

THE WHITE HOUSE

WASHINGTON

February 24, 2000

PRESIDENTIAL DECISION DIRECTIVE/NSC-71

MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF TRANSPORTATION
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
PERMANENT REPRESENTATIVE OF THE UNITED STATES TO
THE UNITED NATIONS
CHIEF OF STAFF TO THE PRESIDENT
DIRECTOR OF CENTRAL INTELLIGENCE
ASSISTANT TO THE PRESIDENT FOR NATIONAL
SECURITY AFFAIRS
ADMINISTRATOR, AGENCY FOR INTERNATIONAL
DEVELOPMENT
CHAIRMAN, JOINT CHIEFS OF STAFF

SUBJECT: Strengthening Criminal Justice Systems in Support
of Peace Operations and Other Complex
Contingencies (U)

Contemporary peace operations and other complex contingencies, though aimed at mitigating military conflict, often confront considerable civil disorder, violence, and crime. Time and again, we have seen that as military conflict ends (and armies demobilize), a security vacuum develops that indigenous law enforcement organizations cannot fill, at least initially. These institutions usually have been destroyed, rendered ineffective by the conflict or corruption, or become part of the conflict due to partisan behavior. In Somalia, for example, the police simply left their posts in 1991 when a new government failed to emerge after the Siad Barre government was deposed. In Haiti and Bosnia, the police were involved in the conflict and consequently were viewed as biased combatants rather than public servants by large segments of the population. Even before the conflict arose, the public safety forces in Haiti, as in many areas where peace operations are conducted, were the primary instrument for state-sponsored repression of the citizens. (U)

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The phenomenon of nonexistent, inept, or partisan police forces is not unique to peace operations. Similar problems occurred following the U.S. interventions in Grenada and Panama during the 1980s. Furthermore, in all these situations the other aspects of the indigenous criminal justice system, the judicial system, the penal system, and the law code, were in disarray and needed substantial reform. (U)

Effective indigenous law enforcement and criminal justice systems are necessary for a society to achieve and maintain durable peace. Therefore, helping to reestablish an indigenous criminal justice system is often, and appropriately, a fundamental aspect of a successful peace operation or other complex contingency operation. The experience of the U.S. Government and the international community has demonstrated the difficulty and complexity of this task. In spite of the difficulties that have been faced, our experience also demonstrates that participating in both bilateral and multilateral efforts to reconstitute indigenous criminal justice systems, promoting public safety in the short term and developing responsive criminal justice institutions over the long term, can successfully and economically support American interests. (U)

In addition to helping bring peace operations to successful completion, an effective and just criminal justice system in countries emerging from conflict serves other very important U.S. interests. In particular, it helps to deter the presence of criminals who seek to base their operations in areas where they can operate without fear of arrest and prosecution. Such wrongdoers often include organizers of terrorism, illicit drug and arms trafficking, and international criminal syndicates. (U)

Intent

My intent is that the Executive Branch of the U.S. Government improve its capacities to participate in rebuilding effective foreign criminal justice systems by implementing the directives described in this document. Furthermore, together with our allies, and as guided by my directives herein, the Executive Branch shall seek to improve the capacities of other organizations to participate in these activities. By enhancing our own capabilities and helping others to do the same, we will be better prepared to advance our national interests when those interests require the reestablishment of a criminal justice system overseas. (U)

Scope of the PDD

This directive is the third in a series of PDDs designed to promote U.S. interests by improving our ability to effectively

manage or resolve inter and intra-state conflict. The other two documents, PDD-25, *U.S. Policy on Reforming Multilateral Peace Operations* and PDD-56, *Managing Complex Contingency Operations*, and this new directive should be applied together. This directive amplifies my guidance given in PDD-25 concerning police and judicial dimensions of peace operations. Unless otherwise specified, nothing in this directive supersedes earlier directives. (U)

This directive applies to U.S. Government processes dealing with peace operations and other complex contingency operations as defined in PDDs 25 and 56 respectively. The Peacekeeping Core Group (PCG) as described in PDD-25, under the review of the Deputies Committee, shall remain the primary interagency policy development body for peace operations, including the issues related to public safety and criminal justice addressed in this directive. Further, when an Executive Committee (ExCom) as described in PDD-56 is established, it shall be the primary interagency mechanism to conduct political-military planning and to coordinate the day-to-day management of U.S. participation in a specific operation. (U)

