanying an armed force in the field.”² The Supreme Court has interpreted this provision as relating to “a war formally declared by Congress.”³ Senator Graham’s modification replaces the word “war” with the phrase “declared war or contingency operation.” This provides considerable expansion of UCMJ jurisdiction to cover civilians accompanying U.S. “contingency operations” abroad.

While Congress alone can make a declaration of war, an act of the military can be designated a “contingency operation” through the decision of the Secretary of Defense or by operation of law. The implications of this change are extensive, subjecting civilians to prosecution by courts-martial in situations which have never before fallen within the remit of military law.

The constitutionality of subjecting civilians accompanying the force to trial by court-martial is an inevitable question stemming from this alteration of law. Since World War II, a series of constitutional challenges have led to the erosion of jurisdiction of the UCMJ over civilians undergoing prosecution for crimes committed while overseas in accompaniment of the U.S. forces. In these cases, the Supreme Court ruled that prosecution of civilians under a related provision of the UCMJ was unconstitutional during peacetime.⁴

While these cases do not directly address the provision of UCMJ in question, they indicate a clear unwillingness on the

part of the Supreme Court to subject civilians to military law.

MEJA was created to fill this jurisdictional gap by extending the application of U.S. criminal law to civilian contractor employees accompanying the force overseas. However, since its introduction into law in 2000, MEJA has been applied in a very limited number of cases and fallen short of its original expectations as a solution to the problem of contractor accountability.

Failure to bridge the doctrinal gap between the creation of MEJA and practical implementation of the new law into Joint Chief of Staff (JCS) doctrine, Department of Defense instructions, mandate of the Department of Justice and the Federal Acquisition Regulation, have led to the view that MEJA is an empty instrument.

Rep. David Price (D-N.C.) introduced legislation at the beginning of the 110th Congress seeking to correct these failures. The *Transparency and Accountability in Security Contracting Act of 2007*⁵ seeks to reaffirm MEJA as the legal document most appropriate for dealing with crimes committed by contractors in the field and suggests actions to enhance its efficacy.

Contractors are, and will continue to be, vital to the success of U.S. operations abroad. Therefore, finding a solution to this complex issue of contractor accountability is paramount. It is questionable whether the extension of UCMJ jurisdiction will be the magic-wand, cure-all to this legal question that some had hoped. In order to make UCMJ operational, significant DoD protocol would need to be developed to mold military law to its new contractual setting, establishing norms such as what defendants rights would apply or the scope of investigative jurisdiction.

In contrast, the future of Rep. Price’s new legislation and the improved application of MEJA are yet to be seen. For either to succeed, considerable re-examination of resource allocation, doctrine and political will to push forth prosecutions are essential. What remains in little doubt is that debate on this pressing issue is far from over.

ENDNOTES

1. (Pub. L. 109-364) (FY07 NDAA).
2. (10 U.S.C. § 802(a)(10)).
3. *U.S. v. Averette*, 41 C.M.R. 363 (C.M.A 1970).
4. *Toth v. Quarles*, 349 U.S. 949 (1955); *Reid v. Covert*, 354 U.S. 1 (1957); *Grisham v. Hagan*, 361 U.S. 278 (1960); *McElroy v. Guagliardo*, 361 U.S. 281 (1960).
5. H.R.369 introduced into the House on January 10, 2007.

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Civilian Reserve Corps Proposed

U.S. Outlines New Program



PATRICIA D’COSTA

IN HIS State of the Union Address in January, President Bush revived the idea of volunteer civilian involvement in peace operations, by proposing governmental collaboration on designing and establishing a Civilian Reserve Corps (CRC), saying it “would give people across America who do not wear the uniform a chance to serve in the defining struggle of our time.”

This initiative is intended to ease some of the burden currently shouldered by the military in overseas missions, and to augment the role of the State Department in peace operations. The State Department has already established and activated an Active Response Corps (ARC) which would remain in place as a complement, should the CRC come to fruition. The role of the ARC — comprised of up to 30 officials who have experience in conflict situations — is to rapidly supplement the work of in-country embassy staff without draining resources needed elsewhere. Before deploying for one-year tours, members complete training and exercises on conflict transformation. ARC personnel have served in Sudan and Lebanon.

Conversely, the CRC is expected to comprise a much larger group of about 3,500 American citizens who possess technical skills, first-responder capabilities, and rule of law expertise. Members would be expected to deploy in a short time frame (between 30 and 90 days), with initial deployments of one year.

The idea of a civilian cadre is not new, having previously been proposed by Ambassador Carlos Pascual and General Wesley Clark (Ret.). Other countries including Canada and Germany already have rosters of experienced civilians who possess international field experience and can deploy in a short amount of time. Although there is no universal format for such a corps, the U.S. CRC is anticipated to contain similar components.

Establishing the CRC will inevitably raise questions about the role of civilians in field peace operations, an environment that is already grappling with drawing distinctions between members of the military and private sector contractors. The State Department is expected to propose details about the CRC to Congress in early 2007.

