

White paper for the peacekeeping division

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Preface

This white paper explores the feasibility, purpose and approach of a Peacekeeping Division to be established to assist in preventative deployment to head off further conflict or deployment in the wake of armed conflict.

The first issue of peacekeeping is to assist in establishing a sustainable peace, which in turn enables the re-establishment of the rule of law and the prevention of a recurrence of violent conflict.

Justice is the cornerstone of a sustainable peace. A sustainable peace is not possible without law and order. Therefore the rule of law is essential to post war reconstruction and the generation of inward investment.

Following armed conflict there is often a large body of persons who are victims of the conflict and who need to feel that the persons responsible should be held accountable. Failure to satisfy this need for accountability may imperil a fragile peace and impede reconciliation, particularly if victims band together to seek violent revenge.

Purpose

- The existence of such a division is to provide a competitive edge against security consultants, advisers and competitors.
- The division will offer its service to states, transitional authorities, international organisations and the United Nations.
- The peacekeeping capability could be brought into operation wherever a company has a contract to perform in either conflict or post conflict zones

The strategy of this concept is for personnel to collaborate fully with national and transitional authorities to foster the rule of law.

Where peacekeeping personnel uncover serious crimes that have occurred in a conflict they will report the same to the national authorities to enable them to deal with the offences committed.

The peacekeeping division would be established to assist national, transitional authorities and, if required, any international tribunal, in "conflict mapping". Conflict mapping is a method whereby skilled personnel identify where

serious violations of international law have taken place and who the alleged violators may be.

Research conducted has demonstrated that Peacekeepers could provide detailed reports and evidence if required, to the appropriate national or international authorities including courts or other tribunals and commissions.

In ensuring that justice takes place, the peacekeeping division could play a crucial role in laying the foundations for sustainable peace through engaging in post conflict reconstruction, nation building and security sector reform as well as advising on strategies for the maintenance of law and order.

Introduction

The peacekeeping division should extend beyond post conflict situations.

There will be many examples in the developing world where the need for the services of security consultants and advisers who will be in pre- and post conflict situations, e.g., cross border conflicts, civil wars or even lesser degrees of internal armed conflict, and situations where conflict of an armed nature is not in the forefront if it exists or existed in relatively recent times, e.g., the evolution of authoritarian regimes, which may be opening to the west and/or to certain of its influences in some way.

The maintenance of security is central to all governments, but one should be mindful of the desirability of any services rendered being labelled as those of a mercenary force. This has been an issue of some interest at the United Nations from time to time and certain countries have proven to be sensitive about the issue. It is highly desirable, if not essential, that the services provided be consistent with the policies of major interested and/or donor nations, particularly the US, UK, France and perhaps Italy (*especially considering* in the latter case past colonial associations), while taking into account Russia and China for, among other reasons, their political interests, their veto power in the UN Security Council, and their investments, in one form or another, in a country of interest.

The peacekeeping division should be sensitive to the stage of westernisation and democratisation of the country. There is a tendency in the west to overstate the status/progress of the democratisation process. When one looks at the process over the relatively short history of the US, it was difficult and extended over many years.

In providing services in countries with essentially authoritarian regimes, one might propose reform to take off the rough edges without creating uncertainty in the country about what is afoot. For example, pressing rule of law in the military may proceed in a manner that enhances the professionalisation of the units involved and may be an attractive first step.

One should be cautious in expecting widespread changes, at least in the short and medium term, in societies and cultures that have not been western oriented. Indeed, in certain countries the ethnic makeup may vary significantly from one area to another. Blame the colonial powers or

historical influences more generally. One should also recognize that, within certain countries, the reach of the central government does not cover the entirety, if even the majority, of the land area.

The peacekeeping division must consider what other actors are doing, or may consider doing in the country, whether governments, international and regional organizations, NGOs, corporations and other private profit making organisations. This may involve keeping an eye on contract solicitations by governments, and international and regional organizations, which can be laborious.

Competition with other Actors

Governments have traditionally undertaken certain activities, although contracting out has been on the upswing in recent years, for a number of reasons. Certain international or regional institutions have not undertaken specific activities because they are either beyond their mandate or are otherwise considered inappropriate. This needs to be looked at in the context of the practice of the UN, the African Union, and the World Bank, for example. NGOs have undertaken many activities relating to civil society. Certain corporations may have a role, which may vary depending on whether the host government contracts with them or whether they are contracted by the government providing assistance.

The peacekeeping division should recognize that it might not be able to compete in the first instance with at least certain NGO provided activities. That may be a result of the dollar amounts available or required or because of political considerations in both the providing and recipient countries. The role of known NGOs and professional organisations may be difficult to challenge in practice in the near term. Thus, it may be wise to take a cautious approach in seeking to provide expertise in rule of law area.

The US and the UK may be cautious in providing contracts relating to civil society to a certain type of corporation, which is better known/associated with security related matters. However, certain countries seeking expertise for their own development, and paying for it themselves, may be more willing to extend contracts for a range of services which are both security and civil society related. Such a possibility raises the stakes for getting into such a country, doing well on both scores and leveraging that over time in other countries.