Throughout this directive, the terms "peacekeeping force" and "peacekeepers" refer to both the civilian and military components of the peace operation. Furthermore, these terms refer to the entire coalition peacekeeping force of civilian and military elements. (If a specific component of the overall coalition or the U.S. portion thereof is intended, it is further identified.) The term "public safety" is used to mean functions related to law enforcement, and not other municipal public service activities providing for the health and well-being of the citizenry such as fire protection, sanitation, utilities, emergency medical, or health services, etc. The directive is organized in four sections: improving U.S. Government organization and capabilities, improving capabilities of other organizations, activities at the operational level, and general policy guidance. (U)

Improving U.S. Government Organization and Capacities

Create a Lead Agency: The State Department shall create an office, or modify an existing one, to assume lead agency responsibility for the full spectrum of issues related to U.S. Government involvement in the reform of criminal justice systems during peace operations and complex contingencies. This office shall be responsible for policy development, all aspects of provision and oversight of U.S. CIVPOL to field operations, development and implementation of training and technical assistance plans and programs for foreign police forces, and priority setting and coordination among other U.S. activities

relating to the criminal justice system, among other tasks. Consolidation of these functions within the agency that has primary responsibility for foreign policy will enable the U.S. Government to be more responsive by clarifying responsibilities among the Departments of State, Justice, and Defense and the U.S. Agency for International Development (USAID). (U)

When the integrated planning processes described in PDD-56 are used, the lead agency shall normally lead development of the portions of the political-military (pol-mil) plan dealing with public safety and restoration of the criminal justice system. When related issues fall under the purview of another part of the Government, such as reform of the judicial system, which has traditionally been accomplished by USAID and the Department of Justice, the lead agency shall normally organize and lead an interagency working group of the various governmental organizations to coordinate and prepare products for the pol-mil plan. When the lead agency is developing policies and long-range plans for future programs and contingencies, it shall involve the Department of Justice and other interested agencies. (U)

At the request of the Peacekeeping Core Group (PCG) or ExComm, the lead agency shall be responsible for developing and providing pol-mil planning advice and liaison on public safety and criminal justice issues in peace operations and complex contingencies to other organizations and countries. (U)

At the request of the PCG or ExComm, the lead agency shall organize and lead an interagency criminal justice assessment team. The purpose of such a team shall be to gather information and facilitate development of a comprehensive plan for reform. Assessment teams could also be used to help develop benchmarks, measure progress against those benchmarks, and develop advice for mid-course corrections. An assessment team will normally be composed of a full range of criminal justice experts from throughout the U.S. Government, including persons from the Department of Justice, USAID, and federal law enforcement agencies. The Departments of State, Defense, Justice, Treasury, Transportation, Agriculture, Interior, and any law enforcement agencies under their auspices shall be prepared to participate in these assessment teams as needed. (U)

It is appropriate for the lead agency to use contractor support to assist in its duties when cost effective, reasonable, and consistent with laws and regulations. Furthermore, the other Departments and Agencies shall consider providing various types of support to the lead agency, including seconding personnel to serve in the responsible office. (U)

Since our efforts to help rebuild foreign criminal justice systems are usually a multiyear activity, the lead agency and other responsible agencies shall seek adequate, designated funding in subsequent years of a particular operation until our foreign policy goals are accomplished. Further, the Secretary of State and the Director of the Office of Management and Budget shall work together to ensure that programs conducted by or through the lead agent are funded at a level that reflects the high priority I give to these activities. (U)

Enhance U.S. Government Capacity to Provide CIVPOL to Field Operations: Since 1994, which marked the initiation of the operation in Haiti, the United States has steadily increased its contributions of civilian police officers to peace operations. In 1996, the U.S. contribution was 154 officers in an average month; in 1997 the average was 275. By the end of 1999, the U.S. had more than 600 CIVPOL deployed. These contributions have been to operations in Haiti, the Former Yugoslavia, and East Timor. It will be in the U.S. interest to continue to participate in and support CIVPOL activities. As always, future decisions on U.S. involvement in CIVPOL activities will be coordinated on a case-by-case basis through the Peacekeeping Core Group, as described in PDD-25. (U)