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Taking U.S. Stability Operations to the Next Level

A One-Year Assessment of DoD Directive 3000.05



PATRICIA D’COSTA

FIFTEEN MONTHS after the U.S. Department of Defense (DoD) issued Directive 3000.05, “Military Support for Stability, Security, Transition and Reconstruction (SSTR) Operations” it stands uniquely as a timely and weighty policy, waiting to progress beyond its fledgling status. After months of Pentagon discussion and preparation, Deputy Secretary of Defense Gordon England signed into effect the highly anticipated directive, on November 28, 2005. The directive was hailed by many as a sea change in American defense policy, equivalent in impact to the Goldwater-Nichols Act of 1986, once viewed as radical for its proposal to jointly organize the military branches. Directive 3000.05 is particularly revolutionary because it recognizes stability operations as a core military activity, one that is comparable in scope to combat.

Despite President Bush’s 2000 assertion that “we don’t do nation building”, history bears out a different story. The U.S. military participates much more in stability operations than it does in combat ones. On average, it has been involved in stability and reconstruction operations about once every two years. Members of the military may not all agree about whether the military can best carry out such operations, but there is little disagreement that this task has repeatedly fallen to them, often by default. The current evolving military institutional culture regarding stability operations, as well as the ongoing lessons learned in Afghanistan and Iraq, mean that the Directive is poised to be a source of major transformation in the field in the years to come.

Fifteen months after the issuance of the directive, what changes have transpired? And what will the direct impact of this policy be on private sector contractors and non-governmental workers? The short answer may be that it is still too soon to tell. Witnessing the ill effects of an inadequate stability operations capacity such as the events transpiring in Iraq and Afghanistan surely lends credence to institutionalizing such a policy. As a conceptual document however, the directive is unable to orchestrate impending improvements in the field. Although it is ground-breaking in terms of its substance and scope, it does not outline a specific course of action nor describe how the vision of effective and interoperable stability operations will be

3000.05 HIGHLIGHTS

- **DEFINES** stability operations as “military and civilian activities conducted across the spectrum from peace to conflict to establish or maintain order in States and regions.”
- **ASSESSES** stability operations as a core U.S. military mission, that the DoD shall be prepared to conduct and support
- **PRIORITIZES** stability operations as “comparable to combat operations”

realized. To what extent and in what fashion the military will execute the directive in the months and years to come will rely at least in part on funding, politics and operational requirements. Given existing intricacies and dependencies in conflict zones, the notion that effective stability operations will continue to rely on concerted efforts from multiple sectors is a guarantee.

In particular, the potential that private contractors and non-governmental organizations will play a role is definite, but not defined. The directive points out that:

“Integrated civilian and military efforts are key to successful stability operations. Whether conducting or supporting stability operations, DoD shall be prepared to work closely with relevant U.S. Departments and Agencies, foreign governments and security forces, global and regional international organizations, nongovernmental organizations (NGOs), and private sector individuals and for-profit companies.”

The role of introducing civil-military teams is also underscored in the Directive. These teams are proposed to include representatives from the various stakeholders mentioned above, including contractors and NGO workers. Other areas where the DoD proposes to collaborate with these actors include information sharing,

training policies that promote interoperability, sharing private sector technologies, and the development of joint doctrine.

It is noteworthy that the DoD presents its role as a contingency one, given its admission that civilian agencies are better suited to carrying out peace operations. In fact, the DoD has been a strong proponent of boosting the role of its civilian counterpart in stability operations, the Office of the Coordinator of Reconstruction and Stabilization (S/CRS), which is based at the U.S. State Department. Support has come in the form of championing the new agency’s mandate and offering direct funding. Congress has severely hindered the ability of S/CRS to operate by not appropriating sufficient funds for its operational costs. Given Secretary of State Rice’s call for “transformational diplomacy”, a partnership-based approach to foreign policy, a more engaged and robust cadre of State Department officials seems a natural result. However, the funding privation continues to be a major roadblock for institutionalizing stability operations in the State Department.

Given the current limitations of S/CRS, the military’s reluctance to carry out operations not suited for soldiers, as well as the fact that large amounts of contractors and humanitarian organization representatives already compose a significant part of personnel on the ground, it is not surprising that future reliance on non-military service providers is anticipated to continue. The current spotlight on post-conflict missions and stability operations will likely provide the impetus for implementing and advancing upon the first steps the directive has taken. The President’s 2008 budget provides \$481.4 billion dollars for the DoD’s base budget. If as the directive mandates, resources for combat and stability operations are allocated at par with each other, it is only a matter of time before a decisive course of action follows.

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Private Security in Sweden

A Small but Steadily Growing Industry



COMMANDER MARCUS MOHLIN

DURING THE Cold War the Swedish Armed Forces (SAF) trained 50-55,000 soldiers annually and, if fully mobilized, could have fielded some 29 brigade-sized units totaling roughly 850,000 troops, an impressive effort for a country of only 8 million citizens. Since the establishment of the United Nations in 1948, Sweden has participated in many of its peacekeeping operations and has also contributed to NATO operations in both former Yugoslavia and in Afghanistan. Over the years more than 100,000 Swedish volunteers have done much appreciated work to promote peace and stability around the globe. One would think that, with so many experienced soldiers there would also be a large and thriving private security industry. This assumption seems especially reasonable considering the entire Swedish military was made up of reserves. However, unlike countries such as the US and UK, where it has long been common for retired soldiers and officers to enter the private security or military industry, very few private security companies have ever existed in Sweden. One reason for this is of course the way the Swedish military system is organized: SAF is on one hand built around conscripts doing basic military training for less than a year and, on the other hand, consists of professional officers employed on a career basis. Thus, conscripts would leave the army at quite a young age to go to university or into industry, while the remaining officers stayed on for a secure retirement at the age of 55 or 60.