Activities, which should be considered in addition to the Infrastructure and Direct Security Undertakings

In the first instance, police and related investigative training should be explored. There are many police and other experts who can be called upon. Furthermore, in training the military, one should consider going beyond the traditional doctrinal and hardware issues, and address civilian control of the military, the relationship of the police to the military and establishing a military

justice system, which may draw upon the American, British or French examples.

There is much material available that can be accessed rather easily and retired military judges and lawyers may be available. Also this is something that NGOs are not likely to get deeply into, if at all. Moreover, this is an area where an established security company and associated organisations expertise is logically extended. I do not rule out the possibility of training civilian lawyers, including prosecutors and defence counsel, and judges at some future time but this may raise questions in the minds of policy makers and may be challenged by NGOs and others whose interests may be directly affected.

In addition NGOs, with the assistance of attorneys from top-flight firms working on a pro bono basis are hard to beat on a financial basis. Rule of law is a burgeoning field of interest in governments and international and regional organizations. They may be hesitant in moving away from the usual way of doing business, whether that involves NGOs or their own contractors. However, if one can obtain a contract for security related matters, it may be possible to make the contacts necessary to ensure that the grantors know the range of expertise that a security consultant or adviser can provide in other areas. Perhaps the recipient can press the providing government, for example, to embrace in these expanded areas. At the same time, investigations of war crimes and crimes against humanity are becoming more common, although the UN and particular tribunals of an international or ad hoc nature tend to conduct those. This raises the issue of training the military in the first instance to investigate such atrocities. There are, no doubt, manuals that can be drawn upon for such training.

Selected Legal Considerations

It is not unusual in countries of interest to have UN sanctions imposed or sanctions imposed by the US, UK or EU. These often go to travel bans on certain individuals, financial restrictions on individuals and organisations, and arms and related services restrictions. Even when a country is in a post conflict situation, certain restrictions may continue in whole or in part. The UN and certain countries should be researched for relevant sanctions. In the US, the Office of Foreign Assets Control in the Treasury Department, and the State, Defence and Commerce Departments are major players in sanctions regimes. Applicable laws include the Arms Export Control Act. Restrictions apply to both goods and services, including dual use items. Domestic financial and regulatory bodies may also have a role to play.

The Role of the Post Conflict Division

This Paper quite correctly focuses on a key role for the new Division within the area of Rule of Law and 'Conflict Mapping', to support building sustainable peace through post conflict reconstruction, nation building and security sector reform (SSR). The paper acknowledges that a decision has to be made as to exactly what the peacekeeping division offers, what its USP will be and how it can stand out amongst the competition.

The Rule of Law dimension: Conflict Mapping, SSR and the control of Small Arms and Light Weapons (SALW), and training for the police, military and Judiciary. Civilian control of the military (SSR), drafting and training on the uniform code of military justice and legislation relating to the treatment of combatants and civilians, including standards of conduct, discipline and judicial and non-judicial punishment are areas where a competitive edge can be achieved. There is no doubt that most post-conflict and transitional states are in need of Rule of Law support.

The peacekeeping division can offer an excellent service, within neglected areas of Rule of Law and Nation Building endeavours, by focusing on Conflict Mapping, SSR, control of SALW, framing of democratic law relating to the military and internal security (which could include legislation for and control of Private Military Companies) and Judicial and Legislative training. This provides a package, which is not widely considered by other private companies and also leads into the role of other Divisions of a security consultant or adviser. It also has the advantage of not requiring too many practitioners, thus reducing the overall manpower costs.

Synergy with other Security Divisions

This document recommends that a peacekeeping division should avoid being too closely aligned or entering into internal competition with other divisions of a company. If the peacekeeping division were to offer a discrete package of Rule of Law enhancement measures these could naturally lead to such undertakings as police and military training, protection services and general post conflict reconstruction. The company would then be well placed to bid for such contracts based on the 'lead-in' that the peacekeeping division has provided. There would therefore be a natural synergy between the peacekeeping division and the remainder of the company.

Populating the Post Conflict Division

If the decision was made to concentrate the peacekeeping division's efforts on the Rule of Law arena, with emphasis on three or four discreet areas, it would be essential that the division recruits a number of experts in these fields. The experts do not need to be full time employees (although a more active 'Project Manager' might be an advantage). I believe that between UK and US, the appropriate persons, with a very necessary mix of nationalities – the peacekeeping division does not want to be seen as a wholly US or UK organisation, for obvious political and presentational reasons - can be found.

These experts would be recruited from selected Universities, International Organisations and Law Associations, UN, MOD, EU and OSCE.

There would be a need to have a Board of Trustees, which contains well-known and respected personalities in the field of Rule of Law, to demonstrate a more catholic national, ethnic and experience spread.

The Target Clients

It is axiomatic that international organisations, Departments of State and transitional authorities should constitute the client base. However, care should be taken in targeting these entities, as many do not have the ability to fund private organizations. For example, the Department for Peace Keeping Operations (DPKO) in the United Nations (UN), which deals with post-conflict missions, is very limited in who and what it can fund. In addition, it cannot account for or disperse donor funds. It would be necessary to target United Nations Development Programme (UNDP) who can disperse donor funds for peace building activities. However, UNDP is engaged in an internal struggle with DPKO over which agency leads on peace building matters so the matter would have to be dealt with diplomacy and discretion.