The current process used by our Government to recruit, prepare, train, and deploy civilian police officers to CIVPOL operations is not adequate. The lead agency shall place special emphasis on making immediate improvements. Improvements should focus, in part, on improving the speed with which the U.S. is able to provide personnel for specific CIVPOL operations and enabling the U.S. to participate in UN Standby Arrangements with CIVPOL. The lead agency also should develop mechanisms to improve the discipline and accountability of U.S. CIVPOL officers deployed in UN missions, to include the possibility of a more formal affiliation with the lead agency. The lead agency shall identify any new legislative authorities that would be necessary to implement such improvements. Another broad area for improvement relates to the recruitment and preparation of U.S. CIVPOL. In this regard, the lead agency, or another agency operating under its supervision, must develop training programs for U.S. CIVPOL that incorporate all aspects of service in a CIVPOL field operation. To further enhance the law enforcement expertise of the lead agency, the U.S. Secret Service and the U.S. Park Police shall consider providing, if requested, an individual with appropriate law enforcement and technical expertise to the lead agency to serve within the office responsible for the management of U.S. CIVPOL contributions. (U)

The lead agency shall specify funds within its budget submissions to cover the costs related to the provision of U.S. CIVPOL to field operations, including reimbursement to the state and municipal law enforcement agencies for their participation and seek any additional implementing legislation, if necessary. Necessary reimbursement procedures shall be negotiated between the federal government and the law enforcement agencies. Given the organization of the U.S. law enforcement system, the majority of U.S. CIVPOL will likely come from state and municipal law enforcement agencies. It is my intent, however, that members of the federal law enforcement agencies also be available for CIVPOL service on a voluntary basis similar to municipal officers, or via another appropriate method. (U)

Enhance U.S. Government Capacity to Provide Training and Developmental Assistance to Foreign Police Forces: It is my intent that the U.S. Government enhance its capability to train and develop foreign police forces during peace operations and other complex contingencies. The agencies involved in implementation must work from a common set of goals and must receive adequate institutional support, especially at the headquarters-level. Furthermore, they must devise programs that include mechanisms to ensure that human rights issues receive adequate attention and oversight. (U)

To carry out my intent, the Secretary of State and the Attorney General, within four months of my signing this directive, shall prepare a plan to implement this guidance and present it to me through the Assistant to the President for National Security Affairs. In the plan, the Attorney General should specifically address measures by the Department of Justice which are necessary to broaden and strengthen ICITAP's capacity to engage in long-range planning to support the policy and planning development work of the lead agency, as well as ICITAP's capacity to both provide training and coordinate with CIVPOL activities in support of peace operations and other complex contingencies. (U)

Create an Interagency Partnership in Judicial, Penal, and Legal Code Developmental Assistance: In the increasingly global world, our national security and other interests are inescapably linked to the effectiveness of foreign criminal justice systems. When such systems break down or are destroyed, the damage is felt in a variety of ways, ranging from our economic interests, to our humanitarian concerns, to the physical safety of American citizens. We must therefore continue to expand and improve our cooperation and development activities with other countries, especially those emerging from periods of instability where havens of criminal impunity might otherwise develop. (U)

To respond rapidly and effectively to emerging contingencies, the Secretary of State will call upon relevant departments and agencies to participate in operations pertaining to urgent and immediate interventions in the criminal justice sector. The Department of State, as lead agency, will harmonize and assure rapid response assistance, training and other necessary support to strengthen judicial and penal systems and legal code reform during complex contingencies and in their aftermath. (U)

The Attorney General and the Administrator of the U.S. Agency for International Development shall establish a partnership that will include subordinate offices, including ICITAP, OPDAT, and the USAID's Center for Democracy and Governance, to improve the capability of the U.S. Government to develop and assure delivery of rapid response assistance. Working through the Center for Democracy and Governance, these offices will conduct contingency planning and develop emergency assistance programs, relying on analyses of ongoing and past assistance programs and resulting lessons learned to guide future actions. The Center will draw upon the expertise of USAID's Office of Transition Initiatives as well as the expert resources available within other departments and agencies as necessary. (U)