All that is now changing. Since the demise of the Soviet Union the SAF underwent a major transformation into an expeditionary force on a high standing readiness. In conjunction with this change a completely new structure evolved, rendering conscription more or less outdated and shortening the once secure, life-long officer profession. As in many other countries, officers and soldiers are now supposed to be active for only a few years. Hopefully, according to SAF, they will give their best years serving in the armed forces and then go back to civilian life. Concurrently, new

companies are emerging in Sweden.

Over the past 5 years at least an equal number of companies providing military and security related services have suddenly surfaced. They provide a wide array of services ranging from training for personal and protective security details (PSD), protective driving and the provision of other types of security related services to military consultancy and strictly logistic services. At least one company has had personnel sub-

by those directly involved in the action. This led to a high degree of operational understanding even amongst private soldiers. Another peculiarity has always been that, as conscripts, Swedish soldiers were always primarily civilians. That meant that they were not only well trained soldiers, but that they also came with an additional set of skills. It was not uncommon to find engineers, physicians and mechanics among the ranks. A third interesting element of SAF

doctrine now also inherited by private security companies is the softer all-inclusive, yet tactical approach previously used in all SAF operations. This can be exemplified by for instance how one Swedish private security company emphasizes the language and social skills of their operatives. When speaking to one Swedish director, he said that the civilian educational system offers an opportunity to study on government scholarships. The company in question quickly decided to take advantage of this and now have an interesting cooperation with a language school in Cairo. There, future operatives, as part of pre-deployment training, can learn Arabic and the training is largely paid for by the Ministry of Education and Research.

One reason that the private peace and stabilization operations industry in Sweden is not even bigger is the problem of winning larger contracts. Being a country outside the NATO family creates certain challenges for Swedish companies seeking, for instance, US DoD contracts. However, there are many opportunities opening up in the European Union (EU). The EU is now much more active in its foreign policy and is undertaking more and more peace and stabilization operations worldwide - at least 16 different operations are currently under way or have been completed. Further to this, Security Sector Reform (SSR) has become the latest buzzword among EU policymakers. This is yet another field where private companies in Sweden, along with the rest of Europe, could have a prominent role in the future.

The Swedish private peace and stability operations industry is a small but growing one. Given the changes within both the SAF and the private sector since the end of the Cold War, it is reasonable to expect that Swedish companies will become even greater in providing peace and security services worldwide.



Photo: Swedish Armed Forces

The SAF is particularly active in UN peacekeeping missions.

contracted to operations in Iraq and Afghanistan fulfilling US DoD contracts. Another company has started negotiations with the SAF to provide various specialist services in ammunition handling and other logistics related areas. There is at least one recent example of a private security company training Swedish Army platoons to conduct qualified intelligence tasks. Such a contract would previously have been considered unthinkable in Sweden. The SAF have also out-sourced the guarding of some of its facilities such as the Armed Forces Headquarters in Stockholm. The same goes for all camp supply for operations in Bosnia-Herzegovina and Kosovo, where SAF have been deployed since the early 1990s.

Some of the people starting such companies have come directly out of the SAF, bringing with them a high degree of tactical expertise. One company, for instance, is comprised primarily of ex-special forces officers and troopers. It is of particular interest to note that they also bring with them a special culture, which has long been a hallmark of SAF: a holistic or comprehensive approach. Having relatively small forces, but a large area to defend, SAF adopted what in German has been termed *Auftragstaktik*, or mission command. The idea was that decisions should be taken at the "sharp end"

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Religion: The Spark or the Solution for Conflict?

Valuing the Role of Religion in Conflict Mitigation, Resolution and Reconciliation



KYLE BALLARD

IN THE MODERN international climate, religion is often viewed as a source and catalyst of conflict and instability. Talk of sectarian violence and religious extremism tends to dominate discussions of international security, which in turn leads to the restriction of religious freedoms around the world. Too often, national and international policy-makers view criminal elements among peoples of faith as a call to target specific religions or belief systems as opposed to undertaking balanced security sector reform.

Contrary to the prevailing security paradigms however, religion and religious organizations can play a pivotal role in establishing peace and stability. It would better serve the state of international security to promote fundamental freedoms within all societies.

The reasoning behind this is not what you may expect. Sure, it's important to recognize that religious freedoms constitute a larger package of individual rights — such as the freedom of assembly, speech, and press — that characterize the most stable societies on the globe. It is no mistake that the freedom of religion is the first guaranteed in the United States' Bill of Rights and is codified in the Universal Declaration of Human Rights and the International Covenants on human rights. These principles should be instituted in every society; but that is stating the obvious.

For those within the peace and stability industry, religious freedoms and the people of faith they protect, serve as operational and functional tools to assure success in post-conflict environments. Religious leaders and organizations play a large role in weaving and repairing the social fabric so vital to a functioning society. This means that they are natural partners to those tasked with building peace in post-conflict and fractured societies.