Dealing with Departments of State, within the international community, is more straightforward but still needs the assistance of a person with intimate knowledge of the politics and bureaucracy. State Departments who fund post-conflict interventions bilaterally are an essential target but there will be a deal of suspicion of private companies to overcome.

Fundamental to the success of this enterprise will be the acceptance of the recipient state. To the peacekeeping division's advantage is that much is said by international organizations and NGOs about 'local ownership' but few actually allow it to happen. States in transition are becoming more aware of this trend and are growing resentful of it. Any company, which wins the support of the local government, will have a better chance of securing contracts and of repeat business. However, transitional and post-conflict states seldom have much money and must rely on donor support for peace building and democratization activities. The route to success is to gain the support of both the funding entity and the local government for each given intervention.

Competition

Governments have traditionally undertaken many peace-building activities bilaterally, although contracting out is on the increase. International or regional institutions have not undertaken some activities because they exceed their mandate or are considered inappropriate. This means, perforce, that the peacekeeping division would need to get into the minds of the international organizations, NGOs and local administrators in order to know when and how to provide them with the solution they are seeking.

The PCD needs to examine the practices of the UN, the African Union, and the World Bank in post conflict peace building. This paper suggests, additionally, that the peacekeeping division consults with the Bureau for Crisis Prevention and Recovery (BCPR) of the UNDP which has Justice and SSR and a Small Arms and Demobilisation Departments within its overall mandate of conflict prevention and peace building. In addition, discussions should be held with the newly formed SSR Unit within the UN DPKO.

On the bilateral front, both the UK and US Departments of State for Foreign Affairs and Defence need to be approached; as do the International Aid Departments (USAID, DFID). Additionally, the Scandinavian and Canadian equivalents should not be neglected as these countries have a high profile in post conflict peace building.

A number of large NGOs and professional organizations have cornered the market in some peace building areas but, these tend to concentrate on the provision of Police and Military training teams, Close Protection Teams and Central Government democratization activities, there remains a gap in the market in the areas of Conflict Mapping, SSR, control of SALW, Legal and Judicial training which could be exploited in a highly professional manner.

Outline Strategy for Build Up

In order to design the peacekeeping division this paper suggests a number of steps must be taken which can be either sequential or concurrent depending on the resources available:

1. Decide upon the areas of activity that the peacekeeping division will focus upon. Senior Management should take this decision in conjunction with Trustees and Advisors.
2. Speak to the UN, the African Union, the World Bank, OECD, selected international community Departments of State for Foreign Affairs, Defence and International Aid Departments to gain an insight into what their needs are in the chosen fields of endeavour.
3. Consult with leading NGOs (Geneva Centre for Democratic Control of Armed Forces, Safer world, Clingendael, National Democratic Institutes etc.) who provide related services to see if there is any synergy/overlap in activities. These may also wish to sub-contract certain aspects of their work to a professional private organisation.
4. Focus Group management conclusions on the peacekeeping areas of activity and methodologies. This paper suggest that Bristol University's Faculty of Social Sciences and Law be asked to organize a suitable group drawn from its Security and Peace Studies staff and post-graduate students. Reconfigure the profile, Trustee Membership and public image of the peacekeeping division to match the agreed direction in which the Division wishes to embark.
5. Begin to set up a database of experts in the agreed fields of activity.
6. Make a survey of trouble spots in the world where the PCD could engage. Visit them; if possible, but certainly talk to the lead nations operating in those areas. Strive, wherever possible, to engage with the local leadership or transitional government.
7. Decide upon initial entry points in terms of locale and activities.

A desired timeframe for these activities should be no longer than six months. Although conflict is not going away, the competition will rapidly realise that there are gaps in the market.

Marketing and Launch

The peacekeeping division will need its own marketing support or outside agency that can assist in creating high quality brochures, website and Power Point presentations (a toolbox). These should be produced as soon as the direction of the peacekeeping division) is agreed by senior management. This materiel will be essential when undertaking steps 2, 3 and 6 above.

Once steps 1 to 5 are achieved to the satisfaction of Trustees and Management the peacekeeping division should be publicly launched in suitable venues. This paper suggests that this should occur in three places, London, New York and Washington DC, with carefully selected invited guests. I would also suggest that the peacekeeping's areas of operation should be advertised, for example, to the United States Institute of Peace, Council on Foreign Relations and the European Commission and at a number of US, Canadian and UK universities which have active Conflict related departments (egg. Centre for Security Sector Management, Cranfield University, Department for Peace Studies, Bradford University, Centre for Peace and Security Studies, Georgetown University, The King's College London Centre for Science and Security Studies to name just a few) in order to get the concept talked about in the arena which influences Governments and International Organisations. Needless to say the above will take a great deal of organisation but is essential if the peacekeeping division is to make an impression in the market.

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