During the planning and execution of peace operations and complex contingencies, the Center for Democracy and Governance shall coordinate its developmental assistance activities with the lead agency, which will retain overall responsibility for planning, overseeing, and coordinating U.S. actions to rebuild the criminal justice sector. Programs must be developed that enable us to respond quickly to help establish rudimentary judicial and penal capacity during peace operations and complex contingencies. These programs must at the same time lead to sustainable, credible, and legitimate state institutions necessary for long-term stability. Therefore, they should be implemented in the context of a broader criminal justice reform strategy. (U)

The Secretary of State, the Attorney General, the USAID Administrator, and the Director for the Office of Management and Budget shall work together to ensure this initiative receives authority and funding that is commensurate with the high priority that I place on it. The operating costs of the Center shall continue to be borne by USAID while costs of DOJ's participation in the Center's contingency planning and program development shall be borne by the Department of Justice. The field operations conducted through it should normally be funded from foreign assistance appropriations and other sources as appropriate. None of these funds shall be used by other USAID or USG elements for judicial, penal, or legal code developmental assistance unless coordinated through the Center. (U)

Improving the Capacities of Other Organizations and Countries

Despite the critical importance of U.S. enhancements in these areas, U.S. Government capabilities should not become the international community's instrument of first resort whenever CIVPOL-related requirements arise. Many other countries and organizations have similar interests and responsibilities and should share the burden of these activities. Therefore, the U.S. Government shall seek to enhance the capacities of non-U.S. entities including those of other countries, international organizations, and non-governmental organizations. Furthermore, the U.S. Government shall seek to build and sustain the will of other countries and organizations to be involved in this type of activity and develop mechanisms for greater cooperation and coordination. (U)

Although UN CIVPOL activities to date have encountered difficulties, the UN is the international body with the most extensive experience and dedicated mechanisms focused on peace operations. Indeed, until the recent advent of the police role for the OSCE in Eastern Slovenia and Kosovo, the UN had been the only international or regional organization to mount a significant CIVPOL operation. Among international organizations, the U.S. Government shall focus its reform efforts for CIVPOL activities on the UN, just as we did for general peacekeeping reforms following PDD-25. At the same time, the United States shall continue to support efforts to improve regional organizations' peace operations capabilities, including those related to criminal justice systems. In particular, we should work to further develop the capacities of the OSCE to conduct these operations. (U)

Because we can only advocate, rather than direct, specific policies and processes of international organizations, this directive outlines general policy objectives. During the implementation phase, specific proposals and a strategy for achieving them shall be developed. To facilitate our policy objectives, the State Department shall seek like-minded states and organizations to serve as partners in our efforts to improve the capacities of the UN and other regional organizations. (U)

Within the UN Secretariat staff, greater emphasis should be placed on matters related to the criminal justice system during peace operations. The current staff devoted to CIVPOL matters in DPKO is insufficient to accomplish the planning, coordination, and conduct of these operations. The United States shall advocate that DPKO strengthen its capabilities by installing an appropriate, senior-rank individual, with appropriate staff support, to oversee criminal justice matters. The United States

will consider providing individuals with criminal justice expertise to serve within DPKO. Furthermore, criminal justice functions should be fully integrated with other peacekeeping functions in DPKO. Adequate planning capacity within DPKO should account for CIVPOL requirements, including a criminal justice element, before a new operation is initiated or a mandate renewed. Criminal justice planners should be integrated into UN assessment teams that deploy to sites of potential peacekeeping operations and CIVPOL capabilities of more member states should be entered into the UN Standby Arrangements system. The Standby Arrangements system enables the international community to respond more quickly to crises through rosters of pre-identified, screened and trained police experts from around the world who can be deployed on very short notice. Finally, UN and other organizations should develop means to take over the longer-term aspects of criminal justice development once the peacekeeping phase of a complex contingency is completed and peace-building activities have begun. (U)