In situations where the state is weakened or nonexistent, religious organizations are often among the few actors able to fill the gaps in social and civil services. Religious communities have social networks that are not just unshaken, but are strengthened, by tragedy, chaos, and anarchy. This translates to a high degree of social capital that enables them to cut through red tape, corruption, language,

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Photo: The White House

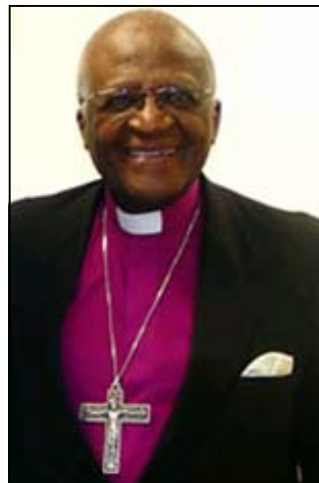


Photo: Government of Michigan



Photo: The Vatican

The importance of religious figures in solving conflict and moving society forward has long been lauded. The Dalai Lama (left), South African Archbishop Desmond Tutu (center), and the late Pope John Paul II (right) are (or were) regarded as three of the world's most influential peace-makers.

cultural, and logistical barriers. The reliance upon *hawala* (an Islamic banking system based on trust) to move financial capital throughout post-conflict Afghanistan is an example of how social capital contributes to efficient continuance of civil activity. In fact, this approach has been so successful that the World Bank has officially sanctioned the reliance on hawaladars to move up to \$200 million dollars in Afghanistan. Coupled with the fact that religious networks call upon locals whom know the terrain, the culture, the shopkeepers, and so forth, their efforts are often more flexible and fluid than those of foreign actors.

Religious networks not only have a highly-developed social network that facilitates peace building and development efforts in the harshest of conditions; they also have a transnational and transcultural nature that enables them to harvest the energies and funds of a larger international community of charities and philanthropists. Religious networks are usually among the few actors that have the infrastructure to put these energies and funds to work, which promotes proper use and circumvents some corruption. Combined with the capacity of the peace and stability industry, these religious networks can enable projects that are seemingly infeasible.

Operationally, teaming up with people of faith appears to be a viable and effective approach to advancing peace operations. This is not to deny other issues that may arise. There is no off-the-shelf approach to reconstructing societies. Those on the ground in post-conflict situations have to draw upon years of experience and distinct expertise. This experience and expertise is

increasingly held in the peace and stability industry and thus, this industry is properly equipped to fully engage people of faith and religious organizations in these environments when possible.

Ultimately, by engaging people of faith and religious organizations in post-conflict environments, peace workers promote the more moderate and peaceful religious networks that have stock in the success of their societies. This, in turn, increases these networks' social capital which will only benefit society and the success of the operation in the long-run. Moreover, since religious organizations promote civic engagement, as well, engaging these organizations fosters the development of democratic institutions. The partnership of the peace and stability industry and people of faith, then, benefits both, as the peace-building and development efforts ultimately succeed.

In order for people of faith to act in society as a religious community, their fundamental freedoms must be protected. Thus, for the reasons discussed in this article and for the stability of all societies, freedom of religion and belief must be assured. Religious groups must not be targeted for their beliefs or practices in the name of peace and stability. Criminals of all stripes must be dealt with by undertaking proper security sector reform and capacity building. People of faith and religious organizations should be valued for their contribution to peace and stability rather than being demonized in the current security paradigm. The peace and stability industry is one sector that can forge ahead in this regard.

C O L U M N I S T S

The U.S. Military's New Africa Command



AMBASSADOR HERMAN J. COHEN

THE AMERICAN military's combattant commands, the four-star leaders who carve up the world geographically, are about to undergo a significant change in their areas of responsibility. On February 6, 2007, President Bush announced the creation of a new Africa Command.

Until now, the African continent has been divided for military operational purposes among three different traditional commands.

Central Command (CENTCOM), which is responsible for the Middle East and South Asia, will lose jurisdiction over the Horn of Africa, including Ethiopia, Eritrea, Sudan, Kenya, Somalia and Djibouti.

The Pacific Command (PACOM) will no longer be responsible for Madagascar, Mauritius and the Comoros.

All of the rest of North, West, Central and Southern Africa (except Egypt), the vast majority of the continent's countries, will depart the jurisdiction of the European Command (EUCOM) for the new Africa Command.

Joint Chiefs Chairman Peter Pace said that the new Africa Command will not be a clone of the other traditional commands. Because Africa is more of a development challenge than a security challenge, General Pace envisages a greater emphasis on interagency cooperation to "build African capabilities to effectively govern." Pace described Africa as the "king of ungoverned areas."

How does the Chairman's use of the term "ungoverned areas" relate to the war on terror? The latest theory from the war in Afghanistan is that the Taliban prospers in those regions where the government does not govern. It is quite clear that current military doctrine gives emphasis to effective government that can meet the needs of the population. A governance vacuum equals a terrorist's opportunity.

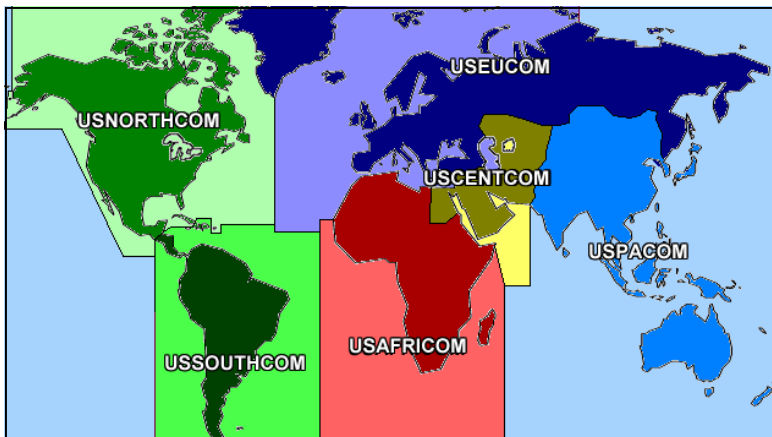
General Pace also said that "the last thing the US wants is to send troops to

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An Opportunity for New Ideas

Africa." This is unusual for a combattant command whose main role is to plan for military deployment. Apparently, the Africa Command will be planning how not to deploy.

What we can expect from the new Africa Command is a major emphasis on "hearts and minds" as opposed to military action. This will require active interagency coordination, especially among State Department, DOD, and USAID, all of which have sources of funds for a variety of development and military training activities.



Graphic: J. J. Messner/IPOA

The U.S. military's Unified Combatant Command map as of 2008.

Presumably, there will be an increase in DOD funding available for Africa with the birth of the new command. In EUCOM, Africa funding had to compete with Central Asia and the Balkans. It is likely, therefore, that opportunities for defense/security contractors will increase in Africa starting with fiscal 2008.

One of the problems that will need attention with the new Africa command could be a disproportionate US military presence that might dwarf the diplomatic one. It would be unhealthy if the main face of the United States in Africa becomes a military one merely because DOD has more cash. The US military profile in Africa is already quite high exiting EUCOM.

The Africa Command, of course, will engage in the traditional training activities exemplified by the ACOTA program designed to stand up African units that can

defend their own territorial integrity and cooperate in the war on terror. The more ACOTA accomplishes its mission, the less necessary it will be for the Africa Command to deploy US forces in emergencies. But beyond traditional activities, are there new ideas that the Africa Command may consider?

While African militaries are moving away from defending regimes against internal enemies, and toward defending democracy against both internal and external threats, can we start to think out of the box about the role of the African military in Africa today?

For example, if Africa's greatest challenge is how to achieve sustainable development in a globalized world, shouldn't all state institutions be co-opted into this effort, including the military? In the absence of actual combat operations and/or external threats, which is the case in most African nations today, there is a lot of development work that African militaries undertake between training maneuvers. Mass tree planting, rural immunizations, engineering maintenance of

farm to market roads, grain storage facilities, and irrigated perimeters are among many unaddressed tasks. The Africa Command might want to consider some pilot projects along these lines in cooperation with appropriate civilian agencies and experienced contractors.

Perhaps the new Africa Command should establish a new planning section dealing with the military-development nexus. It might even have a new number, like J-8.

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Dereliction of Duty: The West and UN Peacekeeping

UN Peacekeeping Numbers Demonstrate that the West is Severely Lacking



J. J. MESSNER

BEFORE BEGINNING, I will admit that Western-less peacekeeping is hardly a new phenomenon. It is an issue that has attracted significant attention and criticism for many years, as Western nations¹ contentedly sit back and allow the poorer countries of the world to shoulder the heavy lifting of the global UN peacekeeping burden.

Unfortunately, UN peacekeeping has become remarkably devoid of Western boots on the ground except where the Western world feels it has some interests. Take Lebanon, for example. Despite the peacekeeping missions of the world being buttressed by the likes of Bangladeshi, Fijian, Indian, Nepalese, Pakistani and Uruguayan troops, the UNIFIL mission is, by contrast, a veritable who's who of rich countries, featuring contingents of Belgian, Danish, Dutch, Finnish, French, German, Greek, Irish, Italian, Norwegian, Portuguese, South Korean, Spanish and Swedish troops. Given the high rate of Western participation in this UN mission, it is somewhat surprising that it is a UN mission.

Though the participation of a good number of Western nations in the UNIFIL mission may bring comfort to some as a demonstration of Western commitment to UN peacekeeping, viewed separately, Western participation in UNIFIL is hardly representative.

As of January 31, 2007, the UN had 70,252 troops deployed in 11 missions. Though the UN currently has 18 active missions, seven of those involve military observers, police and/or civilians only, but do not comprise a troop component. Of those 70,252 troops, 8,904 are supplied by Western nations. As a proportion of the global troop commitment to UN peacekeeping missions, Western nations are responsible for 12.67 percent. Given that Western nations make up 14.3 percent of the world's population, this might seem reasonable. However, if one also takes into account these nations' vast wealth (accounting for about 50 percent of global GDP), capability and capacity, the picture becomes a little less rosy.