The U.S. Government will advocate that UN missions make use of a suitable mix of military and paramilitary forces to accomplish the assigned tasks of any new peace operation. Constabulary forces, that is, paramilitary forces that train for and conduct a law enforcement function in their home countries, should be deployed by the UN in appropriate circumstances. Such forces bring specialized skills, such as crowd control capabilities, that are not common to traditional military or civilian police organizations. These forces are most effective when deployed as units rather than individuals. Generally, constabulary and other paramilitary units should be placed under the operational control of the military force commander, like the Multinational Support Units (MSU) that have been part of the military forces in Bosnia and Kosovo. In some circumstances, it may be appropriate to place a constabulary-type force under the operational control of the UN police commissioner. When under the operational control of the military force commander, and when feasible and allowable under existing statutes, these elements should receive logistic, intelligence, and other types of support in the same manner as the regular military units. (U)

The lead agency shall develop methods to provide specialized training to foreign civilian police and foreign gendarme or constabulary forces in order to enhance their preparedness for service in peace operations and other complex contingencies. The lead agency shall seek new legislative authorities, if required, and adequate funding to allow such activity. This new capacity will provide the U.S. Government a means to improve the overall performance of CIVPOL operations, by enhancing the quality of CIVPOL participants. The training should include standard operating procedures for field operations, which may need to be

developed in concert with other countries, the United Nations, and other international organizations. Given the high priority I place on human rights issues and risks involved in training foreign police forces, we will ensure appropriate mechanisms to guarantee that human rights issues are fully considered. (U)

Improving Activities at the Operational Level

Our experiences in recent operations have shown that a number of operational level activities related to rebuilding the indigenous criminal justice system can be improved. The aim should be to have a public security and law enforcement network with trained, certified, and equipped police -- all of which are firmly embedded in a system of legitimate and credible justice sector institutions. A key measure of progress would be to assess the extent to which a self-sufficient and impartial law enforcement system is being established. (U)

Enhance CIVPOL Headquarters Capacities: Currently, operational-level headquarters capacities for CIVPOL are generally deficient. If field activities are to be improved, this shortfall must be corrected. Ideally, the CIVPOL component should be capable of operating independently, since CIVPOL will not always be deployed with military forces, as was the case at the end of the Haiti operation. Headquarters capacity becomes even more important if the CIVPOL component is controlling some sort of special security unit or a constabulary force. At a minimum, the headquarters should have the ability to conduct current operations, plan future operations, collect and assess intelligence, and manage its logistical support. The headquarters element should also have the ability to conduct liaison with elements of the host state and the other components of the peacekeeping force as well as other actors involved in rebuilding the criminal justice system. (U)

Where appropriate, the CIVPOL headquarters should be capable of assuming responsibility to coordinate and oversee the overall reform process for the criminal justice sector. As more outside agencies become involved with this sector, the importance of coordination increases. The CIVPOL operational headquarters should incorporate a coordination mechanism akin to the Civil Military Operations Center (CMOC) used by the military and civilian agencies to synchronize their activities. When the United States is participating in a peace operation involving CIVPOL, but is not leading it, the PCG shall give special consideration to contributing qualified U.S. personnel to the operation to serve in the planning and coordination roles of the CIVPOL headquarters. Such contributions would help ensure these important functions are carried out effectively and would give the U.S. an opportunity to influence the planning process from the inside. (U)

Enhance Coordination and Synchronization: Just as CIVPOL and other peacekeeping functions should be coordinated at the strategic level, they must also be coordinated fully at the operational level. The USG shall advocate that military peacekeepers and CIVPOL shall, as feasible, coordinate activities to ensure maximum support of the overall objectives of the operation. Past operations have been successful by colocating headquarters, or colocating with the CMOC, or developing other effective liaison processes, to allow sharing of information on planning and execution processes. In addition, in every recent peace operation involving CIVPOL, the conduct of joint and/or parallel patrols consisting of indigenous police, CIVPOL monitors, and military peacekeepers has proven valuable in maintaining public safety and raising the effectiveness of the indigenous police. The first source for CIVPOL communications and logistic support should be from commercial sources; however, since the military component of a peacekeeping operation is more likely to have effective communication systems, logistic support systems, and intelligence or information structures throughout the area of operations, the military commander should consider providing the CIVPOL component access to and mutual use of these capabilities when feasible and allowable by law and when it will not interfere with execution of the mission of the military component. The military force commander should continue to have the authority to deny access to military information and systems when that is deemed necessary. When making a decision to deny access to information or systems, the force commander should carefully consider the negative effects such denial will likely have on accomplishment of the overall mission of the peace operation. Independent CIVPOL support systems should be developed as soon as possible to minimize the dependency on military systems and allow full withdrawal of military forces when the military mission is completed. (U)