In reality, 12.67 percent is about as good as it gets. When Israel launched attacks on Hezbollah in mid-2006, the West suddenly regained interest in UN peacekeeping. European nations began falling over

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PERSONNEL CONTRIBUTIONS TO UN PEACEKEEPING MISSIONS

| Mission | Total Personnel* | Western Personnel* | Percentage Western Personnel | Total Troops** | Western Troops** | Percentage Western Troops |
|-----------------------|------------------|--------------------|------------------------------|----------------|------------------|---------------------------|
| UNIFIL (Lebanon) | 12,274 | 7,621 | 62.1 % | 12,274 | 7,621 | 62.1 % |
| UNDOF (Golan Hts) | 1,042 | 407 | 39.1 % | 1,042 | 407 | 39.1 % |
| UNFICYP (Cyprus) | 919 | 316 | 34.4 % | 855 | 275 | 32.2 % |
| MINURSO (W Sahara) | 215 | 32 | 14.9 % | 28 | 1 | 3.6 % |
| UNMIL (Liberia) | 15,216 | 382 | 2.5 % | 13,804 | 357 | 2.6 % |
| UNOCI (Cote d'Ivoire) | 8,994 | 206 | 0.2 % | 7,850 | 185 | 2.4 % |
| UNMIS (Sudan) | 9,977 | 224 | 2.2 % | 8,740 | 49 | 0.6 % |
| MINUSTAH (Haiti) | 8,550 | 210 | 2.5 % | 6,782 | 9 | 0.1 % |
| MONUC (D.R. Congo) | 18,417 | 62 | 0.3 % | 16,597 | 0 | 0.0 % |
| UNAMI (Iraq) | 234 | 11 | 4.7 % | 223 | 0 | 0.0 % |
| UNMEE (Eth./Eri.) | 2,278 | 36 | 1.6 % | 2,057 | 0 | 0.0 % |
| UNTSO (Middle East) | 154 | 126 | 81.8 % | | | |
| UNMOGIP (Ind./Pak.) | 44 | 34 | 77.3 % | | | |
| UNAMA (Afghanistan) | 15 | 7 | 46.7 % | | | |
| UNOMIG (Georgia) | 139 | 54 | 38.8 % | | | |
| UNIOSIL (S. Leone) | 28 | 8 | 28.6 % | | | |
| UNMIT (Timor-Leste) | 1,477 | 335 | 22.7 % | | | |
| UNMIK (Kosovo) | 2,019 | 447 | 22.1 % | | | |
| TOTAL | 81,992 | 9,487 | 11.6 % | 70,252 | 8,904 | 12.67 % |

* All peacekeeping personnel including civilian police, military observers and troops.
** Only troop contingents – figures do not include civilian police or military observers.

Figures from the UN Department of Peacekeeping Operations, <http://www.un.org/Depts/dpko/dpko/contributors/>

Figures accurate as of January 31, 2007.

themselves in a rush to contribute resources and troops to a bolstered UNIFIL mission, as France and Italy bickered over who would lead the mission. As of the end of January, the UNIFIL mission comprised 12,274 troops -- 7,621 (62.1 percent) of which were from Western nations. So, taken globally, the UNIFIL mission has sucked in 85.5 percent of Western troops deployed to UN missions.

If UNIFIL is excluded from this analysis, the West's troop participation in UN peacekeeping missions stands at a miserly 1,283 troops, or 2.21 percent, of the 57,978 UN peacekeeping troops deployed to the 10 missions outside of UNIFIL. Unfortunately, it seems that the missions in Côte d'Ivoire, D.R. Congo, Ethiopia-Eritrea, Haiti, Liberia and Sudan² simply are not important enough for the West to contribute significant amounts of troops – indeed, the MONUC and UNMEE missions do not have even one Western soldier deployed with a blue beret.³ None of these conflicts are of enough importance for Western nations to expend the resources on, let alone risk the lives of their soldiers in far-off, potentially politically unappetizing conflicts.

So what does this mean? It means that the burden of boots on the ground lies at the feet (no pun intended) of poorer nations, whose militaries often lack the training, equipment and capabilities of their Western counterparts. This is not meant to be a slight against these countries, but simply a statement of fact. The militaries of the West are simply the most well-resourced and capable on offer. The problem is that they are rarely on offer. Even when – by chance – contingents from poorer nations are properly trained, they may lack adequate equipment and logistical support. Worse, in risky situations where they are tasked with upholding a ceasefire for example, they may lack the credibility and respect of the combatants to properly fulfill their mandate.

Unless the nations of the West experience a collective epiphany sometime soon, it is unlikely that Western participation in UN peacekeeping will improve in the short- to mid-term. While the UN finds itself in this unfortunate situation, the private sector can do a lot to improve the state of affairs. The private sector presents the UN

SEE *Westernless Peacekeeping*, Page 29

Where's the West?

FROM *Westernless Peacekeeping*, page 28
J. J. MESSNER

with the opportunity to enhance its operations from training to logistical support. While the situation may not be ideal, the private sector can make life much easier for the UN. For now at least, the UN is stuck with settling for whatever resources it can get its hands on.

ENDNOTES

1. For the purposes of this article, I define the West as Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Singapore, South Korea, Spain, Sweden, Switzerland, the United Kingdom and the United States.
2. It is worth noting that Western Sahara only has 28 troops deployed and is thus not a worthy example, and the missions in Cyprus and the Golan Heights actually draw roughly a third of their troops from Western nations.
3. Nor does the UN mission in Iraq, but as we all know, Western troops are otherwise occupied in that part of the world.