In some instances, military support to the CIVPOL component has proven essential to successful accomplishment of the overall mission. Such support might take the form of technical assistance resident in the civil affairs, psychological operations, military intelligence, or military police elements of armed forces. At the same time, we must avoid situations in which the CIVPOL component is completely dependent upon the military peacekeeping component. Such military support may not always be feasible, or allowable under existing statutes, and the military-unique aspects of the mission will likely be completed prior to the public safety related tasks. Any U.S. military equipment, services or supplies should normally be provided to CIVPOL on a reimbursable basis as directed in PDD-25, Annex VI. (U)

Enhance CIVPOL Competence: The United States will advocate that whichever organization is organizing a particular peace operation, be it the UN or a regional grouping like the OAU or the OSCE, a military alliance such as NATO, or a lead state, will develop specific job descriptions and other standards for the various individual experts required in an operation, e.g., police monitor and mentor, police operations planner, penal system advisor, judicial system advisor, etc. The United States will urge that the organizing body abide by the highest standards for recruitment and have the authority to dismiss CIVPOL that fail to perform adequately. The U.S. lead agency will prepare template job descriptions and other standards that would speed the process of recruiting a CIVPOL force and share them with potential CIVPOL organizing bodies. (U)

Training and preparedness of individuals and units being supplied to coalition peace operations should remain a national responsibility. However, international organizations or other organizing bodies may need to supplement national training from time to time. The U.S. lead agency shall maintain the capacity to provide tailored training packages to U.S. and international CIVPOL when requested by the organizing body or the contributing state and when appropriate U.S. funding or appropriate reimbursement is available. (U)

General Policy Guidance

Constabulary Activities: As already described, in some cases indigenous police forces are unable to provide adequate public safety when peacekeepers arrive. In these cases, outside agencies may need to assist in ensuring basic public safety until this function can be accomplished effectively by newly strengthened indigenous police. Generally, outsiders should not be tasked to conduct law enforcement as there are significant complications to using outsiders to enforce the law of the country in crisis, with which outsiders may not be familiar. Furthermore, ultimate responsibility to conduct law enforcement should not be taken away from local police forces as this may breed dependency. Rather, outsiders may be given responsibility to carry out a more narrow range of activities to create and maintain a reasonable measure of public safety. Such tasks may include actions to regulate movements which may be necessary for the cause of safety; intervene to stop civil violence, such as vigilante lynchings or other violent public crimes; stop and deter widespread or organized looting, vandalism, riots, or other mob-type action; and disperse unruly or violent public demonstrations and civil disturbances, among other tasks. For the purposes of this PDD, this general category of tasks shall be termed constabulary activities. (U)

Military or paramilitary forces are best suited to accomplish constabulary tasks. International civilian police officers (CIVPOL) as they have been traditionally deployed to peace operations do not have the unit cohesion, training, or equipment to conduct constabulary functions. Generally, the United States shall prefer that constabulary functions, when they are necessary, be conducted by a paramilitary force such as exists in many other countries. However, suitable partners may not always be available, or a short lag time may occur before a civilian, paramilitary force becomes operational in a specific situation. Therefore, U.S. military forces shall maintain the capability to support constabulary functions abroad, and if necessary carry out constabulary functions under limited conditions for a limited period of time. For example, in Haiti, in operation UPHOLD DEMOCRACY, the U.S. military contingent temporarily conducted constabulary functions and other law enforcement-like activities until civilian organizations were able to conduct these tasks. Maintaining a constabulary capability in no way obligates the U.S. military to conduct these tasks in any particular operation or to develop specialized constabulary units dedicated to this mission. As always, specific missions and tasks of U.S. military elements will be developed and approved by the NCA. (U)