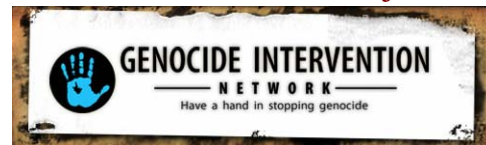
NGO PROFILE

Genocide Intervention Network

Building the Permanent Anti-Genocide Constituency

THE GENOCIDE Intervention Network (GI-Net) is challenging the international community's continued failure to stop genocide and mass atrocity. It has taken action by recruiting a domestic anti-genocide constituency, thereby changing the political calculus of policymakers on issues of genocide and mass atrocity. In addition, it offers a means for individuals to contribute directly to protecting civilians from violent conflict.

Currently, GI-Net's work focuses on Darfur, Sudan, however the nationwide membership will also serve to create a permanent constituency, making early or even preventative action possible for future crises. In addition to mobilizing its membership to respond to specific policy needs through action alerts and lobby days, its Darfur scorecards program (www.DarfurScores.org) tracks each member of the U.S. Congress on his or her record on Darfur. GI-Net, through its project, the Sudan Divestment Task Force



(www.SudanDivestment.org), works at the grassroots level to pressure states and universities to adopt a targeted divestment model, divesting their holdings from those companies most responsible for funding the government of Sudan's genocidal campaign. Finally, GI-Net's recently launched anti-genocide hotline, 1-800-GENOCIDE (www.1800GENOCIDE.com), allows U.S. citizens to receive updates on state and federal legislative initiatives, and connect directly to their political representatives.

GI-Net also empowers citizens to directly assist in protecting civilians from genocidal violence, and has raised over \$350,000 from individual donations in addition to larger institutional grants to enhance civilian protection in Darfur. At present, our largest protection project works with the African Union, displaced communities, and local organizational partners in Darfur to coordinate firewood patrols, protecting women and girls against rape and assault when they must leave the relative safety of camps to collect firewood.

Profile contributed by GI Net

GI NET FACTBOX

| | | | |
|---------------------|--------------------------------------------------------------------------------|-----------------|------------------------------------------------------------------------------------|
| Founded: | 2004 | Contact: | Mark Hanis, <i>Executive Director</i> |
| Head Office: | Washington, D.C. | Address: | 1333 H Street NW Washington, D.C. 20005 |
| On the Web: | www.GenocideIntervention.net | E-mail: | Hanis@GenocideIntervention.net |
| Telephone: | +1 (202) 481-8220 | | |
| Hotline: | 1-800-GENOCIDE | | |

PEACE OPERATIONS EQUIPMENT PROFILE

Unmanned Aerial Vehicles

Increasingly Common Above Conflict Zones of the World

HELENE VIEL

UNMANNED AERIAL VEHICLES (UAVs) have become a versatile and reliable companion in conflict zones worldwide. UAVs are aircraft which allow for a greater risk threshold since they are maneuvered without an on-board pilot. They can be flown remotely or a by pre-programmed plans. UAVs have diverse capacities and have been used in fields such as environmental, meteorological, chemical, biological, nuclear hazards, reconnaissance, surveillance as well as target acquisition, attack analysis and urban zone deployment.

The deployable size of UAVs is customizable according to each situation and objective. They range from the micro UAV (250 grams) to a larger size of up to 26

meters. Israel plans to construct a larger model later this year. Modern electronic and optronic systems enable the UAV to be used in all-weather conditions, day or night and in extreme threat situations. Important points to consider in UAV design are stealth, range, logistic support, weight, sensor capability and maintenance. Vulnerabilities of UAVs include their noise output and relatively short altitude.

Members of the industry are conscious that customers increasingly demand solutions for both the civilian and military domains. Prevalent UAV firms include AAI, BAI, Boeing, Bombardier, CAC Systems, Coptervision, EADS, Elbit Systems, ELISRA,



Photo: Helene Viel
A UAV seen on its launch structure.

EMT, IAI, Kamov, Northrop Grumman, Schiebel, STN Atlas Elektronik and Yamaha Motor. UAVs such as the CL-289 are used in all-weather conditions, day and night. It boasts penetration and target recognition in narrow valleys (without visual link). Others are sold as

a "pilot-less birds" such as the ELISRA UAV. Many UAVs such as the Tracker DRAC possess hand-launchability capability, which make it easy and quick to launch the UAV. Factors such as electro-optical, infrared, or laser target designation, synthetic aperture radar ground moving target identification, speed, short reaction and response time, all improve the precision and clarity of data supplied to users on the ground.

The author is an independent consultant and former journalist who covers security and technology, specializing on UAVs.

Sudan: Multiple Conflicts, One Mission

The UN Mission in Sudan Begins to Change Focus from the South to Darfur



BOSHEN JIA

SINCE ITS independence from Britain and Egypt in 1956, Sudan has witnessed unceasing internal conflict and political turmoil. For all but 11 years of its existence, the country of Sudan has suffered from civil war. The First Sudanese Civil war lasted from 1955 to 1972 and was fought between the predominately Arab Muslim north and the mostly black Christian-Animist south. The Addis Ababa Agreement of 1972 led to an eleven-year cessation of the North-South conflict. But the peace was not to last. War re-ignited in 1983 when President Gaafar Nimeiry decided to circumvent the Addis Ababa by reducing Southern autonomy. The Sudan People's Liberation Army (SPLA) was formed as a result in May 1983. A 1989 coup d'état brought control of Khartoum to Omar al-Bashir but failed to bring an end to the violence. Over 2 million people have died, 4 million have been uprooted, and an estimated 600,000 people have fled as refugees.

Neighboring states, concerned donors and the warring parties have made many efforts to bring peace. UN Special Advisor Mohamed Sahnoun facilitated the July 20, 2002 signing of the Machakos Protocol, in which the parties set forth the principles of governance, the transitional process and the structures of government, the right to self-determination for the people of South Sudan, and agreed to continue talks on the outstanding issues of power sharing, wealth sharing, human rights and a ceasefire. To build on the progress made, the Security Council passed resolution 1547 on June 11, 2004, which established the United Nations Advance Mission in the Sudan (UNAMIS) to facilitate communication between the parties and to prepare for an envisaged peace support operation.

In February 2003, attacks on government targets by the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) and the resulting Government response produced an unprecedented cycle of violence. Villages in Darfur were razed. Civilians were murdered or forced to flee, with little food or water.

As a response to the escalating crisis in Darfur, the Security Council passed resolution 1556 on July 30, 2004, expanding the mandate of UNAMIS. For several years, the African Union (AU) led international political efforts to seek a solution and launched the Abuja talks in July 2004. In addition to its political initiatives, the AU

deployed military observers and protection troops to Darfur to monitor compliance of the Humanitarian Ceasefire Agreement of April 2004, signed in N'Djamena by the warring parties. Resolution 1556 requested that UNAMIS assist the AU in Darfur, prepare to support a future Darfur agreement in close cooperation with the AU, and increased the number of human rights monitors deployed in Darfur.

On January 9, 2005, the Government of Sudan and the SPLA signed the Comprehensive Peace Agreement (CPA) in Nairobi, Kenya, which included agreements on outstanding issues remaining after the Machakos Protocol and brought an end to the North-South conflict. The UN immediately voiced its support for the move and, in March 2005, passed resolution 1590 to establish the United Mission in the Sudan (UNMIS). The mission was tasked with supporting the implementation of the CPA, assisting humanitarian operations, and protecting human rights as well as supporting the operations of the African Union. While the security commitments of the CPA have been well observed by the signatories, the progress on power-sharing, wealth-sharing and election preparations has been slow.

Efforts by the AU to end the Darfur crisis culminated in the signing of the Darfur Peace Agreement (DPA) on May 5, 2006. The DPA addressed power-sharing, wealth-sharing, and a comprehensive ceasefire, however only the Government of Sudan and the SLM/A signed the Agreement. The JEM and the Abdelwahid faction of the SLM/A refused to endorse the DPA.

Attacks by an umbrella movement opposing the DPA-formed National Redemption Front on July 3 threatened to derail any progress made by the DPA. Nevertheless, on August 31, 2006, the Security Council expanded the mandate of UNMIS to include deployment to Darfur to support the implementation of the DPA by passing resolution 1706. The resolution also provided for the transition from the AU mission to a UN operation in Darfur.

Khartoum's response to the prospects of a UN force replacing the current AU mission in Darfur has ranged from threats of military resistance to cautious agreement; meanwhile the progress of CPA proceeds at an agonizing slow pace. However, the UNSC continues to be actively involved in the peace process and has expressed its intention to extend the mandate of UNMIS beyond its current expiration on April 30, 2007. The Security Council will need all the resolve it can muster as a comprehensive lasting peace remains far from being realized.



Satellite Image from Google Maps

MISSION FACTBOX

UNMIS

United Nations Mission in the Sudan

Commenced

March 24, 2005

Due to expire

April 30, 2007

Special Representative of the Sec-Gen and Head of Mission

To be appointed

Deputy SRSG:

Tayé-Brook Zerihoun
(Ethiopia)

Force Commander

Lt. Gen. Jasbir Singh
Lidder (India)

Current strength

8,734 troops, 592

military observers, 680 police, 799 international civilian personnel, 2,234 local civilian staff, 185 UN Volunteers

Contributors of Military and/or Police Personnel

Argentina, Australia, Bangladesh, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Cambodia, Canada, China, Croatia, Denmark, Ecuador, Egypt, El Salvador, Fiji, Finland, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, India, Indonesia, Jamaica, Jordan, Kenya, Kyrgyzstan, Malawi, Malaysia, Mali, Moldova, Mongolia, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Rwanda, Samoa, South Africa, Sri Lanka, Sweden, Tanzania, Thailand, Turkey, Uganda, Ukraine, U.K., U.S., Uruguay, Vanuatu, Yemen, Zambia and Zimbabwe

Fatalities

6 military personnel, 1 police, 1 military observer, 4 international civilians, 4 local civilian personnel

Costs

US\$1,126.3 million
(1 July 2006 - 30 June 2007)



Photo: UNMIS

Tayé-Brook
Zerihoun, UNMIS
Deputy SRSG.

The author is a Research Associate at IPOA.

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