Executive Authority: Generally, the U.S. Government shall advocate that CIVPOL not be given responsibility to enforce local law (executive authority) -- the responsibility for local law enforcement will remain with the indigenous police forces. In some instances, it may be appropriate to give monitors the authority (if not the responsibility) in their mandate to respond to local crimes when indigenous police are unable to take action. This authority may include the right to use detention and deadly force, for example, in an instance where there is a risk of death or serious bodily harm. In these situations, which place them at greater risk, CIVPOL officers should be given sufficient discretion over whether or not to exercise their authority. Where CIVPOL officers are granted such authority, their activities must be thoroughly coordinated with the military force commander to avoid the potential for conflict between elements of the overall peace operation force. As always, the U.S. Government position on specific rules of engagement (ROE) and rules of interaction (ROI) will be determined on a case-by-case basis. (S)

In some exceptional circumstances, such as those in Kosovo and East Timor where the international community is responsible for administration of a territory, CIVPOL might appropriately be tasked with full law enforcement responsibility and authority. Due to the challenges and risks of such authority and responsibility, this level of involvement should be infrequent.

(S)

Protection of CIVPOL: CIVPOL, as other peacekeepers, have the right to self-defense. Appropriate measures therefore must be taken to ensure that monitors are adequately protected. In many cases, the prestige and respect imbued to monitors because of their affiliation with the overall peacekeeping operation provides sufficient safety. In the instances where monitors have been at risk, they were able to call upon the military component of the operation for support. Recently, in Haiti, this type of support was transferred from the military component of the operation to a civilian, paramilitary unit. Generally, this method of protecting CIVPOL monitors has worked well. However, in some instances, this method may be insufficient. In these cases, the United States shall consider advocating that the CIVPOL monitors be armed in order to facilitate their self-defense. We generally shall not consider sidearms alone to constitute adequate defense for the monitors, as they often will be significantly "outarmed" by the civilian population and, in particular, criminals and other rogue elements. We must recognize that if CIVPOL monitors are armed, their training and preparation needs will increase. Nonetheless, in addition to increasing the personal security of CIVPOL, experience in Haiti suggests that, in some situations, an armed CIVPOL monitor is better able to mentor indigenous police if by being armed they are allowed to be present in the dangerous situations indigenous police face. Obviously, in those situations where CIVPOL are tasked to conduct law enforcement, they must be armed appropriately. (U)

The Role and Limits of Military Support: Actions related to criminal justice are primarily civilian in character: military forces are not police officers. U.S. armed forces do not normally have inherent law enforcement authority overseas. Furthermore, using military forces for law enforcement tasks over an extended period may send inappropriate signals to civil authorities and the local population, may place U.S. forces in situations for which they have not been thoroughly trained, and may detract from other purposes of the military forces. We should use democratic civilian policing models as the basis for rebuilding and training indigenous police forces, and that is what we hope to build in recovering societies. Nonetheless, the military component of a peace operation does have a vital role to play in the overall recovery of criminal justice capacities. Unless basic public safety is provided, the civilian organizations will be unable to conduct their tasks. If public safety is not maintained, the social fabric will not be ready for the assistance to be provided by the civilian agencies. In addition to the task of contributing to public safety, there are a number of supporting tasks that the military can conduct to hasten the progress of the civilian agencies dealing with criminal justice as described above in the section on operational level improvements. (U)

U.S. military personnel shall not provide formal training to foreign criminal justice systems unless authorized under existing authorities. However, this does not restrict U.S. military personnel from interacting with or conducting joint operational activities with elements belonging to the indigenous criminal justice system. And nothing in this directive shall prevent military or civilian peacekeepers from temporarily detaining individuals as needed to maintain public safety or to reduce risks and dangers to the peacekeepers, in accordance with appropriate laws and other authorities. In accordance with laws and regulations, the U.S. military may provide training and assistance to host state security elements that are part of the host state's defense establishment. Furthermore, DOD shall, if appropriately directed and on a case-by-case basis under appropriate legal authorities, provide assistance and support to the agencies providing training and developmental assistance to foreign police forces. Such assistance and support may include, inter alia, logistics, communications, transportation, and selected technical expertise. (U)

Implementation Guidance

Consistent with previous PDDs, the NSC staff shall oversee and chair an interagency working group to guide the process of implementation of this PDD. A status report shall be made to me by the NSC four months following my signing this directive, and at six-month intervals thereafter. (U)

William J. Clinton

PHOTOCOPY
WJC HANDWRITING